



# Board Document

| OVERVIEW                                  |   |                       |           |
|---|---|-----------------------|-----------|
| <b>PRESENTATION NAME</b>                  | Drug and Alcohol Testing Program Policy   | <b>DOCUMENT NO.</b>   | 300078    |
| <b>ACTION OR INFORMATION</b>              | Action  |                       |           |
| <b>STRATEGIC TRANSFORMATION PLAN GOAL</b> | Service excellence;   |                       |           |
| <b>RESOLUTION</b>                         | Yes   |                       |           |
| EXECUTIVE OWNER                           |   |                       |           |
| <b>EXECUTIVE TEAM OWNER</b>               | Johnson, Jayme;   |                       |           |
| <b>ORGANIZATION</b>                       | Safety & Readiness  |                       |           |
| <b>DOCUMENT INITIATOR</b>                 | Pamela (EAP) Mosby  |                       |           |
| OTHER INFORMATION                         |   |                       |           |
| <b>COMMITTEE</b>                          | Board Meeting (Consent)   | <b>COMMITTEE DATE</b> | 1/29/2026 |
| <b>PURPOSE/KEY HIGHLIGHTS</b>             | <p>The key highlights of the revisions to the Drug and Alcohol Program policy include the following:</p> <ol style="list-style-type: none"> <li>1. In accordance with 49 CFR parts 40 and 655, the Federal Transit Administration (FTA) found Metro’s Drug and Alcohol Testing Program policy to be compliant with the FTA-mandated Drug and Alcohol Testing Program provided that the policy is implemented and fully adopted in response to the February 2025 audit.</li> <li>2. Metro added the option for oral fluid drug testing. The inclusion of oral fluid testing will decrease an employee’s ability to substitute/adulterate the specimen. Metro will also experience quicker turn-around times for some specialized testing procedures.</li> <li>3. Metro updated testing cutoff levels to mirror the Department of Transportation’s (DOT) cutoff levels for the same substances on non-DOT tests conducted under Metro authority. This change ensures that consequences for violations that occur for tests</li> </ol> |                       |           |



## Board Document

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|                                  | <p>conducted under Metro authority are consistent with DOT.</p> <p>4. Metro clarified its procedures concerning DOT alcohol violations. As a result, Metro will remove employees from duty for a period of 24 hours and no longer require them to enroll in the Employee Assistance Program (EAP) when the alcohol level is confirmed at 0.02 – 0.039 ng/mL. An alcohol level that is confirmed at 0.04 ng/mL or above is a DOT violation and requires removal from duty, enrollment in EAP, and successful completion of the return-to-duty process before being allowed to resume the duties of the position.</p> |
| <b>DISCUSSION</b>                | <p>OHAW's Drug and Alcohol Program office worked with the Federal Transit Administration (FTA) to ensure all federal requirements were met with these amendments to the Drug and Alcohol Testing Program policy. OHAW's Drug and Alcohol Program, Clinical Services, and the Employee Assistance Program worked in conjunction to ensure all associated program policies were cohesive.</p>   |
| <b>INTERESTED PARTIES</b>        | N/A   |
| <b>RECOMMENDATION/NEXT STEPS</b> | <p>Approval to adopt Metro's revised Drug and Alcohol Testing Program policy to ensure compliance with Federal regulations.</p>   |
| <b>FUNDING IMPACT</b>            | N/A   |

**PRESENTED AND ADOPTED: January 29, 2026**

SUBJECT: ADOPT REVISED DRUG AND ALCOHOL TESTING PROGRAM POLICY

**2026-01**

RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

WHEREAS, Federal Transit Administration (“FTA”) regulations (49 C.F.R. § 655.15) require the Board of Directors to adopt an anti-drug and alcohol misuse policy statement; and

WHEREAS, In Resolution 2021-31, the Board adopted a revised Drug and Alcohol Testing Program Policy (Policy/Instruction 7.7.3); and

WHEREAS, In February 2025, the FTA conducted an audit on WMATA's drug and alcohol testing program and issued audit findings that require certain revisions to the Drug and Alcohol Testing Program Policy; and

WHEREAS, In June 2023, the United States Department of Transportation (“DOT”) adopted a final rule amending its regulated industry drug testing program to include oral fluid testing as an additional methodology for drug testing; and

WHEREAS, Staff recommends revisions to the Drug and Alcohol Testing Program Policy to address the FTA findings, incorporate oral fluid testing as an additional methodology for drug testing, clarify drug and alcohol testing processes and standards, and reflect recent organizational changes, all as shown in Attachment A;

NOW, THEREFORE, be it

*RESOLVED*, That the Board of Directors adopts the revised Drug and Alcohol Testing Program Policy (Policy/Instruction 10.10), as set forth in Attachment A; and be it finally

**Motioned by Ms. Santos, seconded by Mr. McAndrew**

**Ayes: 7- Ms. Santos, Mr. McAndrew, Mr. Alcorn, Ms. Rai, Dr. Hadden Loh, Ms. Weber and Mr. Flowers**

*RESOLVED*, That this Resolution shall be effective 30 days after adoption in accordance with Compact Section 8(b).

Reviewed as to form and legal sufficiency,



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Patricia V. Lee

Executive Vice President, Chief Legal Officer,  
and General Counsel

WMATA File Structure No.:  
16.1.2 Drug & Alcohol Tests



**POLICY/INSTRUCTION:10/10/0**

**Drug & Alcohol Testing Program Policy**

**SUPERSEDES: P/I 7.7.3/1**

**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

*A portion of Metro’s drug and alcohol testing requirements exceeds the U.S. Department of Transportation and Federal Transit Administration (DOT/FTA) requirements set forth in 49 Code of Federal Regulations (CFR) Parts 40 and 655. Provisions set forth under this policy that exceed the DOT/FTA regulations appear in **bold print**.*

**1.00 PURPOSE**

- 1.01 This Policy/Instruction (P/I) establishes the Washington Metropolitan Area Transit Authority’s (Metro) Drug and Alcohol Testing Program Policy. It incorporates the U.S. Department of Transportation and Federal Transit Administration (DOT/FTA) guidelines on drug and alcohol misuse, prevention, and testing. Compliance with this P/I is a requirement of all Metro employees and applicants and is therefore a condition of employment. Employees, applicants, and employees of Metro contractors and subcontractors must submit to drug and alcohol testing as specified in this P/I.
- 1.02 Locations and contacts for Metro’s Drug and Alcohol Testing Program Policy are in section 5.09 of this P/I.
- 1.03 Metro is committed to maintaining an operation free of prohibited drugs and alcohol to protect the health and safety of employees, patrons, and the public. To accomplish this, it is Metro’s policy to maintain a workplace free from the misuse or influence of alcohol and drugs.
- 1.04 Drug and alcohol testing is mandated for safety-sensitive employees and safety-sensitive contractors by the FTA in 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, as amended. The DOT has rules governing how testing must be conducted, as outlined in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended

**2.00 SCOPE**

- 2.01 This P/I applies to all Metro employees and applicants for employment.
- 2.02 This P/I also applies to employees of Metro contractors and subcontractors (“contractors”).

**3.00 DEFINITIONS**

Refer to the family of definitions in Appendix E- Definitions.

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**Drug & Alcohol Testing Program Policy**

**SUPERSEDES: P/I 7.7.3/1**

**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

**4.00 RESPONSIBILITY**

4.01 The Metro Board of Directors (Board) is responsible for adopting this P/I as required by 49 CFR Part 655. The Board delegates to the General Manager & Chief Executive Officer full authority to implement a drug and alcohol testing program consistent with this P/I and all applicable federal laws, rules, or regulations relating to federal drug and alcohol testing. The General Manager & Chief Executive Officer shall not modify this P/I without authorization by the Board, except that the General Manager & Chief Executive Officer may update Occupational Health and Wellness employee contact information in section 5.09 and make technical corrections without Board authorization.

4.02 The General Manager & Chief Executive Officer is responsible for:

- (a) establishing employee standards of conduct and a system of accountability for performance;
- (b) establishing a system for the timely review of drug and alcohol program elements;
- (c) establishing a system for reporting information regarding drug and alcohol testing activities to the Board that, at a minimum, includes reporting information on the following activities to the Board at least twice annually in March and September for the prior 6-month period:
  - (1) report of drug and alcohol testing activity, including trends and outcomes;
  - (2) report of drug and alcohol training activity of safety-sensitive employees and supervisors;
  - (3) report on regulatory proceedings or litigation which relate or refer to any portion of the P/I; and
  - (4) report of the drug and alcohol program oversight conducted on contractors.
- (d) ensuring proper drug and alcohol collection and testing procedures;
- (e) maintaining an updated and accurate list of safety-sensitive job codes and safety-sensitive employees to ensure that all employees are captured in Metro’s drug and alcohol testing program;
- (f) maintaining accurate and timely drug and alcohol recordkeeping and reporting to FTA;
- (g) establishing a contractor oversight program, including establishing an updated and accurate list of contracting entities and contractor employees who perform safety-sensitive

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SUPERSEDES: P/I 7.7.3/1

APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.

functions for Metro and ensuring that all applicable Metro contracts include a DOT drug and alcohol testing program clause;

- (h) ensuring timely and comprehensive safety-sensitive employee and supervisor drug and alcohol training;
- (i) enforcing consequences for employees who fail to comply with drug and alcohol policies, procedures, and DOT drug and alcohol regulations;
- (j) distributing this P/I to all employees; and
- (k) complying with all other drug and alcohol requirements provided for in 49 CFR Parts 655 and 40 and Metro policy.

4.03 Delegation Authority. The General Manager & Chief Executive Officer is authorized to delegate management authority to qualified program officers and may authorize the re-delegation of authority to other qualified Metro employees for approving related implementing policies and procedures that augment this P/I.

**5.00 POLICIES AND PROCEDURES**

**5.01 Overview of Drug and Alcohol Policy Requirements**

- (a) Drug Testing:
  - (1) At all times, employees and contractors are prohibited from consuming or being under the influence of illegal drugs. **Under Metro policy, illegal prescription medication, the presence of which may be detected by urinalysis and/or oral fluid.** As required by DOT regulations, Metro tests safety-sensitive employees for cocaine, marijuana, amphetamines, opioids, and phencyclidine (PCP).
  - (2) All safety-sensitive employees and safety-sensitive contractors may be tested for these five drugs at any time while on duty. **Under Metro policy, all employees and contractors may also be tested for these at any time while on duty.**
  - (3) **Metro’s non-DOT drug testing screening and cut-off levels are equivalent to DOT’s screening and cut-off levels, for the same substances, as noted in the Federal regulations.**

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Drug & Alcohol Testing Program Policy

SUPERSEDES: P/I 7.7.3/1

APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.

(b) Alcohol Testing:

(1) Employees and contractors who perform safety-sensitive functions may not consume alcohol under the following circumstances:

- (i) four (4) hours before performing safety-sensitive functions;
- (ii) while performing any safety-sensitive function; and
- (iii) after an accident, until the employee/contractor has been tested or eight (8) hours have elapsed, whichever occurs first.

(2) Alcohol Concentration Requirements:

- (i) For both DOT and **non-DOT tests**, Metro will remove any employee or contractor from performing safety-sensitive functions found to have an alcohol concentration of 0.02 or greater.
- (ii) **Non-represented employees who receive a positive or refusal to test result are subject to discipline under Metro’s Substance Abuse and Employee Assistance Program (EAP) policy and any other applicable Metro policy. Represented employees who receive a positive or refusal to test result are subject to discipline consistent with the applicable collective bargaining agreement.**
- (iii) An alcohol concentration of 0.020 to 0.039 is not considered a DOT violation and does not require employees or contractors to complete the DOT return-to-duty process.
- (iv) Under DOT authority, an alcohol concentration of 0.020 to 0.039 requires immediate removal from service and prohibition on performing safety-sensitive functions until the employee’s alcohol concentration measures less than 0.020 or until the start of the employee’s next regularly scheduled duty period, but not less than eight hours following the administration of the test. **Under Metro policy, the employee may not perform safety-sensitive functions for at least 24 hours from the time of removal. Metro’s policy also applies these consequences to an alcohol concentration of 0.020 to 0.039 on a non-DOT test.**

For contractors, permanent removal from service and ineligibility to provide service to Metro.

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**Drug & Alcohol Testing Program Policy**

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**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

- (v) An alcohol concentration of 0.040 or greater is a violation. Employees are required to complete the return to duty process before performing safety-sensitive functions as specified in section 5.02(l) of this P/I. Contractors will be immediately **and permanently** removed from Metro service **and will not be eligible to provide future service to Metro.**
- (3) **On-Call Employees:**
  - (i) Safety-sensitive employees and contractors shall not consume alcohol during their on-call hours. On-call employees and contractors can acknowledge their use of alcohol at the time they are called to duty.
  - (ii) If an employee or contractor acknowledges using alcohol but claims that he or she can perform safety-sensitive functions, the employee or contractor must take an alcohol test if this admission was made onsite. However, if the admission was made prior to the employee reporting to work, **the alcohol test will be administered under Metro authority upon the employee reporting for their next scheduled shift. In these cases, any alcohol result of 0.02 and above will not be allowed to work.**
- (4) **Off-Duty Employees:**
  - (i) **Employees on Metro property who show signs of impairment must submit to drug and alcohol testing. Any testing which produces a positive drug test, a confirmed alcohol test result of 0.02 or greater, or a refusal to test result will be referred to the EAP as noted in section 5.03(b) of this policy.**
- (c) **Prescription Medication Overview:**
  - (1) **Safety-sensitive employees are not prohibited from taking legally prescribed or over-the-counter medication. Under P/I 7.7.6, Medication Reporting Policy, however, safety-sensitive employees are required to report all prescription medication to Occupational Health and Wellness.**
  - (2) **Safety-sensitive employees are also required to report to Occupational Health and Wellness over-the-counter medications that may impair job performance, mental function, or motor skills. Employees will be held off from performing safety-sensitive functions if Metro’s Occupational Medicine Physician determines that the prescription or over-the-counter medication may impair the employee’s job performance, mental function, or motor skills.**

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**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

- (3) **The Occupational Medicine Physician may refer an employee to a Substance Abuse Counselor (SAC) to determine when an employee may be cleared to perform safety-sensitive functions. Metro’s prescription and over-the-counter medication reporting procedures can be found in P/I 7.7.6, Medication Reporting Policy.**

**5.02 Categories of Testing:**

- (a) **Safety-sensitive employees and safety-sensitive contractors are required to submit to drug and alcohol testing administered in accordance with DOT/FTA regulations and Metro policy.**
- (b) **All categories of drug testing may be conducted by urine and/or oral fluid. Employees do not have the option to choose what testing methodology will be used.**
- (c) **When both DOT/FTA and Metro (Non-DOT) drug testing is required, Metro will collect separate specimen voids. Metro will first collect the DOT/FTA specimen using DOT forms and will then collect the Metro specimen using non-DOT forms.**
- (d) **Travel times for employees allowed to arrive at the test site on their own via rail and/or bus for random and follow-up testing will no longer be published in this P/I. Employees are hereby advised to proceed immediately and directly, without detour or delay, to the test site indicated on the referral form upon notification. Travel times from each rail station to the test site noted on the referral form will be utilized for determining an employee’s compliance with drug and alcohol testing reporting procedures. Arrival times will be verified by a Drug and Alcohol Compliance Technician prior to the commencement of the test. Failure to arrive on time will result in a refusal to test.**
- (e) **Metro’s Occupational Health & Wellness is responsible for conducting all drug and alcohol tests listed below. The Drug and Alcohol Compliance Technician will conduct the tests and adhere to the testing and collection procedures established in this P/I. Contractors must be enrolled and subject to the contracting entity’s drug and alcohol testing program. In addition, contractors must submit to Metro’s post-accident, reasonable suspicion, and post-incident testing.**
- (f) Pre-employment Testing:
  - (1) **Pre-employment testing is conducted on all safety-sensitive applicants and former employees under consideration for re-employment or reinstatement into a safety-sensitive position.**
  - (2) **Transferees and personnel being promoted to safety-sensitive positions who have neither performed a safety-sensitive function nor have been in the safety-sensitive**

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**Drug & Alcohol Testing Program Policy**

**SUPERSEDES: P/I 7.7.3/1**

**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

random selection testing pool for 90 calendar days or longer will be required to take a pre-employment test.

**(3) Under Metro policy, pre-employment testing will occur after a contingent offer of employment or transfer as follows:**

- (i) Pre-employment alcohol testing will be conducted after a contingent offer of employment or transfer, subject to the donor passing the pre-employment alcohol test.
- (ii) Metro must receive a verified negative drug result and alcohol result of less than 0.02 prior to the applicant's/employee's performance of safety-sensitive functions. Canceled tests must be recollected.
- (iii) Prior to the first performance of a DOT safety-sensitive function, applicants are required to cooperate with Metro's efforts to obtain their drug and alcohol test history from DOT-regulated employers to whom they made an application for employment or have employed the employee during any period within the two years before the date of the employee's application or transfer. Employees must provide written consent authorizing the release of information from the prior employer.

**(g) Post-Accident Testing:**

**(1) All safety-sensitive employees and safety-sensitive contractors must submit to post-accident testing under the following circumstances:**

**(i) Fatal Accidents:**

When an accident results in the death of an individual, any surviving safety-sensitive employee or safety-sensitive contractor who operated the public transportation vehicle at the time of the accident must be tested, even if the operator can be completely discounted as contributing to the accident. Occupational Health & Wellness will also test any other safety-sensitive employee or safety-sensitive contractor whose actions could have contributed to the accident.

**(ii) Non-Fatal Accidents:**

**(a) Any safety-sensitive employee or safety-sensitive contractor who operated the public transportation vehicle at the time of the accident must be tested unless the operator can be "completely discounted" as a**

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**Drug & Alcohol Testing Program Policy**

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**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

contributing factor to the accident. Any other safety-sensitive employee or safety-sensitive contractor whose actions could have contributed to the accident will also be tested.

- (b) Non-fatal accidents occur when an accident results in an individual suffering bodily injury and immediately receives medical treatment away from the scene of the accident;
- (c) Non-fatal accidents also occur when an accident involves disabling damage to a vehicle, and the vehicle is towed away from the scene by another vehicle; or
- (d) The public transportation vehicle involved is a railcar, trolley car, trolley bus, or vessel and is removed from operation.

(2) Drug and Alcohol Testing Protocols:

- (i) Testing should be administered as soon as practicable but within two (2) hours following the accident. An alcohol test can be administered within eight (8) hours following an accident, but any test not administered within two (2) hours must include a record stating the reason the alcohol test was not promptly administered.
- (a) An alcohol test can be administered within eight (8) hours following an accident. However, all attempts to collect an alcohol specimen must cease once 8 hours have elapsed. Drug tests are administered as soon as practicable, but within 32 hours of the accident. **Under Metro policy, the employee must be escorted to the collection site by a supervisor or manager.**
- (b) Identified employees and contractors are required to abstain from consuming alcohol for eight (8) hours or until tested, whichever occurs first.
- (c) Identified employees and contractors must remain available for drug testing for 32 hours.
- (d) All Metro employees and contractors must notify their supervisors of their location if they leave the scene of the accident before submitting to a drug and alcohol test.

Note: Nothing in this P/I shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a safety-sensitive 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.

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**SUPERSEDES: P/I 7.7.3/1**

**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

(h) Post-Incident Testing:

- (1) **Post-incident testing may be performed on employees and contractors whose performance cannot be “completely discounted” (applying 49 CFR 655.44 post-accident standard to Metro’s post-incident policy), as the cause or a contributing factor to an incident. A post-incident test may be triggered when the employee or contractor is not designated as DOT/FTA safety-sensitive or when the incident failed to meet the criteria of a DOT/FTA post-accident test.**
  - (i) **An example of a circumstance that may require post-incident testing is where the mass transit vehicle involved in an accident is not disabled to the extent that it must be towed away from the scene by another vehicle.**
- (2) **Post-Incident testing is administered as soon as practicable but no later than eight (8) hours for alcohol or 32 hours for drugs from the time of the incident.**

(i) Random-Testing:

- (1) All safety-sensitive employees must submit to random testing when selected through a scientifically valid method utilizing a computer-based random selection program. Random testing will be conducted on all days and hours during which safety-sensitive functions are performed. Each safety-sensitive employee shall have an equal chance of being tested each time a selection is made.
- (2) Testing is unannounced, unpredictable, and spread reasonably throughout the year. Metro can conduct drug testing at any time while employees are on duty.
- (3) Metro will only conduct random alcohol tests just before, during, or after a safety-sensitive employee performs safety-sensitive functions.
- (4) Random testing reporting procedures are illustrated in *Appendix C*.

(j) Periodic Testing:

- (1) **Every two years, unless otherwise indicated, periodic testing is conducted on the following Safety-sensitive employees:**
  - (i) **Employees required to maintain a commercial driver’s license;**
  - (ii) **Train operators and interlocking operators as part of Metro’s fitness for duty certification; and**

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**Drug & Alcohol Testing Program Policy**

**SUPERSEDES: P/I 7.7.3/1**

**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

(iii) **Employees required to maintain police commission certification.**

(k) Reasonable Suspicion Testing:

- (1) A DOT test will be performed when a Metro supervisor with the appropriate training has reason to believe that any safety-sensitive employee or safety-sensitive contractor has used a prohibited drug and/or engaged in alcohol misuse based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or body odors.
- (2) **Under Metro policy, the employee’s supervisor, a Bus Operations Supervisor, or another member of management must escort the employee or contractor to the designated collection site when reasonable suspicion testing is required.**
- (3) Metro will only conduct reasonable suspicion alcohol tests just before, during, or after a Safety-sensitive employee performs Safety-sensitive functions.
- (4) **Under Metro policy, non-safety-sensitive employees and non-safety-sensitive contractors are also subject to a drug and alcohol test when reasonable suspicion exists that the employee or contractor may have used a prohibited drug and/or engaged in alcohol misuse. Occupational Health & Wellness will categorize the test as a post-incident for non-safety-sensitive employees and non-safety-sensitive contractors.**

(l) Return to Duty Testing:

- (1) Employees must complete a DOT return to duty test if the employee has:
  - (i) a verified DOT positive drug test result;
  - (ii) a DOT alcohol result of 0.04 or greater;
  - (iii) a refusal to submit to a DOT test; or
  - (iv) any other violation of the prohibition on the use of alcohol or drugs under a DOT regulation.
- (2) **An employee who does not need to complete the DOT return to duty process must still complete Metro’s return to duty process if that employee has:**
  - (i) **a verified Metro positive drug test result;**

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**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

- (ii) a Metro alcohol result of 0.04 or greater;
  - (iii) a Metro refusal to submit to a test; or
  - (iv) any other violation of the prohibition on the use of alcohol or drugs under Metro policy.
- (3) The following return to duty procedures apply:
- (i) Employees and contractors who must complete the DOT return to duty process must be evaluated by a Substance Abuse Professional (SAP). **Employees who must complete the Metro return-to-duty process must be evaluated by a Substance Abuse Counselor (SAC).**
  - (ii) The SAP/SAC will determine whether the employee has successfully completed the SAP/SAC's treatment recommendation and can undergo a return to duty drug and alcohol test.
  - (iii) For both the DOT and **non-DOT** return to duty process, employees will not be cleared to perform Safety-sensitive functions, or any other function, until they have a return-to-duty drug test with verified negative results; and/or an alcohol test with an alcohol concentration of less than 0.02.
- (m) **Surveillance Testing:**
- (1) **Surveillance testing is required for employees who are enrolled in Metro's Substance Abuse Program and are held off from returning to duty in accordance with the applicable collective bargaining agreement and/or Metro policy. These tests will be documented on non-DOT testing forms.**
  - (2) **Under Metro policy, an employee is required to complete on-duty surveillance testing by the EAP, once you are enrolled, when a citation/arrest for Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) is reported at any time. These tests will be documented on non-DOT testing forms.**
  - (3) **At the discretion of the SAC, surveillance testing may be conducted under direct observation.**
- (n) **Follow-up Testing:**
- (1) **Any Metro employee who returned to duty after a mandatory EAP referral must submit to follow-up testing. The employee will be subject to unannounced drug**

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**Drug & Alcohol Testing Program Policy**

**SUPERSEDES: P/I 7.7.3/1**

**APPLICABLE TO: All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.**

and alcohol testing upon returning to duty. Unannounced drug and alcohol testing may occur for up to 60 months. However, any breaks in service may extend unannounced drug and alcohol testing beyond 60 months.

- (2) The SAP or **SAC** shall determine the frequency and number of follow-up tests. The employee shall undergo a minimum of six drug and/or alcohol tests in the first 12 months after returning to duty.
- (3) Metro will only conduct follow-up alcohol tests just before, during, or after an employee performs a Safety-Sensitive function. Follow-up testing reporting procedures are provided on the *Random and Follow-up Referral Form (illustrated in Appendix C)*.
  - (i) Follow-up testing plans that are delinquent due to a break in service will resume upon an employee's return to active pay status.
  - (ii) **Follow-up testing plans that are delinquent due to an employee's separation from employment may resume under Metro authority upon an employee's re-entry into the Metro workforce.**

**5.03 Consequences of Verified Positive Drug Test or Confirmed Alcohol Test:**

- (a) Metro will reject any applicant or transferee (including former employees under consideration for reinstatement/rehire) who has:
  - (1) a verified positive drug test result;
  - (2) a confirmed alcohol result of 0.04 or higher under DOT **regulations (or 0.02 or higher under Metro policy)**; or
  - (3) refused to take a drug or alcohol test in a pre-employment test or any other DOT test.
- (b) Applicant or transferee must provide documented evidence that they have successfully completed the DOT Return-to-Duty (RTD) process meeting DOT requirements (49 CFR Part 40, Subpart O). This includes SAP evaluation, completion of SAP-prescribed education/treatment, and SAP follow-up evaluation.
  - (1) **Under Metro authority, the applicant may reapply after a one-year waiting period. Metro does not assume or continue an applicant's SAP-prescribed follow-up testing plan. An applicant with a prior DOT violation is ineligible for placement into a safety-sensitive position at Metro. To be eligible for hire after**

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**the waiting period, the SAP/SAC-prescribed follow-up testing plan must have been fully completed with a prior DOT-covered employer.**

(c) Employees and Contractors

- (1) As set forth below, Drug and Alcohol compliance technicians are responsible for informing the Designated Employer Representative (DER), and employee’s supervisor or contractor’s supervisor (supervisor) that the employee or contractor must be held off from performing safety-sensitive functions if the employee or contractor has refused to take a drug or alcohol test.
- (2) If the employee or contractor receives a positive drug test, a confirmed alcohol test result of 0.04 or greater, or a refusal to test result, the DER is responsible for informing the supervisor that the employee or contractor cannot perform safety-sensitive functions. The supervisor is then responsible for ensuring that the individual is removed from performing safety-sensitive functions.
- (3) The DER will refer an employee who receives a positive drug test, a confirmed alcohol test result of 0.04 or greater, or a refusal to test result to the SAP (for DOT violations) **or SAC (for non-DOT violations)** for evaluation.
- (4) Transfer Employees
  - (i) Transfer employees under consideration for a DOT safety-sensitive position who receive a positive drug test, a confirmed alcohol test result of 0.04 or greater, or a refusal to test result are immediately removed from performing safety-sensitive functions and will undergo evaluation by an SAP (for DOT violations) **or SAC (for non-DOT violations). For alcohol concentrations of 0.020 or greater, employees will not be permitted to transfer into the new position.**
  - (ii) **If the employee fails to complete the substance abuse program, they will be subject to disciplinary action up to and including termination.** The employee must successfully complete the recommended counseling and/or rehabilitation program and receive a return-to-duty drug test with verified negative results and/or a return-to-duty alcohol test with an alcohol concentration of less than 0.02 before being cleared to perform safety-sensitive functions.
  - (iii) The SAP (for DOT violations) **or SAC (for non-DOT violations)** has discretion on whether to require a drug test, an alcohol test, or both.

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(5) Probationary Employees

- (i) Probationary employees who receive a positive drug test result, an alcohol concentration of 0.04 or greater, or refuse to test are immediately removed from performing Safety-Sensitive functions and **their employment will be subject to termination or Substance Abuse Counseling (for non-DOT violations) as specified in the applicable CBA and/or Substance Abuse and Employee Assistance Program policy.** A list of DOT SAPs will be provided to any employee who receives a DOT violation.

(6) Non-probationary Employees

- (i) Non-probationary employees who receive a positive drug test result, an alcohol concentration of 0.04 or greater, or refuse to test are immediately removed from performing safety-sensitive functions and will be disciplined and referred to the SAP (for DOT violations) **or SAC (for non-DOT violations) as specified in the applicable CBA and/or Substance Abuse and Employee Assistance Program policy.**
- (ii) **If the employee fails to complete the substance abuse program, they will be subject to disciplinary action up to and including termination.** The employee must successfully complete the recommended counseling and/or rehabilitation program and receive a return to duty drug test with verified negative results and/or return to duty alcohol test with a confirmed alcohol concentration of less than 0.02.
- (iii) The SAP (for DOT violations) **or SAC (for non-DOT violations)** has discretion on whether to require a drug test, an alcohol test, or both.

(7) Safety-sensitive Contractors

- (i) Under DOT authority, any safety-sensitive contractor who receives a positive drug test result, registers an alcohol concentration of 0.04 or greater, or refuses to test will be removed from safety-sensitive functions and referred to the SAP in accordance with DOT regulations.
- (ii) **Under Metro authority, safety-sensitive contractors who receive a positive drug test result, and alcohol concentration between 0.02 and 0.039, will be immediately and permanently removed from Metro service and will not be eligible to provide future service to Metro.**

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## Drug &amp; Alcohol Testing Program Policy

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**APPLICABLE TO:** All Metro employees, applicants for Metro employment, and employees of Metro contractors and subcontractors.

5.04 Confirmatory Levels for Drugs and Alcohol:

Metro screens employees and contractors to the confirmatory standards listed below. **Employees who exceed the following confirmatory levels will be subject to disciplinary action. Safety-Sensitive Contractors who exceed the confirmatory levels will be immediately and permanently removed from Metro service and will not be eligible to provide future service to Metro.**

| Drug Class (Urine) & Alcohol (Breath) |                     |                                |                           |                     |                          |
|---------------------------------------|---------------------|--------------------------------|---------------------------|---------------------|--------------------------|
| Initial Test Analyte                  | DOT/FTA             |                                |                           | METRO               |                          |
|                                       | Initial Test Cutoff | Confirmatory Test Analyte      | Confirmatory Test Cutoff  | Initial Test Cutoff | Confirmatory Test Cutoff |
| Cocaine (Benzoylecgonine)             | 150 ng/mL           | Benzoylecgonine                | 100 ng/mL                 | 150 ng/mL           | 100 ng/mL                |
| Codeine/Morphine                      | 2000 ng/mL          | Codeine<br>Morphine            | 2000 ng/mL<br>2000 ng/mL  | 2000 ng/mL          | 2000 ng/mL               |
| Hydrocodone/<br>Hydromorphone         | 300 ng/mL           | Hydrocodone<br>Hydromorphone   | 100 ng/mL<br>100 ng/mL    | 300 ng/mL           | 100 ng/mL                |
| Oxycodone/<br>Oxymorphone             | 100 ng/mL           | Oxycodone<br>Oxymorphone       | 100 ng/mL<br>100 ng/mL    | 100 ng/mL           | 100 ng/mL                |
| Marijuana<br>Metabolites (THCA)       | 50 ng/mL            | THCA                           | 15 ng/mL                  | 50 ng/mL            | 15 ng/mL                 |
| Phencyclidine                         | 25 ng/mL            | Phencyclidine                  | 25 ng/mL                  | 25 ng/mL            | 25 ng/mL                 |
| Amphetamine<br>Methamphetamine        | 500 ng/mL           | Amphetamine<br>Methamphetamine | 250 ng/mL<br>250 ng/mL    | 500 ng/mL           | 250 ng/mL                |
| MDMA/MDA                              | 500 ng/mL           | MDMA<br>MDA                    | 250 ng/mL<br>250 ng/mL    | 500 ng/mL           | 250 ng/mL                |
| 6-Acetylmorphine                      | 10 ng/mL            | 6-Acetylmorphine               | 10 ng/mL                  | 10 ng/mL            | 10 ng/mL                 |
| <b>Barbiturates</b>                   |                     |                                |                           | 300 ng/mL           | 200 ng/mL                |
| <b>Benzodiazepines</b>                |                     |                                |                           | 300 ng/mL           | 300 ng/mL                |
| <b>Methadone</b>                      |                     |                                |                           | 300 ng/mL           | 300 ng/mL                |
| Alcohol                               | 0.02%               | Alcohol                        | 0.02% - Removal from Duty | 0.02%               | 0.02%                    |
| Alcohol                               | 0.02%               | Alcohol                        | 0.04% - Violation         | 0.02%               | 0.02%                    |

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*Note: The substances and cutoff levels for a DOT urine drug test in the table above are in accordance with 49 CFR 40.85.*

*When required by federal regulations or when advised by authoritative sources, Metro will amend screen/confirm drug and alcohol levels.*

**5.05 Drug and Alcohol Testing Collection Procedures:**

**(a) Alcohol Testing**

- (1) The collector will perform the breath alcohol testing in strict accordance with 49 CFR Part 40 Subparts J, K, L, M, and N. Outlined below is the general alcohol testing procedure; however, any technical interpretation will be based on the actual regulation.
- (2) The collector shall begin the testing process when the donor enters the collection site without undue delay. When drug testing is also required, to the greatest extent possible, the collector conducts and completes the alcohol test before it. The collector instructs the donor to present photo identification and/or be identified by his/her supervisor.
- (3) After the collector explains the testing procedures to the donor, the collector prepares and completes the alcohol testing form (ATF) with the donor's identifying information, requiring the donor to certify and sign that he/she is submitting to an alcohol test, confirming the information is true and correct. A donor's refusal to sign step 2 of the ATF is a refusal to test and carries the maximum consequences of a positive test.
- (4) The donor or collector selects a wrapped mouthpiece; the collector connects the mouthpiece to the Evidential Breath Tester (EBT) and verbally instructs the donor in providing an adequate breath sample. The collector displays the result to the donor, records the result of the alcohol test on the ATF, and provides a copy to the donor.
- (5) Should the alcohol result be 0.020 or greater, the collector performs a confirmation breath analysis after a waiting period of 15 minutes, but not more than 30 minutes after the completion of the initial test. The confirmation breath analysis serves as the final alcohol report. If the confirmation result is 0.020 or greater, the donor is instructed to certify by signature that he/she has submitted to the alcohol test, the results are accurately recorded on the ATF, and that he/she understands that they must immediately cease performing safety-sensitive functions.

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- (i) Should the donor refuse to sign this statement, the collector indicates this on the ATF, with a copy provided to the donor. Refusal to sign the statement in Step 4 of the ATF is not a refusal to test.
- (6) Should the donor fail to provide an adequate amount of breath for the test (shy lung), the compliance collector will make a second attempt. If the second attempt fails to produce a sample, the collector indicates the failure in the remarks section of the ATF. Within five (5) business days of the test, the donor can provide the DER with documented medical proof from an approved, licensed physician that justifies the insufficient breath sample. Failure to provide sufficient medical documentation is a refusal to test.

(b) Urine Drug Testing

- (1) The collector will perform urine specimen collections in strict accordance with 49 CFR Part 40. Outlined below is the general collection procedure; however, any technical interpretation will be based on the actual regulation.
- (2) The collector shall begin the testing process when the donor enters the collection site without undue delay. The collector instructs the donor to present photo identification and/or be identified by his/her supervisor. The collector will explain the collection process to the employee.
- (3) The donor removes any unnecessary outer garments, displays the contents of his/her pockets, washes and dries hands, and selects a sealed collection kit.
- (4) Before collecting the specimen, the collector will complete Step 1 of the Custody and Control form (CCF) (illustrated in *Appendix D*).
- (5) The collector instructs the donor to provide a urine specimen in the privacy of a stall and immediately exit the stall after providing the specimen without flushing the toilet. The collector inspects the specimen to ensure there is no evidence of contamination; the temperature is within acceptable range; and there is sufficient specimen volume.
- (6) If there is reason to believe that the donor altered or substituted the specimen, the collector will conduct an immediate direct observed specimen collection on the donor.
- (7) The collector splits the urine specimen into two specimen bottles with the minimum volume required. The specimen bottles are sealed and dated by the collector. The donor verifies both seals' unique identification numbers with the CCF and initials both seals, verifying that the bottles contain his/her urine specimen.

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- (i) Split testing affords the employee an opportunity to contest the results of the primary specimen. Upon a donor's timely notification to the Medical Review Officer (MRO), the employer must ensure that split testing occurs regardless of an employee's ability to pay. The employer may seek reimbursement for this testing. **Metro may seek reimbursement when the split test confirms the results of testing on the primary specimen, consistent with applicable wage and hour laws.**
- (8) The donor certifies and signs the CCF, indicating that his/her urine specimen was provided to the collector, that the specimen container was sealed in the donor's presence, and that the information on the form and on the seals affixed to the specimen container are correct. The collector completes the CCF, places the sealed urine specimen bottles and the laboratory copy of the CCF in a shipping bag, and seals the bag. The donor is provided with the donor copy of the CCF. MRO and Metro also retain copies of the CCF.
- (9) If the donor is unable to provide an adequate urine specimen (shy bladder) at the initial time of the urine collection, the collector will immediately advise the donor to consume up to 40 ounces of water and to remain in the designated collection site waiting area. The donor has up to 3 hours to provide an adequate urine specimen. If the donor is unable to provide an adequate urine specimen at the end of the 3 hours, the donor can, within 5 business days of the test, provide the MRO with documented medical proof from an approved, licensed physician that justifies the insufficient urine sample. Failure to provide sufficient medical proof is a refusal to test.
- (c) Oral Fluid Drug Testing
  - (1) Metro will begin to utilize oral fluid testing when the U.S. Department of Health and Human Services certifies at least two laboratories for oral fluid testing.
  - (2) The collector will perform oral fluid specimen collections in strict accordance with 49 CFR Part 40.
  - (3) An oral fluid specimen is considered to be a direct observation collection for all purposes of this P/I.
  - (4) Oral fluid collections are authorized as an alternate specimen collection for shy bladder situations (i.e., from urine to oral fluid).

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**5.06 Direct Observation:**

- (a) The collector shall perform the direct observation under DOT requirements **and/or Metro authority** when:
  - (1) the original specimen appears to have been tampered with;
  - (2) the collector identifies an attempt to alter or tamper with the specimen;
  - (3) a specimen test result is reported as invalid because there is no adequate medical explanation for the result;
  - (4) a positive, adulterated, or substituted test result is reported as a canceled test because testing on the split specimen could not be performed;
  - (5) the temperature of the specimen falls outside of the acceptable range; and/or
  - (6) the test is a return to duty or a follow-up.
- (b) For urine drug testing, the observer must be the same gender as the donor. If a same gender observer cannot be found, or in circumstances of nonbinary or transgender employees, oral fluid testing may be utilized as an alternative.
- (c) If the collector is not the observer, the collector instructs the observer on the procedures for checking the donor for prosthetic or other devices capable of carrying “clean” urine and urine substitutes.
- (d) The observer will instruct the donor to raise his/her garments, as appropriate, above the waist, just above the navel, and lower clothing and underpants to mid-thigh, and demonstrate by turning around that the donor does not have such a device.
  - (1) If the donor does not have a device, the donor is permitted to return clothing to the proper position for the observed collection. The observer observes the specimen going from the donor’s body into the collection container. The observer must watch the donor deliver the specimen to the collector.
  - (2) If the donor has a device, the observer must immediately notify the collector. The collector must stop the collection and thoroughly document the circumstances surrounding the event in the remarks section of the CCF. The collector must notify the DER. This is a refusal to test.

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- (e) When a donor fails or declines to permit any part of the direct observation procedure, the donor has refused to test.

**5.07 Dilute Specimen Procedure:**

- (a) When a positive drug test is diluted, the test will be treated as a verified positive test. The collector shall not direct the donor to provide another test.
- (b) A donor will be retested if he or she receives a negative-dilute drug test result. Laboratory reports indicating a negative-dilute urine specimen will be first evaluated by the MRO to determine whether a retest should be conducted as follows:
  - (1) If a donor receives a negative-dilute test result with a creatinine concentration greater than or equal to 2mg/dL but less than or equal to 5mg/dL, the donor will be required to do a second collection immediately by direct observation. If the second collection is also negative-dilute, the test result will stand as negative-dilute.
  - (2) If a donor receives a negative-dilute test result, with a creatinine concentration greater than 5mg/dL but less than 20mg/dL, the donor will be required to do a second collection immediately, not under direct observation. If the second collection is also negative-dilute, unless directed by the MRO to perform a direct observation in accordance with section 5.07(b)(1), the test result will stand as negative-dilute.
  - (3) **When a retest is required, Metro’s DER requires that the donor be escorted immediately by a supervisor to the testing site or, in the case of an applicant, instructed to report to Metro Occupational Health & Wellness immediately. The escort must not allow the donor to consume any fluids, eat, or take anything orally.** A donor’s failure to cooperate with the immediate retest requirement or leaving the collection site after receiving notification to retest is a refusal to test.

**5.08 Education and Training Program:**

- (a) Metro’s education and training program includes notices on official bulletin boards, informational brochures, and educational material on the misuse of alcohol and the effects of prohibited drug use, coordination with community referral programs, and hotline telephone numbers.
- (b) All employees shall attend at least one 60-minute training session on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use (Employee Drug and Alcohol Training). Employees will receive Metro’s Drug and Alcohol Testing Program policy materials.

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- (c) **Under Metro authority, supervisors of safety-sensitive employees and other personnel authorized to make reasonable suspicion and post-accident drug and alcohol testing referrals must complete reasonable suspicion determination and post-accident decision-making training upon hire or transfer, but no later than 90 days.** No reasonable suspicion determinations may be made until the supervisor has completed training compliant with 49 CFR § 655.14(b)(2).
- (d) Metro supervisors who manage safety sensitive employees ***must* complete at least one instructor led training** session that includes at least 60 minutes of training on making objective determinations about physical, behavioral, speech, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse (Reasonable Suspicion Training for Supervisors). **Refresher training is required every 3 years for Metro supervisors who manage safety-sensitive employees via computer-based training (CBT). All Metro employees, especially those in managerial positions, are strongly encouraged to complete this training.**
- (e) **Metro supervisors who manage safety-sensitive employees must complete at least one training course on the criteria regarding decision-making for post-accident testing. Refresher training is required every 3 years for Metro supervisors who manage safety-sensitive employees via computer-based training (CBT). This training is recommended for all employees. All Metro employees, especially those in managerial positions, are strongly encouraged to complete this training.**
- (f) The common effects of alcohol misuse, signs and symptoms, and methods of intervention are included in *Appendix A* of this P/I.

**5.09 Reporting, Record Retention, and Confidentiality**

- (a) The DER is responsible for notifying the employee’s or contractor’s supervisor when an employee or contractor is removed from duty due to a positive drug test, a confirmed alcohol test result of 0.04 or greater, or a refusal to test result.
- (b) The Drug and Alcohol Program Manager is required to submit annual reports to the FTA by March 15 for the previous calendar year (January 1 – December 31), summarizing the results of its anti-drug and alcohol misuse programs for DOT safety-sensitive Employees and Metro’s DOT safety-sensitive contractors.
- (c) Employees may obtain copies of their drug and alcohol records by submitting a request in writing to Occupational Health & Wellness’ Drug and Alcohol Compliance Program.

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- (d) Except as required by law or authorized by *P.I. 9.2, Metro's Privacy Policy*, Occupational Health & Wellness' Drug and Alcohol Compliance Program shall not disclose test results to a third party absent the employee's written authorization.
- (e) Occupational Health & Wellness shall retain records of drug/alcohol test results as follows:
- (1) Positive drug test, a confirmed alcohol test result of 0.04 or greater, or a refusal to test result - five (5) years;
  - (2) Records of negative drug and/or alcohol (<0.02) tests - one (1) year; and
  - (3) Training documentation records that include specimen collection, collector training, employee and supervisor training - two (2) years.
- (f) DOT drug and alcohol testing records are maintained securely and separately from non-DOT drug and alcohol testing records. The Drug and Alcohol Program Manager is responsible for maintaining these records at Occupational Health & Wellness.

**5.10 Locations and Contacts for Metro Drug and Alcohol Policy and Testing Program:**

|   |                                     | Address   | Telephone  | Fax          |
|---|-------------------------------------|---|--|--------------|
| <b>L'Enfant Plaza (Washington, DC - Headquarters)</b> |                                     | 300 7th Street, SW, Suite 203-13<br>Washington, DC, 20024     | 202-962-5674   | 202-962-6198 |
| <b>Occupational Health and Wellness</b>               |                                     | 4100 Garden City Drive,<br>Suite 203-26<br>Landover, MD 20785 | 202-636-7144   | 202-636-7180 |
| Additional Services                                   | Point of Contact                    | Telephone   | Email  |              |
| <b>Designated Employer Representative (DER)</b>       | Drug and Alcohol Compliance Program | 202-636-7144  | <a href="mailto:OHAW_DrugandAlcohol_ComplianceProgram@wmata.com">OHAW_DrugandAlcohol_ComplianceProgram@wmata.com</a> |              |
| <b>Employee Assistance Program</b>                    | Employee Assistance Program         | 202-636-7181  | <a href="mailto:EAP@wmata.com">EAP@wmata.com</a>   |              |
| <b>Medical Review Officer</b>                         | Occupational Health and Wellness    | 202-636-7141  | <a href="mailto:AEEspySmith@wmata.com">AEEspySmith@wmata.com</a>   |              |
| <b>Substance Abuse Professional</b>                   | Employee Assistance Program         | 202-636-7181  | <a href="mailto:EAP@wmata.com">EAP@wmata.com</a>   |              |

**6.00 ENFORCEMENT**

- 6.01 Any act intended to circumvent, interfere, cheat, or defraud the testing process- such as the use of synthetic (fake) urine, prosthetic devices, specimen substitution, adulteration,

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or bribery - constitutes a violation of Metro policy and will result in immediate removal from service and termination of employment or candidacy for employment.

6.02 Failure to comply with the provisions of this P/I will result in disciplinary action up to and including termination.

**7.00 EXCEPTIONS**

Not Applicable.

**8.00 RELATED POLICIES, REGULATIONS & RESOLUTIONS**

- 8.01 Negotiated Substance Abuse/Employee Assistance Program Agreements.
- 8.02 P/I 7.7.1, Drug Free Workplace.
- 8.03 P/I 7.7.2, Substance Abuse and Employee Assistance Program.
- 8.04 P/I 7.7.6, Medication Reporting Policy.
- 8.05 P/I 9.2, Privacy Policy.
- 8.06 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 Code of Federal Regulations Part 655.
- 8.07 Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 Code of Federal Regulations Part 40.

**9.00 LIST OF APPENDICES, ATTACHMENTS, OR FORMS**

- 9.01 Appendix A, Effects, Signs, and Symptoms of Alcohol Misuse and Methods of Intervention.
- 9.02 Appendix B, Metro Job Titles List.
- 9.03 Appendix C, Occupational Health and Wellness Drug and Alcohol Compliance Program Random and Follow-Up Testing Referral Form.
- 9.04 Appendix D, Custody and Control Form.
- 9.05 Appendix E, Definitions.

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**POLICY/INSTRUCTION: 10.10/0 Drug & Alcohol Testing Program Policy**

**ATTACHMENT A: Effects of Alcohol Misuse on Individuals; Signs of Alcohol Misuse; and Methods of Intervention**

**METHODS OF INTERVENTION WHEN AN ALCOHOL PROBLEM IS SUSPECTED**

When alcohol misuse is suspected, the employee is approached by his/her supervisor in private and is then immediately escorted to the Medical Office or designated Collection Facility for breath alcohol testing. In accordance with Metro policy, a breath alcohol concentration of 0.020 – 0.039 requires immediate removal from safety-sensitive duties for a minimum of 24 hours; this consequence extends beyond FTA's minimum consequences, which require that an employee found to have a breath alcohol concentration of 0.020 – 0.039 on an FTA test be immediately removed from safety-sensitive duties for a minimum of 8 hours, or until their alcohol concentration measures less than 0.020. A breath alcohol concentration of 0.040 or greater requires immediate removal from safety-sensitive duties and referral to a SAP (for DOT violations) or SAC (for non-DOT violations). The SAP or SAC directs the employee to enroll in Metro's Employee Assistance Program (EAP) in accordance with Metro's Substance Abuse Policy. The basic principles of intervention include: (1) Assessment, (2) Referral, (3) Treatment, (4) Relapse Prevention, and (5) Education.

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**POLICY/INSTRUCTION: 10.10/0  
Drug & Alcohol Testing Program Policy**

**APPENDIX B: Metro Job Title List**

**Metro Job Titles List (DACP Link)**

[https://washingtondcmetro.sharepoint.com/:x:/g/departments/IBOP/OHAW/DACP/Ed2E\\_nUwyaxAi8953KH4rhYB\\_PdOKxCbHkPIJp0qfby-BA?e=Bpf7Xn](https://washingtondcmetro.sharepoint.com/:x:/g/departments/IBOP/OHAW/DACP/Ed2E_nUwyaxAi8953KH4rhYB_PdOKxCbHkPIJp0qfby-BA?e=Bpf7Xn)

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# POLICY/INSTRUCTION: 10.10/0, Drug & Alcohol Testing Program Policy

## ATTACHMENT D: Custody and Control Form

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

**Quest**  
Diagnostics®  
800-677-7484  
www.questdiagnostics.com/mydrugtest

42007812 5817780 SPECIMEN ID NO. 5817780

LAB ACCESSION NO. NDA500020

**STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE**

A. Employer Name, Address, I.D. No.      B. MRO Name, Address, Phone No. and Fax No.

URATA      ARY ESPY-SMITH MD  
SUITE 203-13      STE 203-13  
4100 GARDEN CITY DR      4100 GARDEN CITY DR  
LANDOVER MD 20785      LANDOVER MD 20785  
PH: 202-962-5674      FAX: 202-636-7141      FAX: 202-636-7180

C. Donor SSN, Employee I.D., or CDL State and No. \_\_\_\_\_

D. Specify Testing Authority:  HHS  NRC      Specify DOT Agency:  FMCSA  FAA  FRA  FTA  PHMSA  USCG

E. Reason for Test:  Pre-employment  Random  Reasonable Suspicion/Cause  Post Accident  Return to Duty  Follow-up  Other (specify) \_\_\_\_\_

F. Drug Tests to be Performed:  THC, COC, PCP, OPI, AMP  THC & COC Only  Other (specify) \_\_\_\_\_

( ) 65307N DOT DRUG PANEL U/T/S

G. Collection Site Name: BRAW 24 hr Test Site      Collection Site Code: \_\_\_\_\_      Collector Contact Info: \_\_\_\_\_  
Address: 300 7th Street SW Suite 203-13      Phone: 202-962-5674  
City, State and Zip: Washington DC 20024      Fax: 202-636-7180  
Other: \_\_\_\_\_

**STEP 2: COMPLETED BY COLLECTOR (make remarks when appropriate)**       URINE       ORAL FLUID

Collection:  Split  Single  None Provided, Enter Remark.

URINE: Collector reads urine temperature within 4 minutes. Temperature between 90° and 100° F?  Yes  No, Enter Remark  Observed, Enter Remark

ORAL FLUID: Split Type:  Serial  Concurrent  Subdivided [Each Device Within Expiration Date?]  Yes  No  Volume Indicator(s) Observed

REMARKS: \_\_\_\_\_

**STEP 3: Collector affixes seal(s) to bottle(s) / tube(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)**

**STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY TEST FACILITY**

I certify that the specimen given to me by the donor, identified in the certification section on Copy 2 of this form was collected, labeled, sealed, and released to the Delivery Service noted in accordance with applicable Federal requirements.

Signature of Collector      Date (Mo./Day/Yr.)      Time of Collection      AM  PM

(Print) Collector's Name (First, MI, Last)      Name of Delivery Service

**RECEIVED AT LAB OR IITF:**       Primary Specimen Bottle Seal Intact      **SPECIMEN BOTTLE(S) / TUBE(S) RELEASED TO:**

Signature of Accessioner      Date (Mo./Day/Yr.)      If No, Enter remarks in Step 5A.       Quest Diagnostics Courier  
 FedEx  
 Other

(Print) Accessioner's Name (First, MI, Last)      Date (Mo./Day/Yr.)      Primary / Single Specimen Device Expiration Date: \_\_\_\_\_      Split Specimen Device Expiration Date: \_\_\_\_\_

**STEP 5A: PRIMARY SPECIMEN REPORT - COMPLETED BY TEST FACILITY**

NEGATIVE       DILUTE       REJECTED FOR TESTING       ADULTERATED       SUBSTITUTED       INVALID RESULT

POSITIVE for: \_\_\_\_\_  
Analyte(s) in ng/mL

REMARKS: \_\_\_\_\_

Test Facility (if different from above): \_\_\_\_\_

I certify that the specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed, and reported in accordance with applicable federal requirements.

Signature of Certifying Technician/Scientist's Name      (Print) Certifying Technician/Scientist's Name (First, MI, Last)      Date (Mo./Day/Yr.)

**STEP 5b: COMPLETED BY SPLIT TESTING LABORATORY**

RECONFIRMED       FAILED TO RECONFIRM - REASON \_\_\_\_\_

I certify that the split specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed, and reported in accordance with applicable federal requirements.

Signature of Certifying Scientist      (Print) Certifying Scientist's Name (First, MI, Last)      Date (Mo./Day/Yr.)

Laboratory Name      Laboratory Address

Date (Mo. Day Yr.) Donor Initials      Date (Mo. Day Yr.) Donor Initials

Place Over Cap      Spec. ID.      42007812 - 5817780

**A**

Place Over Cap      Spec. ID.      42007812 - 5817780

**B**

**COPY 1 - TEST FACILITY COPY**

PUSH HARD - YOU ARE MAKING MULTIPLE COPIES

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POLICY/INSTRUCTION: 10.10/0, Drug & Alcohol Testing Program Policy

ATTACHMENT D: Custody and Control Form

FORENSIC DRUG TESTING CUSTODY AND CONTROL FORM

Quest Diagnostics\*  
800-877-7484  
www.questdiagnostics.com/mydrugtest

42012765 4488939 SPECIMEN ID NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE LAB ACCESSION NO.

A. Employer Name, Address, I.D. No. B. MRO Name, Address, Phone and Fax No. FORM ID: CS0H500020  
 METRA ANY ESPY-SMITH RD  
 SUITE 203-13 STE 203-13  
 4100 GARDEN CITY DR 4100 GARDEN CITY DR  
 LANDOVER MD 20785 LANDOVER MD 20785  
 PH: 202-962-5674 FAX: 202-636-7180 PH: 202-636-7141 FAX: 202-636-7180

C. Donor SSN or Employee I.D. No. \_\_\_\_\_

D. Donor Name: Last: \_\_\_\_\_ First: \_\_\_\_\_

E. Donor ID Verified:  Photo ID  Emp. Rep. \_\_\_\_\_

F. Reason for Test:  Pre-employment (1)  Random (3)  Reasonable Suspicion/Cause (5)  Post-Accident (2)  Promotion (22)  
 Return to Duty (6)  Follow-up (23)  Other (specify) (99) \_\_\_\_\_

G. Drug Tests to be Performed:  
 31302M SAP7-20/300 P25/25/T  31303M SAP7-20/300 P25/25/T  
 31416M SAP 9-20/DPI4+S CANN  21640M ETC-250 (U)  
 21341M SAP 9-20 W/DPI/MIT  51413M HPP COMP VI-LOR  
 27249M SAP 7-50/2K(A5/C15)T

H. Collection Site Name: ORAN 24hr Test Site Collection Site Code: \_\_\_\_\_  
 Address: 300 7th Street SW Suite 203-13 Collector Phone No.: 202-962-5674  
 City, State and Zip: Washington DC 20024 Collector Fax No.: 202-636-7180

STEP 2: COMPLETED BY COLLECTOR

Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F?  Yes  No, Enter Remark \_\_\_\_\_ Specimen Collection:  Split  Single  None Provided (Enter Remark) \_\_\_\_\_  Observed (Enter Remark) \_\_\_\_\_

REMARKS \_\_\_\_\_

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 1 of this form was collected, labeled, sealed, and released to the Delivery Service noted in accordance with applicable requirements.

Signature of Collector \_\_\_\_\_ Time of Collection \_\_\_\_\_ AM PM  
 (Print) Collector's Name (First, MI, Last) \_\_\_\_\_ Date (Mo./Day/Yr.) \_\_\_\_\_

SPECIMEN BOTTLE(S) RELEASED TO:  
 Quest Diagnostics Courier  FedEx  
 Other \_\_\_\_\_ Name of Delivery Service Transferring Specimen to Lab \_\_\_\_\_

RECEIVED AT LAB:  
 Signature of Accessioner \_\_\_\_\_  
 (Print) Accessioner's Name (First, MI, Last) \_\_\_\_\_ Date (Mo./Day/Yr.) \_\_\_\_\_

Primary Specimen Bottle Seal Intact  Yes  No, Enter Remark \_\_\_\_\_

SPECIMEN BOTTLE(S) RELEASED TO: \_\_\_\_\_

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper-evident seal in my presence; and that the information and numbers provided on this form and on the label affixed to each specimen bottle is correct.

Signature of Donor \_\_\_\_\_ (PRINT) Donor's Name (First, MI, Last) \_\_\_\_\_ Date (Mo./Day/Yr.) \_\_\_\_\_  
 Daytime Phone No. ( ) \_\_\_\_\_ Evening Phone No. ( ) \_\_\_\_\_ Date of Birth / /

42012765 - 4488939  
  
 42012765 - 4488939

COPY 1 - LABORATORY

PRESS HARD - YOU ARE MAKING MULTIPLE COPIES

|        |               |                                |                    |                     |        |
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**POLICY/INSTRUCTION: 10.10/0 - Drug & Alcohol Testing Program Policy**

**Appendix E: Definitions**

**Appendix E – Definitions**

**Accident** - is an occurrence associated with the operation of a vehicle by a Safety-Sensitive employee or Safety-Sensitive contractor, as a result:

- An individual dies (fatal);
- An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident (non-fatal);
- With respect to an occurrence in which the public transit vehicle involved is a bus, electric bus, van, or automobile, in which one or more vehicles (including non-FTA funded vehicles) incur disabling damage as a result of the occurrence, and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- With respect to an occurrence in which the public transportation vehicle involved is a rail car, trolley car, trolley bus (on a fixed guideway or overhead wire), or vessel, and is removed from operation.

**Alcohol** - is the intoxicating agent in beverage alcohol, ethyl alcohol, methyl, isopropyl, and other low molecular weight alcohols.

**Alcohol Confirmation Test** - is a test using an evidential breath testing device, following a screening test with a result of 0.02 or greater, that provides quantitative alcohol concentration data.

**Breath Alcohol Technician (BAT)** - is a trained individual who instructs donors during the alcohol testing process and operates an evidential breath testing device (EBT).

**Cancelled Test** - is a drug or alcohol test that has a problem that cannot be or has not been corrected, or a drug or alcohol test that DOT/FTA and/or Metro otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test result.

**Chain of Custody** - refers to the procedures used to document the handling of the urine specimen from the time the employee or contractor gives the specimen to the collector until the specimen is destroyed.

**Collection Site** - is a designated location selected by Metro where donors present themselves for the purpose of providing a specimen to be analyzed for the presence of drugs and/or alcohol.

**Confidentiality** - is the required non-disclosure of test results except to the donor, the Medical Review Officer (MRO), management, DOT/FTA, and as otherwise required by law.

**Cut-off** - The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

**Designated Employer Representative (DER)** - is a Metro-appointed employee authorized to remove an employee or contractor from performing Safety-Sensitive functions.

**DHHS-Certified Laboratory** - is a chemical testing laboratory that meets Department of Health & Human Services (DHHS) requirements to perform chemical analyses.

**Dilute Urine Drug Specimen** - is a urine specimen with creatinine and specific gravity values that are not within the expected concentrations for human urine.

**Disabling Damage** - is damage that precludes the departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include:

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**Appendix E: Definitions**

- o damage that can be remedied temporarily at the scene of the accident without special tools or parts;
- o tire disablement without other damage, even if no spare tire is available;
- o headlamp or taillight damage; and/or
- o damage to turn signals, horn, or windshield wipers rendering them inoperable.

**Donor** - is an individual from whom a specimen is being collected for drug and alcohol testing purposes.

**Drug and Alcohol Testing Program** - is a program to detect and deter the misuse of alcohol and prohibited drugs.

**Employee Assistance Program (EAP)** - is a HIPAA-protected, confidential program offering counseling and referral for employees who have substance abuse problems, marital, emotional, family, or financial concerns, which may cause poor attendance, unsatisfactory job performance, or create safety hazards for the employee, co-workers, and/or the public.

**Evidential Breath Tester (EBT)** - is a device utilized to detect the presence and measure breath alcohol concentration.

**Health Information Portability and Accountability Act (HIPAA)** - The Health Insurance Portability and Accountability Act Regulation, (HIPAA), 45 CFR Part 160, 162, & 164, require covered entities to develop and implement procedures to safeguard the privacy of Protected Health Information, to permit individuals to exercise their rights with respect to that information, and to ensure the confidentiality, integrity, and availability of Protected Health Information, (PHI).

**Medical Provider** - is a licensed healthcare professional, practicing within the scope of that licensure and is authorized to prescribe medications, i.e., medical doctors, dentists, nurse practitioners, and

podiatrists.

**Medical Review Officer (MRO)** - is a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving and reviewing laboratory results generated by an employer’s drug and alcohol testing program and evaluating medical explanations for drug test results.

**Monitored Urine Collection** - is a collection that is conducted using a multi-stall restroom. The site provides substantial visual privacy, and the monitor secures all sources of water and other substances that could be used for adulteration and substitution. Only the monitor and the donor may be present; the monitor prevents unauthorized entry to the restroom during the collection. The donor is not observed urinating during a monitored urine collection.

**Negative-Dilute Urine Drug Test Result** - is a laboratory report indicating that there was no drug present at the screening cut-off level or higher and that the specimen was diluted based on the specific gravity and creatinine values.

**Non-Negative Drug Test Result** - is a report, after review by the MRO, with one or more of the following:

- o positive, with drug(s)/metabolite(s) noted;
- o positive-dilute, with drug(s)/ metabolite(s) noted, with numerical values for creatinine and specific gravity;
- o adulterated, with adulterant(s) noted, with confirmatory test values (when applicable), and with remarks(s);
- o substituted, with confirmatory test values for creatinine and specific gravity; and/or
- o invalid result, with remark(s) - laboratories will report actual pH values.

**Non-Safety-Sensitive Contractor** - is an employee of a Metro contractor or subcontractor who does not perform a Safety-Sensitive Function as defined by

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## POLICY/INSTRUCTION: 10.10/0 - Drug & Alcohol Testing Program Policy

### Appendix E: Definitions

DOT/FTA regulations and is not subject to random drug and alcohol testing. However, all contractors are subject to Metro's post-incident testing when circumstances require such testing.

**Non-Safety-Sensitive Employee** - is an employee who does not perform a Safety-Sensitive Function as defined by DOT/FTA regulations and is not subject to random drug and alcohol testing. However, all Metro employees are subject to Metro's post-incident and follow-up drug and alcohol testing when circumstances require such testing.

**Public Transportation Vehicle** - is a bus, electric bus, van, automobile, rail car or trolley car that is DOT-funded or unfunded, whether in or out of revenue service, used for public transportation or ancillary services.

**Refusal to Test** - constitutes a verified positive test result and occurs when a selected or required employee or contractor:

- Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by Metro, after being directed to do so by Metro;
- Fails to remain until the testing process is complete; provided that an employee who leaves the collection site before the testing process commences for a pre-employment test is not deemed to have refused to test.
- Possesses/wears a prosthetic or other device used to tamper with the testing process;
- Fails to provide the required specimen for any drug or alcohol test; provided that an employee who does not provide a specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
- Fails to remain readily available for a post-accident or Metro post-incident test (under

Metro policy) as determined by the DER; or notify supervisor of whereabouts until testing is complete;

- Provides an MRO-verified adulterated or substitute specimen;
- Refuses to comply with direct observation urine collection test procedures, including failing to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
- In the case of a directly observed or monitored urine collection in a drug test, fail to permit the observation or monitoring of an employee's provision of a specimen.
- Fails to provide a sufficient specimen for a drug or alcohol test when directed and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fails to undergo a medical examination, as directed by the MRO, as part of the verification process or as directed by the DER;
- Fails to take a directed second test;
- Admits to the adulteration or substitution of a specimen to the collector or MRO;
- Refuses to sign Step 2 of the alcohol test form; and/or
- Refuses to cooperate with any part of the testing process, e.g., refusal to empty pockets when directed by the collector or displays behavior in a confrontational way that disrupts the collection process.

**Safety-Sensitive Applicant** - is an individual, under consideration for employment, including former

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**POLICY/INSTRUCTION: 10.10/0 - Drug & Alcohol Testing Program Policy**

**Appendix E: Definitions**

employees, in a position that is classified as Safety-Sensitive as defined by DOT/FTA regulations.

**Safety-Sensitive Contractor** - refers to an individual who is the employee of a Metro contractor or subcontractor and who performs Safety-Sensitive Functions as defined by DOT/FTA regulations.

**Safety-Sensitive Employee** - is an employee, including an applicant or transferee, who performs a Safety-Sensitive Function as defined by DOT/FTA regulations.

**Safety-Sensitive Function (DOT/FTA)** - is any of the following duties, when performed by employees or contractors:

- o Operating a revenue service vehicle, including when not in revenue service;
- o Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
- o Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service;
- o Controlling dispatch or movement of a revenue service vehicle; and
- o Carrying a firearm for security purposes.

**Substance Abuse Counselor (SAC)** - is a person who evaluates Metro employees who have violated a Metro (non-DOT) drug and alcohol policy requirement and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

**Substance Abuse and Mental Health Services Administration (SAMHSA) Drug** - refers to the required substances for which testing is conducted,

which includes cocaine, marijuana, amphetamines, opioids, and phencyclidine.

**Substance Abuse Professional (SAP)** - is a person who evaluates Metro employees who have violated a federal DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

**Split Specimen** - In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee's request following MRO verification of the primary specimen as positive, adulterated, or substituted.

**Substitute Urine Drug Specimen** - is urine that has been submitted in place of the donor's urine as evidenced by creatinine and specific gravity values. A substituted specimen is a refusal to test.

**Transferee** - is a current Metro employee who has applied for or is being considered for employment in another position, including employees being promoted to or demoted from another position.

**Verified Test** - A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

**Workplace** - is any location, either permanent or temporary, where employees or contractors perform any act in connection with their Metro employment or contractual relationship. These locations can include, but are not limited to, all Metro-owned or leased transit facilities, equipment locations, garages, depots, terminals, rail stations, offices, vehicles, buses, trains, or non-revenue vehicles, whether owned or not owned, leased, or operated by Metro.

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