

## Powell Senior Citizens Ago-Go, Inc.

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# Drug and Alcohol Policy

Effective as of 01/23/2024

Adopted by: Powell Senior Citizens Board Of Directors

Date Adopted: 01/23/2024

Last Revised: 01/23/2024

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## I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

**Powell Senior Citizens Ago-Go, Inc. is dedicated to providing safe, dependable and economical transportation services to our passengers. Powell Senior Citizens Ago-Go, Inc. employees are our most valuable resources. It is our goal to provide a healthy, satisfying working environment, as well as protect our passengers and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. In meeting these goals it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; and (3) to encourage employees to seek professional assistance anytime alcohol or drug dependency adversely affects their ability to perform their assigned duties.**

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect Powell Senior Citizens Ago-Go, Inc.'s policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

**The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Executive Director no later than five days after such conviction.**

## 2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

**The positions that will be covered by this Drug and Alcohol Policy will be the following:**

**Full-time Transportation Bus Drivers**

**Substitute Transportation Bus Drivers**

**Dispatcher**, which will include those who fill in for the dispatcher and answer the phone and may potentially control the movement of a revenue service vehicle.

### 3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are 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. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

### 4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.



## Zero Tolerance

**Per Powell Senior Citizens Ago-Go, Inc. policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be terminated from employment.**

## 5. Circumstances for Testing

**Once the employee is notified that he/she has been selected for any type of drug or alcohol testing, he/she will proceed to the collection site immediately and must arrive at the collection site within 10 minutes of notification. Failure to arrive at all or in the allotted time will be considered a refusal and will result in a positive test.**

### Pre-Employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40. An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

**Once the collection has commenced, the donor must complete it. Failure to do so is a refusal to test. However it is NOT a refusal if the applicant fails to appear for the pre-employment test, delays a test or if the applicant leaves the site before the test commences.**

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

### Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when Powell Senior Citizens Ago-Go, Inc. has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

## Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

### Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by Powell Senior Citizens Ago-Go, Inc. using the best information available at the time of the decision, will be tested.

### Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

**Disabling damage means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight for repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated.**

**Disabling damage does not include damage that could be remedied temporarily at the scene of the occurrence without special tools or parts: tire disablement without other damage even if no spare tire is available; or damage to headlights, taillights, turn signals, horn or windshield wipers that makes them inoperative.**

**Post-accident drug testing attempts will cease after 32 hours of the accident and post-accident alcohol testing attempts will cease after 8 hours of the accident. If a post-accident alcohol test is not conducted within 2 hours of the accident a detailed documented record will explain the reason.**

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Powell Senior Citizens Ago-Go, Inc. using the best information available at the time of the decision, will be tested.

**The employee who is required to take a post-accident drug and alcohol test will be transported to the collection site by another employee.**

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered 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.

## Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at [www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates).

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

## 6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.



## Dilute Urine Specimen

If there is a negative dilute test result, Powell Senior Citizens Ago-Go, Inc. will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

## Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Powell Senior Citizens Ago-Go, Inc. guarantees that the split specimen test will be conducted in a timely fashion. **The Powell Senior Citizens Ago-Go, Inc. will pay for the testing at a secondary laboratory only one time per employee. If the situation arises again with the same employee, then the employee will be responsible for the payment of the second laboratory test.**

## 7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Powell Senior Citizens Ago-Go, Inc.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to provide a specimen for a drug or alcohol test. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or Powell Senior Citizens Ago-Go, Inc.
- (7) Fail to undergo a medical evaluation as required by the MRO or Powell Senior Citizens Ago-Go, Inc.'s Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed urine drug test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.



As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions and provided with contact information for SAPs **and be terminated from employment per Powell Senior Citizens Ago-Go, Inc.'s zero tolerance policy**

## 8. Voluntary Self-Referral

**Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Executive Director, who will refer the individual to a substance abuse counselor for evaluation and treatment.**

**The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.**

**Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.**

## 9. Contact Person

For questions about Powell Senior Citizens Ago-Go, Inc.'s anti-drug and alcohol misuse program, contact **Linda Dalton, Executive Director of the Powell Senior Citizens Ago-Go, Inc., at 248 North Gilbert Street, Powell, WY 82435 or call 307-754-4223.**

## Attachment A: System Contact Information

Any questions regarding this policy or any other aspect of Powell Senior Citizens Ago-Go, Inc.'s drug free and alcohol-free program should contact the following representative:

### Executive Director

Linda Dalton, 248 N. Gilbert Street, Powell, WY 82435  
Phone number 307-754-4223  
Fax number 307-754-2711

This person is available to answer any questions regarding Powell Senior Citizens Ago-Go, Inc.'s policy or any other aspects of our drug-free and alcohol-free program. Linda Dalton is available during normal business hours (8:00 AM to 4:00 PM).

### Collection Site:

R&A Safety  
164 W. North Street, Powell, WY 82435  
Phone # 307-202-0207, Fax # 307-754-9496

### Test Site:

Drug Testing Services, LLC  
904 West Sunset Drive, Riverton, WY 82501  
Phone # 307-856-7700, [wyodrugs@gmail.com](mailto:wyodrugs@gmail.com)

### Medical Review Officer:

Steven Paschall, MD  
7160 Graham Road, Indianapolis, IN 46250  
Phone # 317-547-8620, Fax # 317-983-7212

## Designated Employer Representatives (DER)

The following individual may accept the results of all drug and alcohol tests performed or required by Powell Senior Citizens Ago-Go, Inc. A positive test result will be provided by phone from Drug Testing Services. An email will be sent to Linda Dalton to call for test results and when Linda calls the site, she will give Denise a password before the results will be discussed.

### Linda Dalton, Executive Director

Home Phone # 307-272-0959

Work Phone # 307-754-4223

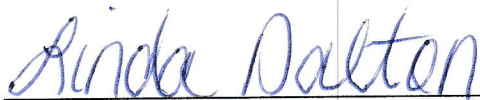
Board Resolution  
Of  
Powell Senior Citizens Ago-Go, Inc.

We the undersigned, being Directors of the Powell Senior Citizens Ago-Go, Inc. organized and existing under the laws of Wyoming and having its principal place of business at 248 North Gilbert Street, Powell, WY 82435, hereby certify that the following is a true and correct copy of a resolution duly adopted at a Board of Directors meeting duly held and convened on January 23, 2024 at which a quorum of the Board of Directors was present and voting throughout that such resolution has not been modified, rescinded or revoked and is at present in full force and effect.

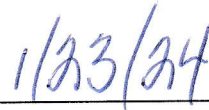
Therefore, it is resolved,

That the Powell Senior Citizens Ago-Go, Inc. has adopted and approved this updated Drug and Alcohol Policy dated January 23, 2024.

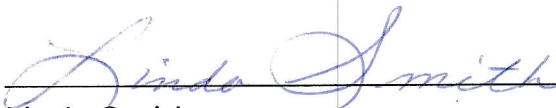
**DIRECTORS:**



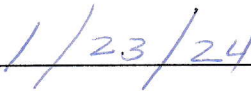
Linda Dalton  
Executive Director



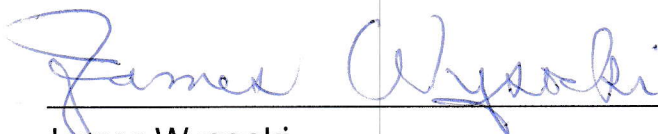
Date



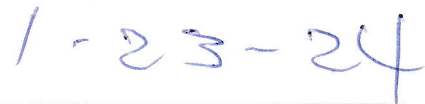
Linda Smith  
President



Date



James Wysocki  
Vice President



Date



Steve Martin  
Steve Martin  
Treasurer

1/23/24  
Date

Linda Graff  
Linda Graff  
Secretary

1/23/24  
Date

Ben Borchert  
Ben Borchert  
Officer

1/23/24  
Date

Melissa Clark  
Melissa Clark  
Officer

1-23-2024  
Date

Stan Lundberg  
Stan Lundberg  
Officer

1-23-2024  
Date

Wes Vining  
Wes Vining  
Officer

1-23-24  
Date

Trevon Dunn  
Trevon Dunn  
Officer

1-23-24  
Date