

Attachment D

Continuity of Operations (COOP) Plan

Yancey County Transportation Authority

September 7, 2010

Table of Contents

- Introduction
- Purpose
- Authorities and References
- Scope and Applicability
- Policy
- Objectives
- Essential Functions
- Concept of Operations
 - Planning Scenarios
 - Planning Assumptions
 - COOP Execution
 - COOP Teams
 - Alternate Facilities and Worksites
 - Time-Phased Implementation
 - Operational Hours
 - Notification and Alert
 - Delegations of Authority and Orders of Succession
 - Vital Records and Databases
 - Communications
- Responsibilities and Procedures
 - Responsibilities
 - Drive-Away Kits
 - Procedures
 - COOP Plan Maintenance

Glossary of Terms

Worksheets

- Worksheet 1: COOP Leader
- Worksheet 2: COOP Team Members
- Worksheet 3: COOP Team Mission Statement
- Worksheet 4: Required Documents and Information
- Worksheet 5: Capabilities Survey Template
- Worksheet 6: Criteria for Selecting Essential Functions
- Worksheet 7: Critical Processes or Services
- Worksheet 8: Prioritized List of Essential Functions
- Worksheet 9: Requirements for Alternate Work Site
- Worksheet 10: Alternate Work Site Options
- Worksheet 11: Matrix for Listing Delegation of Authority
- Worksheet 12: Order of Succession
- Worksheet 13: Vital Records

Introduction

The Yancey County Transportation Authority has operations that must be performed, or rapidly and efficiently resumed, in an emergency. While the impact of an emergency cannot be predicted, planning for operations under such conditions can mitigate the impact of the emergency on our people, our facilities and our mission. To that end, the Yancey County Transportation Authority has prepared a Continuity of Operations (COOP) plan.

This COOP plan establishes policy and guidance to ensure the execution of the essential functions for the Yancey County Transportation Authority in the event that an emergency at the agency or in its service area threatens or incapacitates operations and/or requires the relocation of selected personnel and functions.

COOP planning is a good business practice and is part of the fundamental mission of all transportation agencies as responsible and reliable public agencies. The changing threat environment and recent emergencies have shifted awareness to the need for COOP capabilities that enable transportation agencies to continue their essential functions across a broad spectrum of emergencies. Also, the potential for terrorist use of weapons of mass destruction (WMD) has emphasized the need to provide a capability that ensures the continuity of essential management and technical functions within the transportation organization.

Purpose

The capability to prepare for, respond to and recover from emergencies affecting Yancey County Transportation Authority's operations is dependent upon the proficiency and well being of its employees and the clarity of its leadership. To ensure the capability to support employees and contractors, system users, emergency responders, local and regional emergency management agencies, and the general public during emergencies, Yancey County Transportation Authority has adopted this COOP plan.

This COOP plan describes how Yancey County Transportation Authority will sustain the capability to perform essential functions during and after a disruption in internal operations whether caused by severe weather, other natural or man-made disasters, or malevolent attack. This COOP plan ensures that Yancey County Transportation Authority:

- has the capability to implement the COOP plan both with and without warning;
- is able to perform essential functions no later than 12 hours after activation of the COOP plan;
- is able to maintain essential functions for up to 30 days;
- includes regularly scheduled testing, training, and exercising of agency personnel, equipment, systems, processes, and procedures used to support the agency during a COOP event;
- provides for a regular risk analysis of current alternate operating facility(ies);
- supports the location of alternate facility(ies) in areas where the ability to initiate, maintain, and terminate continuity operations is maximized;
- supports the identification and documentation of temporary operating procedures which enable the performance of essential functions; and
- promotes the development, maintenance, and annual review of agency COOP capabilities.

Policy

It is the policy of Yancey County Transportation Authority to respond quickly at all levels in the event of an emergency or threat, to include human, natural, technological, and other emergencies or threats, in order to continue essential internal operations and to provide support to our customers, emergency management and response agencies, and other agencies or services that may be affected by the emergency.

A viable COOP capability identifies essential functions and consists of plans and procedures, alternate facilities, and alternate interoperable communications and data support systems, reinforced by comprehensive training, orientation, and exercise programs. COOP capabilities must be maintained at a high level of readiness, be capable of being activated both with and without warning, achieve operational status no later than 12 hours after activation, and maintain sustained operations for up to 30 days or until termination.

Objectives

The objectives of this plan are as follows:

- maintain command, control and direction during emergencies;
- reduce disruptions to operations;
- protect essential facilities, equipment, records, and other assets;
- assess and minimize damage and losses;
- provide organizational and operational stability;
- facilitate decision-making during an emergency;
- achieve an orderly recovery from emergency operations;
- assist affected employees and their families;
- provide for the line of succession to critical management and technical positions;
- provide resources and capabilities to develop plans for restoring or reconstituting regular activities, depending upon the scope, severity, and nature of the incident; and
- Identify the agency's responsibilities in local, regional and state emergency operations plans and agreements with local emergency response and management agencies.

Essential Functions

In the transportation environment, emergencies may occur both with and without warning which result in the:

- denial of use of facilities or vehicles;
- loss of power;
- loss of telecommunications;
- suddenly unavailable senior management or technical personnel; and/or
- inaccessible information technology systems.

When confronting events which disrupt the normal operations of transportation. The Yancey County Transportation Authority is committed to provide essential functions which must be continued even under the most challenging emergency circumstances. The Yancey County Transportation Authority has identified as essential functions only those most critical activities which ensure the safety and security of system users, employees, contractors, emergency responders and the

facility is closed for normal business activities, but the cause of the disruption has not affected surrounding facilities, utilities, or the transportation network. The most likely causes of such disruption are fire; system/mechanical failure; loss of utilities such as electricity, telephone, water, or steam; or explosion (regardless of cause) that produces no significant damage to any other facilities or systems used by the transportation agency. This type of event could significantly impact Yancey County Transportation Authority's communications, transportation monitoring, and information technology capabilities. Vehicles and maintenance facilities, located at or adjacent to the operations and administration facility, may be damaged or destroyed. Senior management, technical and supporting personnel working at the facility may be lost, injured, or not accounted for.

- **Planning Scenario 2: Operations and Administrative Facility and Surrounding Area Affected.** Under this scenario, the Operations and Administrative Facility as well as supporting facilities are closed for normal business activities as a result of widespread utility failure; massive explosion (whether or not originating in the operations and administrative facility); severe earthquake; civil disturbance; or credible threats of actions that would preclude access or use of the Operations and Administrative Facility and surrounding areas. Under this scenario there could be uncertainty regarding whether additional events (such as secondary explosions, aftershocks, or cascading utility failures) could occur. During this type of event, the Yancey County Transportation Authority's primary facilities and the immediate areas surrounding them are inaccessible.
- **Planning Scenario 3: Supporting Facilities Affected.** Under this scenario, the operations and administration facility is left unharmed, but one or more support facilities is inoperable. These may include vehicle storage facilities, maintenance facilities, stations, or other systems used by the transportation agency. This type of event could be the result of a natural disaster, workplace violence, cyber attack or other event.
- **Planning Scenario 4: Local/Regional Area Affected.** Under this scenario, the transportation agency's service area would be inaccessible for normal business activities as a result of a major disaster (hurricane, earthquake) or an actual or threatened use of a weapon of mass destruction such as a chemical, biological, radiological, or nuclear agent (whether or not directed at the operations and administrative facility). The Yancey County Transportation Authority's facilities are functional, but cannot be used because of the nature of the emergency.
- **Planning Scenario 5: Vehicle Availability Affected.** Under this scenario, the Vehicle Availability is affected due to mechanical issues. During this type of event the Yancey County Transportation Authority would assess the availability of vehicles and provide essential service only.
- **Planning Scenario 6: Shortage of Natural Resources.** Under this scenario, the Shortage of Natural Resources is affected by environmental, national or state issues. During this type of event the Yancey County Transportation Authority would ensure that vehicles are maintained with as much fuel as possible. The transportation system would conserve fuel by providing only essential service.

- **Unanticipated threats and emergencies (no warning) During Duty Hours:** Incidents may also occur with no warning during normal office hours. In these circumstances, execution of the COOP, if indicated by the circumstances of the event, would begin by execution of the Yancey County Transportation Authority's Emergency Response Plan to support notification, evacuation, and situation assessment.

In each of these circumstances, the transportation agency has developed an executive decision process that allows for a review of the emergency situation and determination of the best course of action for response and recovery. This process uses a decision matrix for implementing the COOP plan. Careful review of this matrix should avoid premature or inappropriate activation of the agency COOP plan.

The decision matrix is presented below. Potential disruptions resulting from emergency events are classified in Emergency Levels 1 through 5. Using these emergency levels, the YCTA Director, or a duly designated successor will activate or partially activate the COOP plan.

The decision matrix focuses on the way in which the emergency event may impact the capabilities of the transportation agency to provide its essential functions. To remain flexible to the variety of situations that could trigger activation or partial activation of the COOP plan, this matrix provides guidance, and recommended impacts and decisions may be modified based on the actual events.

COOP Teams

In the event of activation or partial activation of the COOP plan, designated teams have been established by Yancey County Transportation Authority to manage and perform essential functions. To staff the COOP teams, the Yancey County Transportation Authority has identified key positions to provide management and technical functions necessary to establish essential functions within 12 hours after the emergency event. In addition, supporting personnel have been identified to perform critical activities necessary to sustain essential functions for a period of up to 30 days.

The figure below depicts the teams designated by the Yancey County Transportation Authority.

COOP Team Designations

Team	Team Members	Typical Responsibilities
Executive Team	Senior leadership not involved in specific activities to set up, conduct or directly support essential functions	<ul style="list-style-type: none"> • Activate or partially activate COOP plan activities • Coordinate inter-agency and media communications • Promote coordination among governmental/agency units
Advance Team	Personnel who support critical services, systems or resources necessary to perform prioritized essential functions	<ul style="list-style-type: none"> • Initiate notification regarding COOP plan activation (internal pager/beeper systems; call trees; in-person notification, etc.) • Notification of external agencies regarding COOP plan activation • Assignment to ready critical processes, systems, resources, and records necessary to support essential functions • Coordination with duly designated decision makers and the operations team • Coordinating the relocation of communications, information technology, and vital records, data sets and databases to the alternate facility or another location
Operations Team	Senior management and technical personnel from each organizational element within the agency with responsibility for essential functions	<ul style="list-style-type: none"> • Ensure safety and security of system users, personnel, contractors, and others who have come into contact with the system • Initiate essential functions from alternate facility or other location • Manage emergency public information requirements • Coordinate emergency procurements and contracts • Coordinate necessary activities to manage emergency and administration functions • Coordinate inspections, damage assessments, and emergency repairs • Perform situation assessments and obtain status of the transportation system • Communicate and coordinate with advance teams and support teams • Assess performance of essential functions • Communicate status with local responders • Develop plans for additional functions and

discrete activities necessary to perform essential functions. The activities may include vehicle operations, maintenance crews, inspection and damage assessment teams, traffic control and direction; public outreach/information; and support crews to emergency responders. There may be one or more support teams specified.

- *YCTA Lead Driver*
- *YCTA Full – Time Driver*
- *YCTA ¾ Drivers*
- *YCTA Substitute Drivers*
- **Contingency Teams** initially may not be needed. These personnel will report to their homes or other locations to wait for direction from the operations team or support teams. These personnel understand that they may be assigned to perform a range of functions necessary to support the transportation agency, its users and customers, and emergency responders. As they are called upon to support the agency's return to normal operations, these personnel may be organized into one or more teams.
 - *YCTA Part-time Office Assistant*

A roster of trained personnel to support COOP plan implementation has been developed and is maintained by the transportation agency.

Alternate Facilities and Worksites

The Yancey County Transportation Authority recognizes that normal operations may be disrupted and that there may be a need to perform essential functions at alternate facilities or worksites.

In preparing this list of alternate facilities, the Yancey County Transportation Authority identified the capabilities of each alternate facility or work site to support essential functions. Worksheet 9: Requirements for Alternate Work Site

In addition, depending on the emergency conditions, the Yancey County Transportation Authority, through cooperative agreements and mutual aid agreements, also has access to additional facilities that could support essential functions. Worksheet # 10: Alternate Work Site

Time-Phased Implementation

The transportation agency will use a three-phased approach to the activation, management, and eventual de-escalation of the COOP plan.

both sites. These procedures complement the transportation agency's evacuation plans and emergency response plans.

- **Activation Procedures Non-Duty Hours.** Procedures for the notification of key staff when not at primary site have been developed.
- **Deployment and Departure Procedures (Time-Phased Operations).** Allowances have been made for partial pre-deployment of any essential functions that are critical to operations; determination will be based on the level of threat.
- **Transition to Alternate Operations.** The transportation agency has established minimum standards for communication, direction, and control to be maintained until the alternate facility is operational.
- **Site-Support Responsibilities.** The transportation agency has developed a checklist to guide activation of the alternate facility; procedures include provision for notification to alternate facility manager to ready site for operations.

Phase 2: Alternate Operations

- **Execution of Essential Functions.** The transportation agency will perform any essential functions determined to be critical to operations from the alternate facility or using temporary work orders or procedures.
- **Establishment of Communications.** The transportation agency will re-establish normal lines of communication within the agency, to external agencies, and to the public.
- **Support and Contingency Team Responsibilities.** Responsibilities will be assigned to transportation personnel to perform essential functions.
- **Augmentation of Staff.** As the situation comes under control, additional staff will be activated to provide other services and functions, as necessary.
- **Amplification of Guidance to Support and Contingency Teams.** Additional guidance will be provided to all transportation personnel in regards to duration of alternate operations and include pertinent information on payroll, time and attendance, duty assignments, etc.
- **Development of Plans and Schedules for Reconstitution and Termination.** As soon as feasible, the operations team will begin preparation of communication, vital records and databases, and other activities to transfer operations back to primary facility. Circumstances may dictate that a new primary facility is designated and subsequently occupied.

In the event that executive leadership, senior management or senior technical personnel are unavailable during an emergency, the Yancey County Transportation Authority has developed a set of procedures to govern both orders of succession and delegations of emergency authority.

- Authorities have been pre-delegated for making policy determinations and decisions. All such pre-delegations specify what the authority covers, what limits may be placed upon exercising it, who (by title) will have the authority, and under what circumstances. [Worksheet # 11: Matrix for Listing Delegations of Authority and Worksheet # 12: Order of Succession](#)

Vital Records and Databases

A successful COOP plan provides for the protection, accessibility, and recovery of the agency's vital records, systems, and equipment. These are the records, systems, and equipment that if irretrievable, lost, or damaged will materially impair the agency's ability to conduct business and carry out essential functions.

The Yancey County Transportation Authority has identified vital records and databases, which must be available to support performance of essential functions. The Yancey County Transportation Authority has also identified vendors and contractors available to support restoration of vital records, systems, and/or processes. [Worksheet # 13: Vital Records and Worksheet # 14: Recovery Resources](#)

Communications

Communications is a critical component of a successful transportation COOP capability. Communications systems must support connectivity to internal organizations, other agencies, critical customers, and the public. To ensure communications during COOP events, the Yancey County Transportation Authority has identified primary and alternate modes of communication, and preventive controls in place for each means of communication. [Worksheet # 15: Communications Systems](#)

Responsibilities and Procedures

This section of the COOP plan identifies the responsibilities and procedures developed by the transportation agency to activate and sustain a COOP capability.

Responsibilities

The purpose of this section is to identify key positions within the agency and their responsibilities in the event of an emergency requiring COOP activation.

The following lists identify major responsibilities of key and designated officials required to implement Yancey County Transportation's COOP plan.

The YCTA Director is responsible for:

- Coordinating with the Emergency Management
- Contacting YCTA employee's
- Managing command center for the Van's
- Going out into the field if necessary

Personnel accountability procedure	YCTA Office
Procedures for employee advisories, alerts, and instructions	YCTA Office E911 Office
Site-support procedures	YCTA Office
Resource acquisition	YCTA Office
Building evacuation plan	YCTA Office
Assembly site(s) and deployment	YCTA Office
Family preparedness plan	E911 Office
Protection and safeguarding of vital records and databases	YCTA Office IT Department
Order of succession implementation in emergency conditions	YCTA Office
Communication to critical customers	YCTA Office
Contingency procedures for availability of vital records and databases	YCTA Office
Advance team COOP	YCTA Office
COOP team	YCTA Office
Unit COOP implementation plans	YCTA Office
Relocation group rosters and updates	YCTA Office
Mobile communications support	YCTA Office

COOP Plan Maintenance

The Yancey County Transportation Authority has developed an approach to maintaining a viable COOP capability. This approach ensures the review and update of the COOP plans and its supporting documents; the orientation of training of both existing and newly hired/appointed personnel; and the testing of the COOP capability through internal, local, regional and state exercises.

COOP Plan Maintenance

Activity	Tasks	Frequency
Plan update and certification	<ul style="list-style-type: none"> ▪ Review entire plan for accuracy ▪ Incorporate lessons learned and changes in policy and philosophy ▪ Manage distribution of plan updates 	Semi-annually
Maintain and update Orders of Succession	<ul style="list-style-type: none"> ▪ Obtain names of current incumbents and designated successors ▪ Update Delegation of Authorities 	As-needed
Checklists	<ul style="list-style-type: none"> ▪ Update and revise checklists ▪ Ensure annual update/validation 	As needed Annually
Update rostering all positions	<ul style="list-style-type: none"> ▪ Confirm/update information on rostered members of COOP Teams 	Monthly or quarterly
Appoint new members of the COOP Team	<ul style="list-style-type: none"> ▪ Qualifications determined by COOP Leaders ▪ Issue appointment letter and schedule member for orientation 	As needed
Maintain alternate work site	<ul style="list-style-type: none"> ▪ Check all systems 	Quarterly

Glossary of Terms

Activation. When a COOP plan has been implemented whether in whole or in part.

Agency head. The highest-ranking official of the transportation agency or a successor or designee selected by the official.

Alternate facility. A location, other than the normal facility, used to carry out essential functions in a COOP situation.

Automated Data Processing (ADP) equipment. Equipment that performs data processing largely by automatic means.

Collateral damage. Injury to personnel or damage to facilities that are not the primary target of attack.

Consumable office supplies. General supplies that are consumed in office use.

Continuity of Operations (COOP). The activities of individual departments and agencies and their sub-components to ensure that their essential functions are performed throughout an emergency situation and its short-term aftermath. This includes plans and procedures that:

- delineate essential functions;
- specify succession to office and the emergency delegation of authority;
- provide for the safekeeping of vital records and databases;
- identify alternate operating facilities;
- provide for interoperable communications;
- ensure personnel readiness; and
- validate the COOP capability through tests, training, and exercises.

COOP Event. Any event that causes the transportation agency to invoke its COOP plans and procedures to assure continuance of its essential functions.

Critical Infrastructure Protection (CIP). Risk management actions intended to prevent a threat from attempting to, or succeeding at, destroying or incapacitating the transportation agency's critical infrastructures

Delegation of authority. Specifies who is authorized to act on behalf of the agency head and other senior management and technical personnel for specific purposes.

Devolution. The capability to transfer statutory authority and responsibility for essential functions from an agency's primary operating staff and facilities to other employees and facilities, and to sustain that operational capability for an extended period.

Drive-away kit. A kit prepared by, and for, an individual who expects to deploy to an alternate location during an emergency. It contains items needed to minimally satisfy personal and professional needs during deployment. It is sometimes also referred to as a go-kit.

Emergency operating records. Records that support the execution of an agency's essential functions.

Telecommuting locations. Those locations set up with computers and telephones that enable employees to work at a location closer to their house than their main office.

Test, Training, and Exercises (TT&E). Measures to ensure that an agency's COOP program is capable of supporting the continued execution of its essential functions throughout the duration of a COOP situation.

Virtual offices. A location or environment where an employee performs work through the use of portable information technology and communication packages.

Vital databases. Information systems needed to support essential functions during a COOP situation.

Vital records. Electronic and hardcopy documents, references, and records needed to support essential functions during a COOP situation. The two basic categories of vital records are emergency operating records and legal and financial records.

Weapons of Mass Destruction (WMD). Weapons capable of a high order of destruction and/or of being used in such a manner as to destroy large numbers of people. Weapons of mass destruction can be high explosives or nuclear, biological, chemical, and radiological weapons.

Work-at-home. When an employee carries out their work duties at their residence rather than their official duty station.

WORKSHEET 2: COOP TEAM MEMBERS

The COOP team has overall responsibility for the development and maintenance of the COOP Plan. Members of the COOP team are currently as follows.

COOP Team Members		
Name	Job Title and Department within Agency	Date of Appointment
Lynn Austin	YCTA Director	
Individual responsibilities within the COOP team: To lead the emergency response within the YCTA department, coordinate Yancey County Transportation Authority with the appropriate departments within the county including all emergency response agencies.		
Name	Job Title and Department within Agency	Date of Appointment
Sheila Bradley	YCTA Administrative Assistant	
Individual responsibilities within the COOP team: To make contact with all the drivers to know there location at any given time, help coordinate with the emergency management, and to dispatch out to the driver, to report/ brief the YCTA Director of any incoming news (ie :Hazards, Safety Issues)		
Name	Job Title and Department within Agency	Date of Appointment
Maxine Scott	YCTA Lead Driver	
Individual responsibilities within the COOP team: Lead driver in the field, inform the Administrative Assistant as well as the Director of the issues faced in the field, and to report on those issues , give direction to other YCTA drivers.		
Name	Job Title and Department within Agency	Date of Appointment
Leona Whitson	YCTA Full - Time Driver	
Individual responsibilities within the COOP team: To aid the lead driver, to fill Lead Drivers position in case of their absence, report to the Lead Driver.		
Name	Job Title and Department within Agency	Date of Appointment
Individual responsibilities within the COOP team:		
Completed by: Name Lynn Austin		Date: 9/2/2010
Reviewed by: Name Board of County Commissioners YCTA TAB Members		Date: 9/7/2010 9/23/2010

WORKSHEET 4: REQUIRED DOCUMENTS AND INFORMATION

The COOP team has prepared the following list of documents and information that are required to be shared with the COOP team. Where this includes documents containing sensitive information, care is taken to ensure that confidentiality is not compromised. Copies may be provided, rather than originals, and security will be maintained.

Required Documents and Information	
Description of Document/Information	Document Location
Copy of current fiscal year budget	Finance Office YCTA Office
Copy of Maintenance Plan for vans	YCTA Office
Copy of ARRA Grant	YCTA Office
Copy of ROAP Grant	YCTA Office
Copy of CTP Grant	YCTA Office
Van Operating Manuals	YCTA Office
Emergency Info. on Clients	YCTA Office
<i>Completed by:</i> Name Lynn Austin	<i>Date:</i> 9/1/2010
<i>Reviewed by:</i> Name Yancey County Board of Commissioners YCTA TAB Members	<i>Date:</i> 9/7/2010 9/23/2010

WORKSHEET 6: CRITERIA FOR SELECTING ESSENTIAL FUNCTIONS

Based on the review of emergency response plans, emergency operating procedures, and brainstorming sessions among COOP team members, transportation agency employees and supporting emergency responders, identify criteria for selecting essential functions.

Number	Criteria
1	The Function supports dialysis patient transport
2	Medical patient transport
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WORKSHEET 8: PRIORITIZED LISTING OF ESSENTIAL FUNCTIONS

Essential Functions	Priority (First Day [FD] or First Week [FW] after disruption)
To help evacuate residents	First Day
Transport to Medical Facilities	First Day
Transport to Dialysis Centers	First Day
Transport to Shelters	First Day
Transport food to shelters and shut ins	First Day
Transport individuals to get medicine	First Week
Transport Individuals to get groceries	First Week

Attachment E

**Yancey County Transportation
Authority's Drug and Alcohol Policy**

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DRUG AND ALCOHOL TESTING POLICY
Yancey County Transportation Authority
Adopted as of 9/7/10

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PURPOSE

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The Yancey County Transportation Authority provides public transit and paratransit services for the residents of Yancey County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Yancey County Transportation Authority declares that the unlawful manufacture, distribution, dispenses, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

Any provisions set forth in this policy that are included under the sole authority of Yancey County Transportation Authority and are not provided under the authority of the above named Federal regulations are underlined.

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APPLICABILITY

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This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties Yancey County Transportation Authority employees that do not perform safety-sensitive functions are also covered under this policy under the sole authority of Yancey County Transportation Authority. A safety-sensitive function is operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security

45 personnel who carry firearms, dispatchers or person controlling the
46 movement of revenue service vehicles and any other transit employee who is
47 required to hold a Commercial Drivers License. Maintenance functions
48 include the repair, overhaul, and rebuild of engines, vehicles and/or
49 equipment used in revenue service. A list of safety-sensitive positions that
50 perform one or more of the above mentioned duties is provided in Attachment
51 A. Supervisors are only safety sensitive if they perform one of the above
52 functions. Volunteers are considered safety sensitive and subject to testing if
53 they are required to hold a CDL, or receive remunerated for service in excess
54 of actual expense.
55

56 DEFINITIONS

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58
59 *Accident:* An occurrence associated with the operation of a vehicle even
60 when not in revenue service in revenue service, if as a result:

61 An individual dies;

62 An individual suffers a bodily injury and immediately receives medical
63 treatment away from the scene of the accident; or,

64 One or more vehicles incur disabling damage as the result of the
65 occurrence and are transported away from the scene by a tow truck or
66 other vehicle. For purposes of this definition, *disabling damage* means
67 damage which precludes departure of any vehicle from the scene of
68 the occurrence in its usual manner in daylight after simple repairs.
69 Disabling damage includes damage to vehicles that could have been
70 operated but would have been further damaged if so operated, but
71 does not include damage which can be remedied temporarily at the
72 scene of the occurrence without special tools or parts, tire disablement
73 without other damage even if no spare tire is available, or damage to
74 headlights, taillights, turn signals, horn, mirrors or windshield wipers
75 that makes them inoperative.
76

77 *Adulterated specimen:* A specimen that contains a substance that is not
78 expected to be present in human urine, or contains a substance expected to
79 be present but is at a concentration so high that it is not consistent with
80 human urine.
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82 *Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low
83 molecular weight alcohols contained in any beverage, mixture, mouthwash,
84 candy, food, preparation or medication.
85

86 *Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters
87 of breath as measured by an evidential breath testing device.
88

89 *Aliquot:* A fractional part of a specimen used for testing, it is taken as a
90 sample representing the whole specimen.
91

92 *Canceled Test:* A drug test that has been declared invalid by a Medical
93 Review Officer. A canceled test is neither positive nor negative.
94

95 *Confirmatory Drug Test:* A second analytical procedure to identify the
96 presence of a specific drug or metabolite which is independent of the initial
97 test and which uses a different technique and chemical principle from that of
98 the initial in order to ensure reliability and accuracy.
99

100 *Confirmatory Validity Test:* A second test performed on a different aliquot of
101 the original urine specimen to further support a validity test result.
102

103 *Covered Employee:* An employee who performs a safety-sensitive function
104 including an applicant or transferee who is being considered for hire into a
105 safety-sensitive function (See Attachment A for a list of covered employees),
106 and other employees, applicants, or transferee that will not perform a safety-
107 sensitive function but falls under the policy of the company's own authority.
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109 *Designated Employer Representative (DER):* An employee authorized by the
110 employer to take immediate action to remove employees from safety-
111 sensitive duties and to make required decisions in testing. The DER also
112 receives test results and other communications for the employer, consistent
113 with the requirements of 49 CFR Parts 40 and 655.
114

115 *Department of Transportation (DOT):* Department of the federal government
116 which includes the, Federal Transit Administration, Federal Railroad
117 Administration, Federal Highway Administration, Federal Motor Carriers'
118 Safety Administration, Research and Special Programs, and the Office of the
119 Secretary of Transportation.
120

121 *Dilute specimen:* A specimen with creatinine and specific gravity values that
122 are lower than expected for human urine.
123

124 *Disabling damage:* Damage which precludes departure of any vehicle from
125 the scene of the occurrence in its usual manner in daylight after simple
126 repairs. Disabling damage includes damage to vehicles that could have been
127 operated but would have been further damaged if so operated, but does not
128 include damage which can be remedied temporarily at the scene of the
129 occurrence without special tools or parts, tire disablement without other
130 damage even if no spare tire is available, or damage to headlights, taillights,
131 turn signals, horn, mirrors or windshield wipers that makes them inoperative.
132

133 *Evidentiary Breath Testing Device (EBT):* A Device approved by the NHTSA
134 for the evidential testing of breath at the 0.02 and the 0.04 alcohol
135 concentrations. Approved devices are listed on the National Highway Traffic
136 Safety Administration (NHTSA) conforming products list.

137
138 *Initial Drug Test:* An immunoassay test to eliminate "negative" urine
139 specimens from further consideration and to identify the presumptively
140 positive specimens that require confirmation or further testing.

141
142 *Invalid Result:* The result reported by a laboratory for a urine specimen that
143 contains an unidentified adulterant, contains an unidentified interfering
144 substance, has an abnormal physical characteristic, or has an endogenous
145 substance at an abnormal concentration that prevents the laboratory from
146 completing testing or obtaining a valid drug test result.

147
148 *Limit of Detection (LOD):* The lowest concentration at which an analyte can
149 be reliably shown to be present under defined conditions.

150
151 *Medical Review Officer (MRO):* A licensed physician (medical doctor or
152 doctor of osteopathy) responsible for receiving laboratory results generated
153 by the drug testing program who has knowledge of substance abuse
154 disorders, and has appropriate medical training to interpret and evaluate an
155 individual's confirmed positive test result, together with his/her medical
156 history, and any other relevant bio-medical information.

157
158 *Negative Dilute:* A drug test result which is negative for the five drug/drug
159 metabolites but has a specific gravity value lower than expected for human
160 urine.

161
162 *Negative test result:* The verified presence of the identified drug or its
163 metabolite below the minimum levels specified in 49 CFR Part 40, as
164 amended. An alcohol concentration of less than 0.02 BAC is a negative test
165 result.

166
167 *Non-negative test result:* A test result found to be adulterated, substitute,
168 invalid, or positive for drug/drug metabolites.

169
170 *Performing (a safety-sensitive function):* A covered employee is considered
171 to be performing a safety-sensitive function and includes any period in which
172 he or she is actually performing, ready to perform, or immediately available to
173 perform such functions.

174
175 *Positive test result:* A verified presence of the identified drug or its metabolite
176 at or above the minimum levels specified in 49 CFR Part 40, as amended. A

177 positive alcohol test result means a confirmed alcohol concentration of 0.04
178 BAC or greater.

179

180 *Prohibited drug:* Identified as marijuana, cocaine, opiates, amphetamines, or
181 phencyclidine at levels above the minimum thresholds specified in 49 CFR
182 Part 40, as amended.

183

184 *Revenue Service Vehicles:* All transit vehicles that are used for passenger
185 transportation service or that require a CDL to operate. Include all ancillary
186 vehicles used in support of the transit system.

187

188 *Safety-sensitive functions:* Employee duties identified as:

189 The operation of a transit revenue service vehicle even when the vehicle is
190 not in revenue service.

191 The operation of a non-revenue service vehicle by an employee when the
192 operation of such a vehicle requires the driver to hold a Commercial Drivers
193 License (CDL).

194 Maintaining a revenue service vehicle or equipment used in revenue service.

195 Controlling the movement of a revenue service vehicle and

196 Carrying a firearm for security purposes.

197

198 *Substance Abuse Professional (SAP):* A licensed physician (medical doctor or
199 doctor of osteopathy) or licensed or certified psychologist, social worker,
200 employee assistance professional, or addiction counselor (certified by the
201 National Association of Alcoholism and Drug Abuse Counselors Certification
202 Commission or by the International Certification Reciprocity
203 Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical
204 experience in the diagnosis and treatment of drug and alcohol related
205 disorders.

206

207 *Substituted specimen:* A specimen with creatinine and specific gravity values
208 that are so diminished that they are not consistent with normal human urine.

209

210 *Test Refusal:* The following are considered a refusal to test if the employee:

211 Fails to appear for any test (excluding pre-employment) within a reasonable
212 time, as determined by the employer, after being directed to do so by the
213 employer

214 Fails to remain at the testing site until the testing process is complete

215 Fails to provide a urine or breath specimen for any drug or alcohol test
216 required by Part 40 or DOT agency regulations

217 In the case of a directly observed or monitored collection in a drug test, fails
218 to permit the observation or monitoring of your provision of a specimen

219 Fails to provide a sufficient amount of urine or breath when directed, and it
220 has been determined, through a required medical evaluation, that there was
221 no adequate medical explanation for the failure
222 Fails or declines to take a second test the employer or collector has directed
223 you to take
224 Fails to undergo a medical examination or evaluation, as directed by the MRO
225 as part of the verification process, or as directed by the DER as part of the
226 "shy bladder" or "shy lung" procedures
227 Fails to cooperate with any part of the testing process (e.g., refuse to empty
228 pockets when so directed by the collector, behave in a confrontational way
229 that disrupts the collection process)
230 If the MRO reports that there is verified adulterated or substituted test result
231 Failure or refusal to sign Step 2 of the alcohol testing form
232 Failure to follow the observer's instructions during an observed collection
233 including instructions to raise your clothing above the waist, lower clothing
234 and underpants, and to turn around to permit the observer to determine if you
235 have any type of prosthetic or other device that could be used to interfere with
236 the collection process.
237 Possess or wear a prosthetic or other device that could be used to interfere
238 with the collection process
239 Admit to the collector or MRO that you adulterated or substituted the
240 specimen.

241
242

243 *Verified negative test:* A drug test result reviewed by a medical review officer
244 and determined to have no evidence of prohibited drug use above the
245 minimum cutoff levels established by the Department of Health and Human
246 Services (HHS).

247

248 *Verified positive test:* A drug test result reviewed by a medical review officer
249 and determined to have evidence of prohibited drug use above the minimum
250 cutoff levels specified in 49 CFR Part 40 as revised.

251

252 *Validity testing:* The evaluation of the specimen to determine if it is consistent
253 with normal human urine. Specimen validity testing will be conducted on all
254 urine specimens provided for testing under DOT authority. The purpose of
255 validity testing is to determine whether certain adulterants or foreign
256 substances were added to the urine, if the urine was diluted, or if the
257 specimen was substituted.

258

259 **EDUCATION AND TRAINING**

260

261 Every covered employee will receive a copy of this policy and will have ready
262 access to the corresponding federal regulations including 49 CFR Parts 655

263 and 40, as amended. In addition, all covered employees will undergo a
264 minimum of 60 minutes of training on the signs and symptoms of drug use
265 including the effects and consequences of drug use on personal health,
266 safety, and the work environment. The training also includes manifestations
267 and behavioral cues that may indicate prohibited drug use.

268
269 All supervisory personnel or company officials who are in a position to
270 determine employee fitness for duty will receive 60 minutes of reasonable
271 suspicion training on the physical, behavioral, and performance indicators of
272 probable drug use and 60 minutes of additional reasonable suspicion training
273 on the physical, behavioral, speech, and performance indicators of probable
274 alcohol misuse. Under the Yancey County Transportation 's own authority,
275 supervisory personnel will also be trained on how to intervene constructively,
276 and how to effectively integrate an employee back into his/her work group
277 following intervention and/or treatment.

278
279 Information on the signs, symptoms, health effects, and consequences of
280 alcohol misuse is presented in Attachment B of this policy.

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PROHIBITED SUBSTANCES

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Prohibited substances addressed by this policy include the following.

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Illegally Used Controlled Substance or Drugs Under the Drug-Free
Workplace Act of 1988 any drug or any substance identified in
Schedule I through V of Section 202 of the Controlled Substance Act
(21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through
1300.15 is prohibited at all times in the workplace unless a legal
prescription has been written for the substance. This includes, but is
not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP),
and cocaine, as well as any drug not approved for medical use by the
U.S. Drug Enforcement Administration or the U.S. Food and Drug
Administration. Illegal use includes use of any illegal drug, misuse of
legally prescribed drugs, and use of illegally obtained prescription
drugs. Also, the medical use of marijuana, or the use of hemp related
products, as which cause drug or drug metabolites to be present in the
body above the minimum thresholds is a violation of this policy

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Federal Transit Administration drug testing regulations (49
CFR Part 655) require that all covered employees be tested
for marijuana, cocaine, amphetamines, opiates, and
phencyclidine as described in Section H of this policy. Illegal
use of these five drugs is prohibited at all times and thus,

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covered employees may be tested for these drugs anytime that they are on duty.

Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Yancey County Transportation Authority supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under Yancey County Transportation the authority, an alcohol test can be performed any time a covered employee is on duty.

PROHIBITED CONDUCT

All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.

Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.

The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol

Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.

351 No covered employee shall consume alcohol for eight (8) hours following
352 involvement in an accident or until he/she submits to the post-accident
353 drug/alcohol test, whichever occurs first.

354

355 No covered employee shall consume alcohol within four (4) hours prior to the
356 performance of safety-sensitive job functions.

357

358 Yancey County Transportation Authority under its own authority also prohibits
359 the consumption of alcohol all times employee is on duty, or anytime the
360 employee is in uniform.

361

362 Consistent with the Drug-free Workplace Act of 1988, all Yancey County
363 Transportation Authority employees are prohibited from engaging in the
364 unlawful manufacture, distribution, dispensing, possession, or use of
365 prohibited substances in the work place including Transit Department
366 premises and transit vehicles.

367

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369 **DRUG STATUTE CONVICTION**

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371 Consistent with the Drug Free Workplace Act of 1998, all employees are
372 required to notify the Yancey County Transportation Authority management of
373 any criminal drug statute conviction for a violation occurring in the workplace
374 within five days after such conviction. Failure to comply with this provision
375 shall result in disciplinary action as defined in Section Q.10 of this policy.

376

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378 **TESTING REQUIREMENTS**

379

380 Analytical urine drug testing and breath testing for alcohol will be conducted
381 as required by 49CFR part 40 as amended. All covered employees shall be
382 subject to testing prior to performing safety-sensitive duty, for reasonable
383 suspicion, following an accident, and random as defined in Section K, L, M,
384 and N of this policy, and return to duty/follow-up.

385

386 All covered employees who have tested positive for drugs or alcohol will be
387 tested prior to returning to duty after completion of the Substance Abuse
388 Professional's recommended treatment program and subsequent release to
389 duty. Follow-up testing will also be conducted following return-to-duty for a
390 period of one to five years, with at least six tests performed during the first
391 year. The duration and frequency of the follow-up testing above the minimum
392 requirements will be at the discretion of the Substance Abuse Professional.

393

394 A drug test can be performed any time a covered employee is on duty. An
395 alcohol test can be performed just before, during, or after the performance of
396 a safety-sensitive job function. Under Yancey County Transportation
397 authority, an alcohol test can be performed any time a covered employee is
398 on duty.

399
400 All covered employees will be subject to urine drug testing and breath alcohol
401 testing as a condition of ongoing employment with Yancey County
402 Transportation Authority. Any safety-sensitive employee who refuses to
403 comply with a request for testing shall be removed from duty and subject to
404 discipline as defined in Section Q.3 of this policy. Any covered employee who
405 is suspected of providing false information in connection with a drug test, or
406 who is suspected of falsifying test results through tampering, contamination,
407 adulteration, or substitution will be required to undergo an observed
408 collection. Verification of the above listed actions will be considered a test
409 refusal and will result in the employee's removal from duty and disciplined as
410 defined in Section Q.3 of this policy. Refer to Section Q for behavior that
411 constitutes a refusal to test.

412 413 **DRUG TESTING PROCEDURES**

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415
416 Testing shall be conducted in a manner to assure a high degree of accuracy
417 and reliability and using techniques, equipment, and laboratory facilities which
418 have been approved by the U.S. Department of Health and Human Service
419 (HHS). All testing will be conducted consistent with the procedures set forth
420 in 49 CFR Part 40, as amended. The procedures will be performed in a
421 private, confidential manner and every effort will be made to protect the
422 employee, the integrity of the drug testing procedure, and the validity of the
423 test result.

424
425 The drugs that will be tested for include marijuana, cocaine, opiates,
426 amphetamines, and phencyclidine. After the identity of the donor is checked
427 using picture identification, a urine specimen will be collected using the split
428 specimen collection method described in 49 CFR Part 40, as amended. Each
429 specimen will be accompanied by a DOT Chain of Custody and Control Form
430 and identified using a unique identification number that attributes the
431 specimen to the correct individual. The specimen analysis will be conducted
432 at a HHS certified laboratory. An initial drug screen and validity test will be
433 conducted on the primary urine specimen. For those specimens that are not
434 negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS)
435 test will be performed. The test will be considered positive if the amounts of
436 the drug(s) and/or its metabolites identified by the GC/MS test are above the
437 minimum thresholds established in 49 CFR Part 40, as amended.

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The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Yancey County Transportation Authority Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken.

If the test is invalid with out a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.

Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Yancey County Transportation Authority will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however Yancey County Transportation Authority will seek reimbursement for the split sample test from the employee.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split

481 specimen is not able to be analyzed the MRO will direct Yancey County
482 Transportation Authority to retest the employee under direct observation.

483

484 The split specimen will be stored at the initial laboratory until the analysis of
485 the primary specimen is completed. If the primary specimen is negative, the
486 split will be discarded. If the primary is positive, the split will be retained for
487 testing if so requested by the employee through the Medical Review Officer.
488 If the primary specimen is positive, it will be retained in frozen storage for one
489 year and the split specimen will also be retained for one year.

490

491 Observed collections

492

493 Consistent with 49 CFR part 40, as amended, collection under direct
494 observation (by a person of the same gender) with no advance notice will
495 occur if:

496

497 The laboratory reports to the MRO that a specimen is invalid,
498 and the MRO reports to Yancey County Transportation
499 Authority that there was not an adequate medical explanation
500 for the result;

501

502 The MRO reports to Yancey County Transportation Authority
503 that the original positive, adulterated, or substituted test result
504 had to be cancelled because the test of the split specimen
505 could not be performed;

506

507 The collector observes materials brought to the collection site
508 or the employee's conduct clearly indicates an attempt to
509 tamper with a specimen;

510

511 The temperature on the original specimen was out of range;

512

513 All return-to-duty tests;

514

515 All follow-up-tests; or

516

517 Anytime the employee is directed to provide another specimen
518 because the original specimen appeared to have been
519 tampered with.

520

521 ALCOHOL TESTING PROCEDURES

522

523 Tests for breath alcohol concentration will be conducted utilizing a National
524 Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath

525 Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT).
526 Alcohol screening tests may be performed using a non-evidential testing
527 device which is also approved by NHSTA. If the initial test indicates an
528 alcohol concentration of 0.02 or greater, a second test will be performed to
529 confirm the results of the initial test. The confirmatory test must occur on an
530 EBT. The confirmatory test will be conducted at least fifteen minutes after the
531 completion of the initial test. The confirmatory test will be performed using a
532 NHTSA-approved EBT operated by a trained BAT. The EBT will identify each
533 test by a unique sequential identification number. This number, time, and unit
534 identifier will be provided on each EBT printout. The EBT printout, along with
535 an approved alcohol testing form, will be used to document the test, the
536 subsequent results, and to attribute the test to the correct employee. The test
537 will be performed in a private, confidential manner as required by 49 CFR
538 Part 40, as amended. The procedure will be followed as prescribed to protect
539 the employee and to maintain the integrity of the alcohol testing procedures
540 and validity of the test result.

541

542 An employee who has a confirmed alcohol concentration of 0.04 or greater
543 will be considered a positive alcohol test and in violation of this policy. The
544 consequences of a positive alcohol test are described in Section Q.4-5 of this
545 policy. Even though an employee who has a confirmed alcohol concentration
546 of 0.02 to 0.039 is not considered positive, the employee shall still be
547 removed from duty for at least eight hours or for the duration of the work day
548 whichever is longer and will be subject to the consequences described in
549 Section Q.9 of this policy. An alcohol concentration of less than 0.02 will be
550 considered a negative test.

551

552 The Transit Department affirms the need to protect individual dignity, privacy,
553 and confidentiality throughout the testing process. If at any time the integrity
554 of the testing procedures or the validity of the test results is compromised, the
555 test will be canceled. Minor inconsistencies or procedural flaws that do not
556 impact the test result will not result in a cancelled test.

557

558 The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall
559 be used for all FTA required testing. Failure of an employee to sign step 2 of
560 the ATF will be considered a refusal to submit to testing.

561

562

563 **PRE-EMPLOYMENT TESTING**

564

565 All applicants for covered transit positions shall undergo urine drug testing
566 and breath alcohol testing prior to performance of a safety-sensitive function.
567 All offers of employment for covered positions shall be extended conditional
568 upon the applicant passing a drug and alcohol test test. An applicant shall not

569 be placed into a safety -sensitive position unless the applicant takes a drug
570 test with verified negative results, and an alcohol concentration below 0.02.

571
572 A non-covered employee shall not be placed, transferred or promoted into a
573 covered position until the employee takes a drug test with verified negative
574 results and an alcohol concentration below 0.02.

575
576 If an applicant fails a pre-employment drug or alcohol test, the conditional
577 offer of employment shall be rescinded. Failure of a pre-employment drug
578 and/or alcohol test will disqualify an applicant for employment for a period of
579 at least one year. . The applicant must provide the employer proof of having
580 successfully completed a referral, evaluation and treatment plan as described
581 in section 655.62 of subpart G. The cost for the assessment and any
582 subsequent treatment will be the sole responsibility of the applicant.

583
584 When an employee being placed, transferred, or promoted from a non-
585 covered position to a covered position submits a drug test with a verified
586 positive result, and/or an alcohol concentration above 0.04 the employee shall
587 be subject to disciplinary action in accordance with Section Q.4-5 and 9
588 herein.

589
590 If a pre-employment/pre-transfer test is canceled, Yancey County
591 Transportation Authority will require the applicant to take and pass another
592 pre-employment drug test.

593
594 In instances where a covered employee is on extended leave for a period of
595 90 days or more regardless of reason, and is not in the random testing pool
596 the employee will be required to take a drug and alcohol test under 49 CFR
597 Part 655 and have negative test results prior to the conduct of safety-sensitive
598 job functions.

599
600 An applicant with a dilute negative test result will/will not be required to retest.
601 Following a negative dilute the employee will be required to undergo another
602 test. Should this second test result in a negative dilute result, the test will be
603 considered a negative and no additional testing will be required unless
604 directed to do so by the MRO.

605
606
607 Applicants are required to report previous DOT covered employer drug and
608 alcohol test results—Failure to do so will result in the employment offer being
609 rescinded. If the applicant has tested positive or refused to test on a pre-
610 employment test for a DOT covered employer. The applicant must provide
611 Yancey County Transportation Authority proof of having successfully

612 completed a referral, evaluation and treatment plan as described in section
613 655.62 of subpart G.

614
615
616 **REASONABLE SUSPICION TESTING**

617
618 All Yancey County Transportation Authority's covered employees will be
619 subject to a reasonable suspicion drug and/or alcohol test when the employer
620 has reasonable suspicion to believe that the covered employee has used a
621 prohibited drug and/or engaged in alcohol misuse.. Reasonable suspicion
622 shall mean that there is objective evidence, based upon specific,
623 contemporaneous, articulable observations of the employee's appearance,
624 behavior, speech or body odor that are consistent with possible drug use
625 and/or alcohol misuse. Reasonable suspicion referrals must be made by one
626 or more supervisors who are trained to detect the signs and symptoms of
627 drug and alcohol use, and who reasonably concludes that an employee may
628 be adversely affected or impaired in his/her work performance due to possible
629 prohibited substance abuse or alcohol misuse. A reasonable suspicion
630 alcohol test can only be conducted just before, during, or just after the
631 performance of a safety-sensitive job function. However, under Yancey
632 County Transportation Authority's authority, a reasonable suspicion alcohol
633 test may be performed any time the covered employee is on duty. A
634 reasonable suspicion drug test can be performed any time the covered
635 employee is on duty.

636
637 Yancey County Transportation Authority shall be responsible for transporting
638 the employee to the testing site. Supervisors should avoid placing
639 themselves and/or others into a situation which might endanger the physical
640 safety of those present. The employee shall be placed on administrative
641 leave pending disciplinary action described in Section Q.4-5 and 9 of this
642 policy. An employee who refuses an instruction to submit to a drug/alcohol
643 test shall not be permitted to finish his or her shift and shall immediately be
644 placed on administrative leave pending disciplinary action as specified in
645 Section Q.3 of this policy.

646
647 A written record of the observations which led to a drug/alcohol test based on
648 reasonable suspicion shall be prepared and signed by the supervisor making
649 the observation. This written record shall be submitted to the Yancey County
650 Transportation Authority management and shall be attached to the forms
651 reporting the test results.

652
653 When there are no specific, contemporaneous, articulable objective facts that
654 indicate current drug or alcohol use, but the employee (who is not already a
655 participant in a treatment program) admits the abuse of alcohol or other

656 substances to a supervisor in his/her chain of command, the employee shall
657 be referred to the SAP for an assessment. Yancey County Transportation
658 Authority shall place the employee on administrative leave in accordance with
659 the provisions set forth under Section Q.9 of this policy. Testing in this
660 circumstance would be performed under the direct authority of the Yancey
661 County Transportation Authority. Since the employee self-referred to
662 management, testing under this circumstance would not be considered a
663 violation of this policy or a positive test result under Federal authority.
664 However, self-referral does not exempt the covered employee from testing
665 under Federal authority as specified in Sections L through N of this policy or
666 the associated consequences as specified in Section Q.9.

667

668

669 **POST-ACCIDENT TESTING**

670

671 All covered employees will be required to undergo urine and breath testing if
672 they are involved in an accident with a transit revenue service vehicle
673 regardless of whether or not the vehicle is in revenue service that results in a
674 fatality. This includes all surviving covered employees that are operating the
675 vehicle at the time of the accident and any other whose performance cannot
676 be completely discounted as a contributing factor to the accident.

677

678 In addition, a post-accident test will be conducted if an accident results in
679 injuries requiring immediate transportation to a medical treatment facility; or
680 one or more vehicles incurs disabling damage, unless the operators
681 performance can be completely discounted as a contributing factor to the
682 accident.

683

684 As soon as practicable following an accident, as defined in this policy,
685 the transit supervisor investigating the accident will notify the transit
686 employee operating the transit vehicle and all other covered
687 employees whose performance could have contributed to the accident
688 of the need for the test. The supervisor will make the determination
689 using the best information available at the time of the decision.

690

691 The appropriate transit supervisor shall ensure that an employee,
692 required to be tested under this section, is tested as soon as
693 practicable, but no longer than eight (8) hours of the accident for
694 alcohol, and within 32 hours for drugs. If an alcohol test is not
695 performed within two hours of the accident, the Supervisor will
696 document the reason(s) for the delay. If the alcohol test is not
697 conducted within (8) eight hours, or the drug test within 32 hours,
698 attempts to conduct the test must cease and the reasons for the failure
699 to test documented.

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Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that Yancey County Transportation Authority is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Yancey County Transportation Authority may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

RANDOM TESTING

All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.

The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.

The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals fifty percent of the number of covered employees

743 in the pool and the random testing rate for alcohol established by FTA equals
744 ten percent of the number of covered employees in the pool.

745
746 Each covered employee shall be in a pool from which the random selection is
747 made. Each covered employee in the pool shall have an equal chance of
748 selection each time the selections are made. Employees will remain in the
749 pool and subject to selection, whether or not the employee has been
750 previously tested. There is no discretion on the part of management in the
751 selection.

752
753 Covered transit employees that fall under the Federal Transit Administration
754 regulations will be included in one random pool maintained separately from
755 the testing pool of employees that are included solely under Yancey County
756 Transportation Authority, authority.

757
758 Random tests can be conducted at any time during an employee's shift for
759 drug testing. Alcohol random tests can be performed just before, during, or
760 just after the performance of a safety sensitive duty. However, under the
761 Yancey County transportation Authority's authority, a random alcohol test
762 may be performed any time the covered employee is on duty. Testing can
763 occur during the beginning, middle, or end of an employee's shift.

764
765 Employees are required to proceed immediately to the collection site upon
766 notification of their random selection.

767 768 769 **RETURN-TO-DUTY TESTING**

770
771 Even though Yancey County Transportation Authority is a zero tolerance
772 transit system and you are subject to termination for refusal to test or a
773 positive drug and/or alcohol test, the following provision only applies in the
774 unlikely event you are returned to duty.

775
776 All covered employees who previously tested positive on a drug or alcohol
777 test or refused a test, must test negative for drugs, alcohol (below 0.02 for
778 alcohol), or both and be evaluated and released by the Substance Abuse
779 Professional before returning to work. For an initial positive drug test a
780 Return-to-Duty drug test is required and an alcohol test is allowed. For an
781 initial positive alcohol test a Return-to-Duty alcohol test is required and a drug
782 test is allowed. Following the initial assessment, the SAP will recommend a
783 course of rehabilitation unique to the individual. The SAP will recommend
784 the return-to-duty test only when the employee has successfully completed
785 the treatment requirement and is known to be drug and alcohol-free and there
786 are no undo concerns for public safety.

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FOLLOW-UP TESTING

Even though Yancey County Transportation Authority is a zero tolerance transit system and you are subject to termination for refusal to test or positive drug and/or alcohol test, the following information only applies in the unlikely event you are returned to duty.

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

RESULT OF DRUG/ALCOHOL TEST

Any covered employee that has a verified positive drug or alcohol test will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment and will be terminated

An applicant with a dilute negative test result will/will not be required to retest. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

A positive drug and/or alcohol test will also result in disciplinary action as specified herein.

As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the Yancey County Transportation Authority Drug and Alcohol Program Manager will contact the employee's supervisor to have the employee cease performing any safety-sensitive function. The employee shall be referred to a Substance Abuse Professional for an assessment and will be terminated.

831 Refusal to submit to a drug/alcohol test shall be considered a positive
832 test result and a direct act of insubordination and shall result in
833 termination. A test refusal includes the following circumstances:
834 A covered employee who consumes alcohol within eight (8) hours following
835 involvement in an accident without first having submitted to post-accident
836 drug/alcohol tests.
837 A covered employee who leaves the scene of an accident without a legitimate
838 explanation prior to submission to drug/alcohol tests.
839 A covered employee who provides false information in connection with a drug
840 test.
841 A covered employee who provides an insufficient volume of urine specimen
842 or breath sample without a valid medical explanation. The medical evaluation
843 shall take place within 5 days of the initial test attempt
844 A verbal or written declaration, obstructive behavior, or physical absence
845 resulting in the inability to conduct the test within the specified time frame.
846 A covered employee whose urine sample has been verified by the MRO as
847 substitute or adulterated.
848 A covered employee fails to appear for any test within a reasonable time, as
849 determined by the employer, after being directed to do so by the employer
850 A covered employee fails to remain at the testing site until the testing process
851 is complete;
852 A covered employee fails to provide a urine specimen for any drug test
853 required by Part 40 or DOT agency regulations;
854 A covered employee fails to permit the observation or monitoring of a
855 specimen collection
856 A covered employee fails or declines to take a second test the employer or
857 collector has directed you to take;
858 A covered employee fails to undergo a medical examination or evaluation, as
859 directed by the MRO as part of the verification process, or as directed by the
860 DER as part of the "shy bladder" or "shy lung" procedures
861 A covered employee fails to cooperate with any part of the testing process
862 (e.g., refuse to empty pockets when so directed by the collector behave in a
863 confrontational way that disrupts the collection process).
864 Failure to sign Step 2 of the Alcohol Testing form
865 Failure to follow the observer's interactions during an observed collection
866 including interactions to raise your clothing above the waist, lower clothing
867 and underpants, and to turn around to permit the observer to determine if you
868 have any type of prosthetic or other device that could be used to interfere with
869 the collection process.
870 Possess or wear a prosthetic or other device that could be used to interfere
871 with the collection process.
872 Admit to the collector or MRO that or adulterated or substituted the
873 specimen.
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For the instance of a verified positive test from a sample submitted as the result of a random, drug/alcohol test (≥ 0.04 BAC), disciplinary action against the employee shall include:

Mandatory referral to Substance Abuse Professional for assessment, formulation of a treatment plan, and termination from employment.

Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.

A verified positive post-accident, or reasonable suspicion drug and/or alcohol (≥ 0.04) test shall result in termination.

An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder or the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of ≥ 0.02 to ≤ 0.039 two or more times within a six month period, the employee will be removed from duty and referred to the SAP for assessment and treatment consistent with Section Q.9 of this policy.

Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

PROPER APPLICATION OF THE POLICY

Yancey County Transportation Authority is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

INFORMATION DISCLOSURE

919 Drug/alcohol testing records shall be maintained by the Yancey County
920 Transportation Authority Drug and Alcohol Program Manager and, except as
921 provided below or by law, the results of any drug/alcohol test shall not be
922 disclosed without express written consent of the tested employee.

923
924 The employee, upon written request, is entitled to obtain copies of any
925 records pertaining to their use of prohibited drugs or misuse of alcohol
926 including any drug or alcohol testing records. Covered employees have the
927 right to gain access to any pertinent records such as equipment calibration
928 records, and records of laboratory certifications. Employees may not have
929 access to SAP referrals and follow-up testing plans.

930
931 Records of a verified positive drug/alcohol test result shall be released to the
932 Drug and Alcohol Program Manager, Department Supervisor and Personnel
933 Manager on a need to know basis.

934
935 Records will be released to a subsequent employer only upon receipt of a
936 written request from the employee.

937
938 Records of an employee's drug/alcohol tests shall be released to the
939 adjudicator in a grievance, lawsuit, or other proceeding initiated by or on
940 behalf of the tested individual arising from the results of the drug/alcohol test.
941 The records will be released to the decision maker in the preceding. The
942 information will only be released with binding stipulation from the decision
943 maker will make it available only to parties in the preceding. Records will be
944 released to the National Transportation Safety Board during an accident
945 investigation.

946
947 Information will be released in a criminal or civil action resulting from an
948 employee's performance of safety-sensitive duties, in which a court of
949 competent jurisdiction determines that the drug or alcohol test information is
950 relevant to the case and issues an order to the employer to release the
951 information. The employer will release the information to the decision maker
952 in the proceeding with a binding stipulation that it will only be released to
953 parties of the proceeding.

954
955 Records will be released to the DOT or any DOT agency with regulatory
956 authority over the employer or any of its employees.

957
958 Records will be released if requested by a Federal, state or local safety
959 agency with regulatory authority over Yancey County Transportation Authority
960 or the employee.

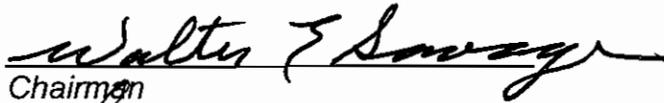
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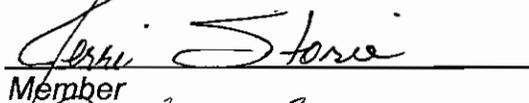
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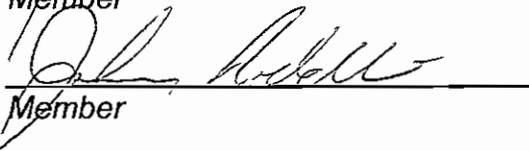
If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken

In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the *Yancey County Board of Commissioners* on 7 September, 2010.


Chairman


Member


Member

989 **SYSTEM CONTACTS**

990
991 Any questions regarding this policy or any other aspect of the substance
992 abuse policy should be directed to the following individual(s).

993
994 Yancey County Transportation Drug and Alcohol Program Manager

995 Name: Lynn Austin

996 Title: Director

997 Address: 115 Mitchell Branch Road, Burnsville, NC 28714

998 Telephone Number: 828-682-6144

999
1000 Medical Review Officer

1001 Name: N.K Singh MD- NASTC

1002 Title: MRO

1003 Address: 2054 Nashville Pike, Gallatin, TN 37066

1004 Telephone Number: 800-264-8580

1005
1006 Substance Abuse Professional

1007 Name: Mary Bailey

1008 Title: Owner/ Operator of A-1 substance abuse

1009 Address: 117 Frank Biddix Road, Spruce Pine, NC 28777

1010 Telephone Number: 828-765-4010

1011
1012 HHS Certified Laboratory Primary Specimen

1013 Name: Quest Diagnostics

1014 Address: 3175 Presidential Drive, Atlanta , GA 30340

1015 Telephone Number:

1016
1017 HHS Certified Laboratory Split Specimen

1018 Name: QED A-150

1019 Address:

1020 Telephone Number:

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Attachment A

—Administration Covered Classifications---

Job Classifications--

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- . Dulled mental processes
- . Lack of coordination
- . Odor of alcohol on breath
- . Possible constricted pupils
- . Sleepy or stuporous condition
- . Slowed reaction rate
- . Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- . Decreased sexual functioning
- . Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- . Fatal liver diseases

1070 . Increased cancers of the mouth, tongue, pharynx, esophagus,
1071 rectum, breast, and malignant melanoma
1072 . Kidney disease
1073 . Pancreatitis
1074 . Spontaneous abortion and neonatal mortality
1075 . Ulcers
1076 . Birth defects (up to 54 percent of all birth defects are alcohol
1077 related).

1078

1079 □ Social Issues

1080

1081 . Two-thirds of all homicides are committed by people who drink prior
1082 to the crime.

1083 . Two to three percent of the driving population is legally drunk at any
1084 one time. This rate is doubled at night and on weekends.

1085 . Two-thirds of all Americans will be involved in an alcohol-related
1086 vehicle accident during their lifetimes.

1087 . The rate of separation and divorce in families with alcohol
1088 dependency problems is 7 times the average.

1089 . Forty percent of family court cases are alcohol problem related.

1090 . Alcoholics are 15 times more likely to commit suicide than are other
1091 segments of the population.

1092 . More than 60 percent of burns, 40 percent of falls, 69 percent of
1093 boating accidents, and 76 percent of private aircraft accidents are
1094 alcohol related.

1095

1096 □ The Annual Toll

1097

1098 . 24,000 people will die on the highway due to the legally impaired
1099 driver.

1100 . 12,000 more will die on the highway due to the alcohol-affected
1101 driver.

1102 . 15,800 will die in non-highway accidents.

1103 . 30,000 will die due to alcohol-caused liver disease.

1104 . 10,000 will die due to alcohol-induced brain disease or suicide.

1105 . Up to another 125,000 will die due to alcohol-related conditions or
1106 accidents.

1107

1108 □ Workplace Issues

1109

1110 . It takes one hour for the average person (150 pounds) to process
1111 one serving of an alcoholic beverage from the body.

1112 . Impairment in coordination and judgement can be objectively
1113 measured with as little as two drinks in the body.

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A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

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Attachment C
Minimum Thresholds

INITIAL TEST CUTOFF LEVELS
(ng/ml)

Marijuana metabolites(1)	50
Cocaine metabolites(2)	300
Opiate metabolites(4)	2,000
Phencyclidine	25
Amphetamines	1,000

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CONFIRMATORY TEST
CUT/OFF LEVELS (ng/ml)

Marijuana metabolites(1)	15
Cocaine metabolites(2)	150
Opiates: (4)	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine(3)	500

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(1) Delta 9-tetrahydrocannabinol-9 carboxylic acid; (2) Benzoylcegonine; (3)
Specimen must also include amphetamine at a concentration greater than or
equal to 200 ng/mL; (4) Laboratories must report quantitative values for morphine
or codeine at 15,000ng/mL or above.

VM e

DRUG AND ALCOHOL POLICY ADDENDUM

EFFECTIVE: OCTOBER 1, 2010

The Department of Transportation has amended certain parts of 49 CFR Part 40, and therefore, the Yancey County Transportation Authority policy is amended as follows:

1. Testing for MDMA (Ecstasy) will be added to the amphetamine test panel.
2. Initial testing for heroin will be mandatory for all opiate positives.
3. Cutoff levels for drugs will be consistent with 49 CFR Part 40, as amended.
4. The following terms have been revised:
 - a. **Adulterated specimen:** A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
 - b. **Confirmatory drug test:** A second analytical procedure performed on different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.
 - c. **Initial drug test (Screening drug test):** The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
 - d. **Initial specimen validity test:** The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.
 - e. **Invalid drug test:** The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for specific drug or specimen validity test.
 - f. **Laboratory:** Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

- g. **Limit of Detection (LOD):** The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.
- h. **Limit of Quantitation:** For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.
- i. **Negative result:** The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration of the drug or drug class and the specimen is a valid specimen.
- j. **Positive result:** The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.
- k. **Reconfirmed:** The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.
- l. **Rejected for testing:** The result reported by an HHS-certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that is not corrected.
- m. **Split specimen collection:** A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (bottle A) and the split specimen (bottle B)

Addendum Authorization Date: 9/7/10

Authorized By: Walter E. Savage

Signature: Walter E. Savage

Attachment F
Grant Management Procedures

YANCEY COUNTY TRANSPORTATION AUTHORITY

GRANT MANAGEMENT PROCEDURES

Yancey County Transportation Authority will execute all terms and conditions set forth in the *Community Transportation Program* contract. YCTA realizes that all terms, procedures, guidelines and reporting requirements must be executed in full compliance with the Federal and State rules and regulations. Any failure to provide documentation and make reasonable progress on the Project will be a violation of the contract and will provide sufficient grounds for denying funding and terminate the contract.

Periods of performance shall extend from July 1 until June 30 of the fiscal year. During this time allowable costs incurred during this period shall be reimbursed for on a quarterly basis. Reimbursements must be prepared and forwarded to NCDOT within 30 days following the end of the period covered.

Each reimbursement must be accompanied with:

- Cover letter on YCTA's letterhead
- A completed request for reimbursement form from the PTD website
- Xerox copy of check if vehicle purchase
- An executed vendor payment form for all payment or non-payment made to subcontractors or a DBE/MBE/WBE firm.

YCTA will provide NCDOT with a copy of Yancey County's yearly audit report no later than one year after the audit period ends.

Adopted: 9/7/10

Signed: *Walter J. Sawyer*
Chairman, Yancey County Board of Commissioners

Attachment G
Grant Management

YANCEY COUNTY TRANSPORTATION AUTHORITY

PROCUREMENT PROCEDURES

The procurement policy of YANCEY COUNTY TRANSPORTATION AUTHORITY (YCTA) is to provide for the fair and equitable treatment of all persons or firms involved through purchases by YCTA. To assure that supplies/services are efficiently and effectively procured at the most favorable prices and to assure that purchasing actions are in full compliance with applicable Federal standards, NC regulations and local requirements.

This procurement Policy applies to all contracts and purchases for the procurement of supplies/services entered into by YANCEY COUNTY TRANSPORTATION AUTHORITY. This policy shall apply to all expenditures of YCTA funds, where funding has been provided through NCDOT (Administrative/Capital expenditures) or Yancey County (Operations expenditures).

It is the responsibility of the YCTA Director to approve purchases for the department and to award contracts for supplies/services. It is the responsibility of the director to ensure that all Federal, State and local procurement requirements have been followed before an item/service is purchased or a contract is awarded. It is also the responsibility of the director to ensure that the Conflict of Interest Policy has been upheld and no purchase/contract has been entered into where an employee, officer, agent, immediate family member or board member of the agency would gain financial favor.

All purchases for products/services obtained by YCTA purchased with funding through NCDOT must incorporate the State's local government procurement requirements as stated in N.C.G.S. 143-129 or N.C.G.S.143-131, the Federal Transportation Administration's (FTA) requirements as stated FTA Circular 4220.1F, guidance found in FTA's Best Practices Manual, and FTA's Master Agreement FTA MA (15), dated October 1, 2008, The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub.L.109-59, Aug. 10, 2005 and any subsequent amendments or revisions thereto.

All procurements purchased by YCTA though funding by NCDOT shall be documented on the Procurement History Guide obtained on the NCDOT website. This is to provide an audit trail as a basis for informed decisions at each step in the acquisition process and supports actions taken.

Procurements shall be awarded based on price and fixed specifications. YCTA shall make awards to the source with the lowest quotation or if a decision is made to go with a quote that is higher YCTA must seek prior approval either through NCDOT for State funded purchases or through the Yancey County Finance Officer for locally funded items. YCTA must submit with quotations for higher bids all documentation of reasons why considering the higher quote.

All documentation on procurements must be maintained for a period of five years.

Adopted: 9/7/10

Signed *Walter J. Sawyer*
Chairman, Yancey County Board of Commissioners