

**SUBSTANCE ABUSE POLICY
AND
EMPLOYEE ASSISTANCE PROGRAM**

LOCAL 2, OPEIU¹

¹Local 2, OPEIU SAP/EAP revised and executed on December 12, 1994.

SUBSTANCE ABUSE POLICY
AND
EMPLOYEE ASSISTANCE PROGRAM

The following Substance Abuse Policy is designed to assist employees with problems growing out of substance abuse which may cause poor attendance, unsatisfactory job performance or create safety hazards for the employee, his or her fellow workers or the public.

This policy covers Local 2 employees.

The Employee Assistance Program (EAP) is a confidential Joint Labor-Management Program offering counseling and referral for employees who have substance abuse problems in addition to marital, emotional, family or financial concerns which may cause poor attendance, unsatisfactory job performance or create safety hazards for the employee, his or her fellow workers or the public.

A. Elements of the Employee Assistance Program (EAP):

1. Eligibility

There are two major categories of employees under the Substance Abuse Policy.

- **Category I employees are those with alcohol or drug related problems who voluntarily request assistance.**
- **The Authority will not limit the number of times a Category I EAP participant may avail him/herself of the program; however, an employee may be disqualified after multiple EAP referrals upon appropriate medical advice that rehabilitation is not likely to be successful.**
- **Category II employees are those enrolled or referred to the Program as the result of a Post-Incident (see Post-Incident Medical Policy Guidelines, pg. 3).**
- **Category II employees will not be permitted to participate in the EAP more than once in any three-year period in order to preserve employment. However, after successful completion of the EAP, a Category II employee may subsequently become a Category I participant and voluntarily seek assistance more than once within the three year period.**

2. Rehabilitation Procedures and Standards

- **Actual Program procedures and standards will be determined by competent EAP Program experts.**
- **Program participants will be referred to accredited treatment facilities and/or organizations selected by EAP. Administration of the Program will be by EAP staff.**
- **There must be a minimum Program duration for Category I and Category II participants as follows:**

Alcohol	-	30 days
Marijuana	-	90 days
Other Drugs	-	180 days

This requirement may be waived by the Medical Director for CAT I participants:

- These minimum program duration periods may be extended in individual cases upon advice of the Authority's Medical Unit or by the Program agency.

3. Conditional Employment while in EAP

- In the event that any Office/Department considers positions covered by this policy to be safety sensitive, program participants will be eligible for placement in non-safety sensitive jobs, subject to recommendation by EAP Medical Staff and job availability.
- Category I participants are entitled to priority over Category II participants for job placement in available non-safety sensitive position vacancies.
- Category I participants will continue their regular salary during any period of conditional employment and will continue to accumulate both sick and annual leave.
- Category II participants will be paid according the rate of pay for the job performed while in a non-safety sensitive position.

4. Return to Pay Status Post-EAP

- Category I and II employees will be returned to regular duty upon successful completion of the EAP.

B. BENEFITS

- Category I participants will be entitled to use sick leave, annual leave and leave without pay for periods of EAP participation.
- Category II participants will only be entitled to use accumulated annual leave or leave without pay for periods of EAP participation.
- Category II participants on leave without pay status, will be entitled to continue participation in the medical insurance plan, if they continue to pay premiums. They shall continue to accrue Retirement Benefits provided they satisfactorily complete the EAP.

C. Use Off-Duty of Any Intoxicant The Presence of Which Is Detected In The Post-Incident Medical Exam Set Forth Below.

The following incident(s) will require an on-duty employee to undergo an immediate Post-Incident Medical examination at a designated emergency medical care facility:

- All rear-end collisions where the WMATA vehicle does the colliding.
- Collisions with pedestrians while driving WMATA vehicle.
- Head-on Collisions while driving WMATA vehicle.
- Collisions in WMATA vehicle with fixed objects or parked autos.
- Other observations or incidents which give the supervisor probable cause to believe that the employee's performance is impaired by the consumption of

alcohol or use of drugs and creates a safety hazard.

Refusal to submit to the Post-Incident Medical shall result in termination. (This policy applies only when a triggering event as described above occurs).

D. Definitions

1. Stipulated Minimum Levels

- **Alcohol** - **.05% in blood.**
- **Marijuana** - **5 ng/mL THC in blood or 10 ng/mL THC in blood plasma.**
- **Any Other Drug** - **Detectable level in urine or blood as confirmed by acceptable confirmation test.**

2. Testing

- **Post-Incident Medical Test Policy.**
- **Urine and blood samples.**
- **EMIT urine screen for marijuana and other drugs; if EMIT urine screen test positive -- then blood is analyzed for THC levels as above.**
- **Blood test for alcohol.**

3. Physician Prescribed Intoxicants

Employees required to use prescription drugs prescribed by a licensed physician are responsible for being aware of any effect such drug may have on the performance of their duties. It is recommended that employees report such prescribed medication to the Medical Unit.

4. Definition of Intoxicant

The term intoxicant includes, but is not limited to, ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine and codeine; methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g., hashish).

The term intoxicant also includes any other substance that alters one's senses or could affect one's ability to function in his or her job in a safe manner.

E. Disciplinary Rules

1. Use, Sale or Possession of Any Illegal Drug While on Duty.

- **Immediate Termination.**

Use Or Sale of Alcohol While on Duty.

First Offense

- **5 day suspension.**
- **EAP Option - Voluntary.**
- **Refer to 7.9 Disciplinary Action in Personnel Manual for further action.**

Second Offense Within Three Year Period.

- 10 day suspension.
- EAP mandatory - must enroll within 10 days.

Third Offense Within Three Year Period.

- Termination.

2. Off-Duty Sale, Distribution or Possession with Intention to Distribute Illegal Drugs or Manufacture of Illicit Drugs Resulting in a Criminal Conviction.

- Immediate Termination.

3. For a presence of substance in the body system which is at or above the stipulated minimum levels, while on duty --

a. First Offense

- Immediate placement on leave without pay status with a return to duty only after satisfactory completion of EAP.
- Employee placed on leave without pay status will have ten (10) working days from notification of disciplinary action to enroll in the EAP. If employee fails to enroll during that period, the employee will be terminated.
- Six month random testing period after return to regular duty.
- If employee fails to complete the program, or has one or more positive random screens, the EAP Manager in consultation with the Medical Director and EAP Counselor will review the case for appropriate recommendations and action which may include dismissal.

b. Second Offense

- Second offense of any detectable level within a three year period, with the exception of alcohol in which a level of .04 or more will be regarded as the minimum detectable level, will result in termination.

4. For a presence of substances in the body system which is below the stipulated minimum levels, while on duty --

a. First Offense

- 10 day leave without pay status.
- Detailed briefing on EAP; importance of participation; and the certainty of discipline for future offenses.
- Six month random testing period.
- If urine is positive for marijuana (blood is negative) indicating use rather than impairment, employee will be advised by the Medical

Director of the test results and recommended to talk with the EAP Counselor.

b. Second Offense Within a Three Year Period.

- **Release from regular duty and placed on leave without pay status with EAP mandatory.**
- **Ten working days to enroll in EAP. If employee fails to enroll during the 10 working day period, the employee will be terminated.**
- **Six-month random testing period.**
- **If urine is positive for marijuana (blood is negative) indicating use rather than impairment, employee will be advised by the Medical Director of the test results and recommended to talk with the EAP Counselor.**

c. Third Offense Within Three Years From the Second Offense.

- **Termination.**
- **If urine is positive for marijuana (blood is negative) indicating use rather than impairment, employee will be advised by the Medical Director of the test results and recommended to talk with the EAP Counselor.**

For further questions regarding this Policy, please contact the EAP Counselor at 636-4400 or the EAP Manager at 962-2270 respectively.

DRUG AND ALCOHOL TESTING REQUEST FORM
 (This Form must be Brought to the Testing Site by Employee/Supervisor)

Monday through Friday from 4:00 p.m. to 8:00 a.m., weekends and holidays, the Howard University Hospital (HUH) will conduct FTA Post-Accident, Reasonable Suspicion and WMATA Post-Incident Testing. This testing will be conducted at the YWCA Building Monday through Friday from 8:00 a.m. to 4:00 p.m.

To be Completed by Supervisor who Notifies Employee of Testing Requirement

Employee Name	I.D. Number	Test Date/Time
Job Title	Work Location	Supv., Name/Telephone #

Instructions on Reverse Side

1. Check only one category of test requested (see reverse side of form for definitions). When WMATA/Post-Incident or FTA/Post-Accident or Reasonable Suspicion category is checked, please complete reverse side of form.

WMATA Required Test

FTA Mandated Test

- Post-Incident
- ARPS (20 pt. mandatory testing)

- Random
- Reasonable Suspicion
- Post-Accident

Other (See reverse side of form for this category)

2. Was employee at work on day of scheduled testing?
 ___ Yes, employee sent for testing.
 ___ Yes, but unable to release employee for testing. Supervisor to complete, sign and fax *Drug/Alcohol Testing Exempt Form* to (202) 636-5096 (read instructions carefully when completing the form). This form will be audited in accordance with existing internal procedures.
 ___ No. If no, check appropriate box, and fax form to Medical Office 202-636-5096 ASAP.
 Sick Vacation Work a Different Shift LWOP (pre-approved)
 AWOL Regular Day Off Scheduled Holiday Other Explain
3. Time supervisor notified employee of testing requirement and ensured employee had picture I.D. ___ a.m. ___ p.m.
4. Time employee left work site for testing area _____ a.m. _____ p.m.

Supervisor must accompany employee to FTA Post-Accident, Reasonable Suspicion and WMATA Post-Incident testing. Employee may travel unaccompanied for all other categories of testing.

INSTRUCTIONS FOR SELECTING PROPER TEST CATEGORY

1. Only one testing category may be selected.

2. FTA testing categories may be conducted only on FTA defined safety-sensitive job classifications (as per WMATA P/I - 7.21 Drug/Alcohol Testing Program). Call Medical Office 635-6720 if uncertain.

3. Select the FTA test category if test request could either be WMATA post-incident or FTA reasonable suspicion or post accident.

4. Definitions:

A. WMATA Required Test

C Post-Incident - as previously defined by WMATA Substance Abuse Policy (SAP). Describe events that led to request for post-incident testing:

C ARPS (20 pts.) - employee who accumulates 20 pts. is subject to drug/alcohol screening in accordance with WMATA SAP.

B. FTA Mandated Tests

C Random - conducted only on FTA defined safety-sensitive employees. The Medical/EAP Office notifies supervisor which employees were randomly selected for this category. Supervisor must notify employees of testing requirement just prior to scheduled time of testing.

C Reasonable Suspicion - conducted only on FTA defined safety-sensitive employees. Supervisor requests this test when there is reason to suspect prohibited drug use or alcohol misuse.

NOTE: The request for reasonable suspicion testing must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of the safety-sensitive employee.

Check all applicable short term indicators:

- | | |
|--|---|
| <input type="checkbox"/> Poor physical coordination | <input type="checkbox"/> The presence of alcoholic beverages |
| <input type="checkbox"/> Slow reactions or slurred speech | <input type="checkbox"/> Unusual Restlessness |
| <input type="checkbox"/> The odor of marijuana smoke in the area | <input type="checkbox"/> Combative behavior, loud arguing or fighting |
| <input type="checkbox"/> Hand tremors or unsteady walking | <input type="checkbox"/> The presence of drug paraphernalia |
| <input type="checkbox"/> Dilated or constricted pupils | <input type="checkbox"/> Observing the employee ingest, inject, smoke |
| <input type="checkbox"/> Disorientation | <input type="checkbox"/> or inhale (snort) a prohibited substance |
| <input type="checkbox"/> Alcohol odor on breath | |

C Post-Accident - conducted only on FTA defined safety-sensitive employees. Alcohol testing should be conducted within 2 hours post-accident but not later than 8 hrs. Drug testing may be conducted up to 32 hrs. post-accident.

An FTA defined accident occurs when [check applicable box(es)]:

- A fatality occurs
- Personal injury (non-fatality)
- Property damage only

C. Other - check this category when Medical/EAP Office requests the supervisor to send employee to Medical/EAP for testing. This category may include follow-up testing as per WMATA SAP.