



**Pierce Transit Training Center  
3720 96<sup>th</sup> Street SW  
Lakewood, WA**

**Board of Commissioners Meeting  
February 12, 2018. 4:00 p.m.  
AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**WELCOME NEW BOARD MEMBERS**

- Victoria Woodards, Mayor of Tacoma
- Robin Farris, City of Puyallup Councilmember

**PRESENTATIONS**

- January 2018 Operator of the Month ~ Ban Mao  
Scott Gaines  
Transit Operator Assistant Manager
- Hurricane Mobilizations - Tokens of  
Appreciation to Pierce Transit Staff  
Jo Ann Artis  
Transit Manager Service Support  
&  
Bill Palmer  
US&R Program Manager, Pierce County
- CTAG Update on ST Dome/Link Stakeholder  
Involvement  
Penny Grellier  
Business Partnership Administrator

**PUBLIC COMMENT**

*(Citizens wishing to provide comment will be given three minutes to comment on any transit-related matters regardless of whether it is an agenda item or not. The Chair, at his or her discretion, may reduce the comment time allowed to allow sufficient time for the Board to conduct business.)*

**CONSENT AGENDA**

*(Items listed below were distributed to Commissioners in advance for reading and study and are enacted with one motion. Item(s) may be moved to the Action Agenda at the request of a Commissioner.)*

1. Approval of Vouchers, February 1, 2018

2. Minutes: Regular Board Meeting of January 8, 2018
3. 2017 Fourth Quarter Sole Source and Contracts and Amendments Report
4. FS 18-010, A Resolution Removing Chapter 3.12 – Purchasing Procedures from the Pierce Transit Code; Amending Chapter 3.13 – Delegated Authority and Procedures for Procurement of Materials, Work, and Services and for the Acquisition and Use of Property and Property Rights to Add Language Clarity and Repealing Resolution Nos. 84-005, 94-072, 00-019, 03-044, 08,018 14-035, 14-062 Section 1 (Exhibit A), and 16-019
5. FS 18-011, Authority to Execute a Sole Source Contract with Track-it, LLC, to Provide a Training Database with Mobile-App Functionality
6. FS 18-012, Authority to Execute a 3-Year Sole Source Renewal and Expansion Agreement for Session Initiation Protocol (SIP) Trunking Services with Level 3

### **ACTION AGENDA**

1. FS 18-013, Authority to Execute Task Order No. 13 with Parametrix for Engineering and Design Services for Sprinkler and Alarm System for Building 6 Clint Steele  
Senior Construction Project Manager
2. FS 18-014, A Resolution Authorizing Revisions to the Pierce Transit Drug and Alcohol Abuse Policy and Repealing Resolution Nos. 94-089, 98-082, 01-045, and 12-016 that Created Prior Drug and Alcohol Abuse Policies Jean Carlson  
Human Resource Generalist

### **STAFF UPDATES/DISCUSSION**

- CEO's Report ~ None Sue Dreier  
Chief Executive Officer

### **INFORMATIONAL BOARD ITEMS**

- Chair Report Chair Keel
- Sound Transit Update
- Commissioners' Comments

### **EXECUTIVE SESSION**

### **ADJOURNMENT**

**PIERCE TRANSIT  
BOARD OF COMMISSIONERS  
MINUTES**

**January 8, 2018**

**CALL TO ORDER**

Chair Keel called the meeting to order at 4:06 p.m.

Commissioners present:

Kent Keel, Chair of the Board, City of University Place Mayor  
Daryl Eidinger, City of Edgewood Mayor (*representing Fife/Milton/Edgewood*)  
Nancy Henderson, Vice Chair of the Board, Town of Steilacoom Councilmember  
(*representing Auburn/Gig Harbor/Fircrest/Pacific/Ruston/Steilacoom*)  
Don Anderson, City of Lakewood Mayor  
Ryan Mello, City of Tacoma Councilmember

Commissioners excused:

Bruce Dammeier, Pierce County Executive  
Rick Talbert, Pierce County Councilmember

Staff present:

Sue Dreier, Chief Executive Officer  
Dana Henderson, General Counsel  
Deanne Jacobson, Assistant to the CEO/Clerk of the Board

**PLEDGE OF ALLEGIANCE**

Chair Keel led attendees in the pledge of the allegiance.

**PRESENTATIONS**

**Update on Commerce Street Placemaking Project**

Senior Planner Janine Robinson provided a Powerpoint presentation on the Tacoma Theater District Placemaking project, also known as “TRANSFORM.” She reported that the multi-agency partnered together and were the recipients of the Our Town grant from the National Endowment for the Arts. The Our Town grant program invests in creative placemaking projects that contribute to the livability in communities.

She discussed summary results and the public engagement process that is being facilitated by Spaceworks, and reported the goals of the program are as follows:

- Stimulate and capture public feedback
- Visibly transform the district
- Shift perceptions
- Demonstrate vibrancy through activities and performances by local artists

## **Fourth Quarter CTAG Update**

CTAG member Cody Bakken reported on the activities and work that the CTAG conducted during the fourth quarter of 2017.

### **PUBLIC COMMENT**

Chair Keel provided direction for participating in public comment and the following individuals spoke:

- Walt Hurd, Tacoma, reported that smoking is occurring at the bus stop at 10<sup>th</sup> and Commerce. He recommended that the “please remain seated” announcement be activated as soon as the passenger hits the “stop request.” He requested more frequent service on the 594.
- Tammy Cox, Lakewood, reported the following: trash on the grounds near the 150<sup>th</sup> stop, overcrowded buses, passengers are eating and talking, loud music and inappropriate conversations, certain routes are not connecting correctly, and more lighting is needed at the bus stop near 150<sup>th</sup>.
- Cinderella Helga, Lakewood, gave her condolences to staff for the recent death of Pierce Transit employee Zack Willhoite. She asked if Pierce Transit would consider providing umbrella bags to reduce water on the seats and the aisles.

### **CONSENT AGENDA**

*(Items listed below were distributed to Commissioners in advance for reading and study and are enacted with one motion. Item(s) may be moved to the Action Agenda at the request of a Commissioner.)*

Commissioners Henderson and Anderson **moved** and seconded to approve the consent agenda as presented.

Motion **carried**, 5-0.

1. Approval of Vouchers, January 2, 2018  
Operating Fund #10  
Capital Fund #90  
Voucher CK Nos. 359883 through 360373  
Advance Travel CK Nos. 1268 through 1273  
Wire Nos. 2110 through 2131  
Total \$5,296,617.58
2. Minutes: Regular Board Meeting of December 11, 2017.

3. FS 18-001, approved Resolution No. 18-001, authorizing the Chief Executive Officer to execute a quit claim deed to transfer the southern 7.5 feet of property to at the 72<sup>nd</sup> and Portland Transit Center to the City Tacoma.

### **ACTION AGENDA**

1. **FS 18-002, A Resolution Appointing and Reappointing CTAG Members to the Community Transportation Advisory Group**

Business Partnership Administrator Penny Grellier reviewed the application appointment and reappointment process.

Chair Keel thanked staff and CTAG volunteers, noting that the work they conduct is important to the Board and that their feedback and input is important.

Commissioners Mello and Henderson moved and seconded to approve Resolution No. 18-002, appointing and reappointing CTAG members to the Community Transportation Advisory Group as presented.

Motion carried, 5-0.

2. **FS 18-003, A Resolution Appointing a Transit Representative and Alternate to the Puget Sound Regional Council Transportation Policy Board for Calendar Year 2018**

Commissioners Anderson and Eidinger moved and seconded to approve Resolution No. 18-003, appointing Ryan Mello as the primary representative and Rick Talbert as the alternate representative for the Puget Sound Regional Council Transportation Policy Board for calendar year 2018.

Motion carried, 5-0.

3. **FS 18-004, A Resolution Authorizing the Chief Executive Officer to Enter Into a Funding Agreement with Joint Base Lewis McChord (JBLM) to Test GO Route 7 and Allow Use of Pierce Transit Facilities**

Community Development Administrator Tina Lee presented on the item. She noted this would be a new route and would be operated by Pierce County and JBLM. Services would operate weekdays and would run approximately every 30-40 minutes. Service would be free with valid military ID. She reviewed the cost-savings to the agency, noting that it reduces the agency's cost per service hour.

Commissioners Anderson and Mello moved and seconded to approve Resolution No 18-004, authorizing the Chief Executive Officer to enter into a funding agreement with Joint Base Lewis McChord for GO Transit Route 7 and allow use of Pierce Transit facilities.

Motion carried, 5-0.

**FS 18-005, A Resolution Authorizing the Chief Executive Officer to Amend the 2018 Capital Budget and Award a Contract to Pease Construction for Tacoma Dome Mid-Life Repairs**

Executive Director of Finance Brett Freshwaters briefed the Board on the cost of the project. He announced that the work is projected to start in February and during that time approximately 200 parking stalls will be blocked off on a rotating basis. He discussed alternate parking options as well. It was noted that it will take about one year to complete the project.

Commissioners Mello and Keel **moved** and seconded to approve Resolution No. 18-005, amending the 2018 Capital Budget to increase the Tacoma Dome Station Mid-Life Maintenance Project budget in the amount of \$1,300,000 and to award a construction contract to Pease Construction, Inc., for mid-life repairs in an amount not to exceed \$4,530,000.

Motion **carried**, 5-0.

### **STAFF UPDATES/DISCUSSIONS**

CEO Sue Dreier reported on the following:

- Congratulated Chair Keel for being elected Mayor of the City of University Place.
- Two new Board Members will be joining us in February from the cities of Tacoma and Puyallup.
- Board retreat meeting scheduled for late March.
- Ridership continues to be strong (overall boardings up 2.3%, average weekday boardings are up 5.2% (average). Saturday service is up 7.7%, and Sunday service is up 0.5%.
- The passing of Pierce Transit employee Zack Wilhoite, who was killed in the Amtrak train derailment in December. Staff has come together during this difficult time.
- Polled the Board if there was interest for the agenda packets to be distributed electronically only instead of a paper copy. There was interest from the Board to go paperless.

### **INFORMATIONAL BOARD ITEMS**

#### **Chair Report**

On behalf of the Board, Chair Keel gave condolences to staff about the recent death of Pierce Transit employee Zack Willhoite.

Commissioner Henderson gave condolences for the Pierce County officer who was killed in the line of duty this morning. She thanked law enforcement for the work they do every day.

### **EXECUTIVE SESSION**

At 5:25 p.m. the meeting was recessed into Executive Session for approximately 20 minutes to discuss current litigation and the legal risks of proposed action, pursuant to RCW 42.30.110 (1)(i). No final disposition will occur in regular session.

### **RECONVENE**

At 5:40 p.m., the regular meeting was reconvened.

## **ADJOURNMENT**

Commissioners Mello and Henderson **moved** and seconded to adjourn the meeting at 5:40 p.m.

Motion **carried**, 5-0.

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Deanne Jacobson  
Clerk of the Board

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Kent Keel, Chair  
Board of Commissioners

**FOURTH QUARTER 2017**  
**Report to Board of Commissioners**  
**Sole Source Over \$10,000**  
**Contracts and Amendments - \$100,000 to \$200,000**

Sole Source Over \$10,000			
Name	Explanation	Amount	Eff. Date
EDMO Distributors	This is for the Aeroflex 8800SX, specialized radio test equipment. The 8800SX combines the performance and features of a bench-level test set with the portability and ruggedness of a field level instrument. This equipment will allow test professionals to conduct critical test features without compromising portability. EDMO Distributors is the only vendor in the region that carries the product.	\$41,000	10/4/17
VitalSmarts, LC	This is for 50 Crucial Accountability Participant Suites, which include toolkits, books and certificates. Pierce Transit has created a standard for training participants in crucial conversations and accountability. This training is solely licensed by VitalSmarts, and no other vendor can provide their participant toolkits and/or certification.	\$13,010.34	11/3/17
First Transit	This is for Wheelchair Accessible Vehicle (WAV) service to complement the service provided by our Transportation Network Company (TNC) as required by the FTA's MOD Sandbox Limited Access Connections project. WAV vehicles will be dispatched by trained staff upon request to provide first and last mile connections to fixed route transit zones. Because our TNC partner does not have the capacity to dispatch WAV using their app, we are incorporating an in-house customer service telephone-	\$62,500.00	12/14/17



Sole Source Over \$10,000			
Name	Explanation	Amount	Eff. Date
	based response to dispatch the WAVs upon request by customers. No responses were received to our two separate RFPs for WAV service, so we will use our existing resource, First Transit, to fill this need.		
ANGI Energy Systems, LLC	This is for a HMI PLC controller for our CNG Fuel Dispenser and various factory CNG compressor rebuild parts. This controller is the interface for the CNG fuel dispenser. ANGI is the developer of the software that is required to be installed on this device. They have the PLC controllers in stock and can program and ship them on our PO request. This is a time sensitive request as we have no back up units in stock. The dispenser cannot operate without the programmed PLC. The CNG compressor rebuild parts are supplied by ANGI as the original equipment packager for our CNG compressor assemblies.	\$20,000.00	12/19/17
Microsoft	This is for annual renewal of our Microsoft Premier services. Microsoft Premier Support includes support for all our Microsoft servers, on which all our Core Business Systems run. There are Microsoft Gold Partners available that could partially meet these requirements, but none have the full expertise or knowledge of the Microsoft Premier team or the ability to fully meet our ongoing needs.	\$350,000.00	12/19/17
Trapeze	This is for Trapeze training and consulting on Trapeze software. Trapeze is the vendor who wrote the software and is the only one who can provide the necessary training.	\$20,900.00	12/19/17

Sole Source Over \$10,000			
Name	Explanation	Amount	Eff. Date
Apollo Video Technology	This is for a 4-year licensing and software support agreement for our Apollo Bus Camera Software. This system is used by numerous divisions at Pierce Transit, including our Public Safety Department, to utilize the video produced by the Apollo bus camera system. Apollo Video Technology is the only authorized provider of this support. They own all rights to licensing and support of this proprietary software. This will be an ongoing expense for the life of the software at Pierce Transit.	\$95,284.00	12/22/17

Contracts and Amendments - \$100,000 to \$200,000 awarded from October 1, 2017 – December 31, 2017			
Name	Explanation	Amount	Eff. Date
Triad Consulting & System Design Group	PT-23-17, Contract for Emergency Warning System-Consulting Services.	\$102,880.00	10/1/17
Legacy Telecommunications, Inc.	PT-70-17, Contract for Generator Preventive Maintenance and Repair for facilities and remote radio sites. Piggy-backing off State Contract No. 03512.	\$180,000.00	11/22/17

**Sole Source:** A circumstance when the vendor is the sole provider of licensed or patented goods or services, or has specialized knowledge or skill needed for a project when there is limited time and vendors with the expertise.

**Amendments:** Master agreements sometimes have amendments. This could be due to time extensions to a contract, or a situation where changing a contractor before the work is complete could cause delays, hardships and/or added costs.



Board of Commissioners  
Fact Sheet No.: 2018-010  
Date: February 12, 2018

**TITLE:** A Resolution Removing Chapter 3.12 – Purchasing Procedures from the Pierce Transit Code; Amending Chapter 3.13 – Delegated Authority and Procedures for Procurement of Materials, Work, and Services and for the Acquisition and Use of Property and Property Rights to Add Language Clarity and Repealing Resolution Nos. 84-005, 94-072, 00-019, 03-044, 08,018 14-035, 14-062 Section 1 (Exhibit A), and 16-019

**DIVISION:** Finance

**SUBMITTED BY:** Brett Freshwaters, Executive Director of Finance

**RELATED ACTION:**

Resolution No. 84-005, Establishing Procedures for the Procurement of Goods and Services by Repealing Chapter 3.12 bidding Procedures and Chapter 3.16 Purchase Order Requirements and Adding a New Chapter 3.12, Titled Purchasing Procedures;

Resolution No. 94-072, Authorizing Revision of Purchasing Policies and Procedures

Resolution No. 00-019, Authorizing the Revision of the Listing of Non-Representative Class Titles, January 1, 2000

Resolution No. 03-044, Authorizing Revision of Agency Purchasing Policies and Procedures

Resolution No. 08-018, Establishing Revised Delegated Authority and Procedures for the Procurement of Materials, Work and Services, and for the Acquisition and Use of Property and Property Rights and Rescinding All Previous Procurement Resolutions

Resolution No. 14-035, Authorizing Amendments to Sections 3.12.030 Goods and Services; 3.13.010 Delegated Authority; 3.13.020 Procurement and Contracting Procedures and 3.13.110 Real Property Acquisition and Disposition

Resolution No. 14-062 (Section 1, Exh A) Removing the Purchasing Credit Card Program from Pierce Transit Code Section 3.28.100 and Revising it Under New Pierce Transit Code Section 3.13.210 – Purchasing Credit Card Program

Resolution No. 16-019, Revising Pierce Transit Code Section 3.12.030 – Goods and Services and Increasing Bid Limits

**ATTACHMENTS:** Proposed Resolution  
Exhibit A, Proposed Amendments  
Exhibit B, Clean Version

**RELATION TO STRATEGIC PLAN:** Internal

**BUDGET INFORMATION:** N/A

**BACKGROUND:**

Staff are undertaking a comprehensive review of the Pierce Transit Code, which is where Board of Commissioners' policy statements and directives are held. Many of the Code chapters and sections are obsolete or require revision due to changed operations. Additionally, many sections are also strictly procedural in nature and should be removed from the Code and instead held in the Purchasing Manual, a procedural document.

Chapters 3.12 and 3.13 of the Code establish various Purchasing Procedures and Policies. Currently, the various sections delegate certain authority to the CEO to establish purchasing policies, while at the same time detailing the specific procedures that are delegated. Rather than reside in the Code as Board-issued policy, the procedural language should reside in the administrative Purchasing Manual. Most of the proposed revisions to the Code sections entail removing the procedural language. If the Code is so amended, the procedural requirements, including competitive bidding limits, will reside in the Purchasing Manual and may be amended with CEO approval. Some of the revisions are proposed to add clarity or provide minor grammatical corrections.

The changes proposed to the chapters are summarized as follows:

1. Removing procedural and/or duplicative language: Sections 3.12, 3.13.030-050, 3.13.070, 3.13.110-120, 13.13.150.
2. New wording and rearranging sections to clarify intent: Sections 3.13.010-020, 3.13.06, 3.13.090-100, 13.13.170-190, 13.13.210.

**STAFF RECOMMENDATION:**

Approve Resolution No. 18-006, authorizing amendments to Chapters 3.12 and 3.13 of the Pierce Transit Code and Repealing Resolution Nos. 84,005, 94-072, 00-019, 03-044, 08,018 14-035, 14-062 Section 1 (Exhibit A), and 16-019.

**UPDATE:**

At the January 25, 2018, Executive Finance Committee meeting, the Committee reviewed the proposed changes to the code. At the end of the discussion, the Committee unanimously referred Resolution No. 18-006 to the February 12, 2018 Board of Commissioners meeting with recommendation to approve Amendments to Chapters 3.12 and 3.13 of the Pierce Transit Code as presented in Exhibit A.

**ALTERNATIVES:**

Make no changes to the current Chapters 3.12 and 3.13, which means that many administrative procedures would remain in the Code, thereby limiting staff ability to revise procedures to reflect current operations.

PROPOSED MOTION:

Move to approve Resolution No. 18-006, authorizing the removal of Chapter 3.12 – Purchasing Procedures from the Pierce Transit Code; Amending Chapter 3.13 – Delegated Authority and Procedures for Procurement of Materials, Work, and Services and for the Acquisition and Use of Property and Property Rights to Add Language Clarity and Repealing Resolution Nos. 84-005, 94-072, 00-019, 03-044, 08,018 14-035, 14-062 Section 1 (Exhibit A), and 16-019.

**RESOLUTION NO. 18-006**

A RESOLUTION of the Board of Commissioners of Pierce Transit Removing Chapter 3.12 – purchasing Procedures from the Pierce Transit Code; Amending Chapter 3.13 – Delegated Authority and Procedures for Procurement of Materials, Work, and Services and for the Acquisition and Use of Property and Property Rights to Add Language Clarity and Repealing Resolution Nos. 84,005, 94-072, 00-019, 03-044, 08,018 14-035, 14-062 Section 1 (Exhibit A), and 16-019

WHEREAS, Pierce Transit staff perform periodic reviews of the Pierce Transit Code to maintain relevancy and applicability to policy, procedures and current operations; and

WHEREAS, said Code review has determined that several revisions are necessary for the chapters establishing parameters for effective and efficient procurement; and

WHEREAS, the revisions detailed in Exhibit A will remove procedural language and provide better clarity; and

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1. Remove Chapter 3.12 – Purchasing Procedures in its Entirety from the Pierce Transit Code as set forth in Exhibit A; and

Section 2. Amend Chapter 3.13 – Delegated Authority and Procedures for Procurement of Materials, Work, and Services and for the Acquisition and use of Property and Property Rights to Add Language Clarity as set forth in Exhibit A; and

Section 3. Repeal Resolution Nos. 84-005, 94-072, 00-019, 03-044, 08-018, 14-035, 14-062 Section 1 (Exhibit A) and 16-019.

ADOPTED by the Board of Commissioners of Pierce Transit at their regular meeting thereof held on the 12<sup>th</sup> day of February 2018.

PIERCE TRANSIT

\_\_\_\_\_  
Kent Keel, Chair  
Board of Commissioners

ATTEST/AUTHENTICATED

\_\_\_\_\_  
Deanne Jacobson, CMC  
Clerk of the Board

Chapter 3.12—PURCHASING PROCEDURES

Sections:

~~3.12.010—Contracts for purchase of goods.~~

~~Contracts for the purchase of goods shall be awarded by the board of commissioners of Pierce Transit.~~

~~(Res. 84-005 §2(part))~~

~~3.12.020—Delegation of certain responsibilities to chief executive officer.~~

~~To insure efficient and economic procurement of goods and services, certain responsibilities are delegated to the chief executive officer.~~

~~(Res. 84-005 §2(part); Res. 00-019 §1)~~

~~3.12.030—Goods and services.~~

~~A. The "no-bid" amount is increased to \$3,000.00.~~

~~B. Three verbal quotes are required for purchases between \$3,001.00 and \$10,000.00.~~

~~C. Three written quotes are required for purchases between \$10,001.00 and \$35,000.00.~~

~~D. The formal advertising threshold is increased to \$35,001.00.~~

~~E. The chief executive officer is authorized to execute contracts up to \$200,000.00.~~

~~F. The chief financial officer along with the procurement manager is authorized to execute contracts up to \$5,000.00.~~

~~(Res. 84-005 § 2(part); Res. 94-072 §§ 1—5(part); Res. 00-019 § 1; Res. 03-044 §§ 1—8; Res. No. 14-035, § 1(Exh. A), 7-14-2014; Res. No. 16-019, § 3, 6-13-2016)~~

~~3.12.040—Reserved.~~

~~**Editor's note**—Res. No. 14-010, § 1, adopted March 10, 2014, repealed § 3.12.040, which pertained to change orders. See Code Comparative Table for complete derivation.~~

~~3.12.050—Intergovernmental cooperative purchases.~~

~~The chief executive officer of Pierce Transit is authorized to participate in intergovernmental cooperative purchases to include procurements from contracts entered into by the state of Washington.~~

~~(Res. 84-005 § 2(part); Res. 00-019 § 1)~~

~~3.12.060—Conditions under which board of commissioners may authorize chief executive officer to purchase goods and services.~~

~~The board of commissioners of Pierce Transit, under special circumstances, may authorize the chief executive officer to purchase goods and services in any manner deemed appropriate including the purchase of goods and services where there is only one available source capable of supplying a specific good or service; purchases made or contracts entered into for public works, pursuant to a resolution by the board of commissioners of Pierce Transit declaring an emergency to exist; and for contracts for personal or professional services involving a particular or peculiar skill or ability where the performance of the contract depends on the skill and ability of the persons or company rendering the service.~~

~~(Res. 84-005 §2(part); Res. 00-019 §1)~~

Chapter 3.13 - DELEGATED AUTHORITY ~~AND PROCEDURES~~ FOR PROCUREMENT OF MATERIALS, WORK AND SERVICES AND FOR THE ACQUISITION AND USE OF PROPERTY AND PROPERTY RIGHTS<sup>(1)</sup>

Sections:

Footnotes:

~~—(1)—~~

~~**Editor's note**— Res. No. 08-018, § 21, adopted Apr. 14, 2008 stated "Section 21. Supersession of Previous Procurement Resolutions. All previous resolutions establishing procurement policy and procedures are herewith rescinded."~~

#### 3.13.010 - Delegated authority.

- A. The board has retained a chief executive officer to implement the mission, goals, objectives and policy guidelines of the board of commissioners of Pierce Transit pursuant to ~~procedures-policies~~ to be established by the board. The chief executive officer derives authority from the board acting as the governing body of Pierce Transit and as permitted by law. The following ~~procedures-policies~~ are adopted by the board ~~for the purpose of to~~ establishing the ~~administerial-administrative~~ authority of the chief executive officer.
- B. The chief executive officer shall be responsible for the overall management and conduct of operations at Pierce Transit, subject to board policies set forth in this Code or by other board action or direction. The chief executive officer is responsible for normal Pierce Transit operations. The phrase "normal Pierce Transit operations" as used herein means the regular day-to-day business transactions of the agency involving personnel, finances, payments of vouchers, facilities, real and personal property, and other assets. The chief executive officer is authorized to shall retain professional staff, which shall to operate and manage according to directives and policy from the chief executive officer subject to review by the board policies and direction. The chief executive officer shall regularly inform and consult with the chair of the board, the board's standing committees, and the board as a whole regarding significant information, business transactions and policies through methods mutually agreeable to the board and the chief executive officer. ~~The chief executive officer shall be responsible for the day-to-day direction and conduct of business transactions of Pierce Transit subject to the policies, limitations and procedures set forth in this resolution.~~
- C. As permitted by law, the chief executive officer may delegate to appropriate Pierce Transit staff such of his or her administrative authority or reporting requirements herein established as, in his or her discretion, is necessary and advisable for the efficient exercise of such authority. To implement delegations ~~of to~~ Pierce Transit staff, the chief executive officer may issue such policies and procedures, monetary delegations, authority to execute contracts and other documents to guide



Exhibit A

agency administration such as employee position descriptions, affirmative action plans, office manuals, etc., which shall include such delegations as may be appropriate. Directives or initiatives by the board shall be implemented through the chief executive officer unless otherwise provided in the board's directive or initiative. Except in the event of emergencies, directives or initiatives shall be approved by the full Board of Pierce Transit acting as a body, or by a motion of a standing committee of the board. The board, acting as a body, may at any time rescind or suspend all or any portion of the delegated authority confirmed upon the chief executive officer ~~under this resolution~~ by further resolution or motion acted on in a public meeting.

- D. As permitted by law, the board's executive-finance committee is hereby authorized to approve all contracts proposed for award and all contracts for Pierce Transit to acquire or use property of others or to allow the use of Pierce Transit property by others which exceed the chief executive officer's award authority up to a maximum amount of one million dollars or as otherwise required by law. Such approval shall be by motion based on written facts provided by the chief executive officer.

E. As permitted by law, the chief executive officer may award all contracts and purchases that do not exceed two hundred thousand dollars in aggregate amount over the term of the contract (including options), pursuant to such procedures as the chief executive officer deems reasonable and in the best interests of Pierce Transit; provided, that such contracts or purchases are within current budget authorizations.

(Res. No. 08-018, § 1, 4-14-2008; Res. No. 14-035, 1(Exh. A), 7-14-2014)

3.13.020 - Procurement and contracting ~~procedures~~policy.

- A. The chief executive officer shall ensure that equipment, materials, supplies, ~~and services~~ and public work are procured efficiently and economically by Pierce Transit with maximum practicable competition and in compliance with ~~the procedures established by this resolution~~, applicable state and federal laws and regulations, ~~and adopted board policies, and applicable procedures~~.

~~B. Contracts for equipment, materials, supplies, leases, and non-professional and professional services purchased or work ordered for Pierce Transit, the estimated cost of which is not more than two hundred thousand dollars, may be awarded by the chief executive officer pursuant to such procedures as the chief executive officer deems reasonable and in the best interests of Pierce Transit; provided, that such purchases or orders are within current budget authorizations. Contracts in excess of the chief executive officer's award authority but less than one million dollars may be approved for award by the board's executive-finance committee. B. Reporting. The chief executive officer (or delegate) shall provide a report(s) to the board, not less frequently than quarterly, of the following items: All contracts for services purchased or work ordered, pursuant to this subsection, which exceed one hundred thousand dollars shall be reported to the board by the chief executive officer on a periodic basis not less frequently than quarterly. All contracts for sole source procurements awarded by the chief executive officer which exceed ten thousand dollars shall be included in such reports.~~

1. All contracts and purchases exceeding one hundred thousand dollars.

2. All sole source awards exceeding ten thousand dollars, except purchase of insurance or bonds and those items that are legally limited to one source by a government authority, such as utilities and building permits.

3. The progress and status of major (as determined by the CEO) capital projects.

- ~~C. Except as provided otherwise by the board, for all contracts for which board approval has been obtained, (either on a project-wide or individual contract basis), or for which the chief executive officer is authorized to contract without prior board approval, the chief executive officer is authorized to take all further steps necessary for completion of the work, including but not limited to: publication of notice calling for bids or proposals; rejection of bids or proposals or award of contract; canceling or delaying bid or proposal openings; administration of contracts (including execution of contract change orders);~~

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+ Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left  
+ Aligned at: 0.25" + Indent at: 0.5"

~~acceptance or rejection of work; termination of contract; contract close-out; and claims negotiations and settlements. Such actions shall be consistent with applicable legal requirements and Pierce Transit policies.~~

~~(Res. No. 08-018, § 2, 4-14-2008; Res. No. 14-035, § 1 (Exh. A), 7-14-2014)~~

~~3.13.030 Competitive bidding.~~

~~The competitive bidding procedures of Pierce Transit shall be as follows:~~

- ~~A. Contracts for equipment, materials, supplies, and non-professional services or work, the estimated cost of which is in excess of thirty-five thousand dollars, shall be awarded pursuant to competitive sealed bidding as provided in this section and under the following conditions:~~
  - ~~1. Time permits the solicitation, submission and evaluation of sealed bids; and~~
  - ~~2. Award will be made on the basis of price and other price-related factors; and~~
  - ~~3. It is not necessary to conduct discussions with the responding bidders about their bids; and~~
  - ~~4. There is reasonable expectation of receiving more than one sealed bid.~~
- ~~B. The chief executive officer shall cause a notice inviting sealed bids to be published in appropriate newspapers within Pierce and King Counties at least once, the publication of which shall be not less than ten business days before accepting bids for such contract or as required by law. The plans and specification for such work or equipment, materials, supplies or non-professional services or work must be on file with the chief executive officer and open to public inspection at the time of publication of such notice. The notice shall state generally the equipment, materials, supplies or non-professional services or work to be purchased or work to be done and shall call for bids for doing the same to be sealed and filed with Pierce Transit on or before the day and hour specified. The notice may be published in such additional newspapers or magazines and for such additional period of time as the chief executive officer shall deem to be in the best interest of Pierce Transit.~~
- ~~C. Any responsive and responsible bids received shall be considered as offers to contract with Pierce Transit. At the time and place named, bids received by Pierce Transit shall be publicly opened and read. The chief executive officer shall require the bids to be retained and analyzed and make his/her recommendation as to the best bid. The chief executive officer may reject any or all bids or cancel or modify bid solicitations if the chief executive officer deems such actions to be in the best interests of Pierce Transit. Minor informalities and irregularities in bid form may be waived.~~
- ~~D. Contracts shall be awarded on the basis of the best bid. Any bid or any portion of any bid or all bids may be rejected by the chief executive officer. In determining "best bid," the following elements shall be given consideration in addition to price:~~
  - ~~1. Bidder responsibility in accordance with RCW 39.04.350;~~
  - ~~2. The ability, capacity and skill of the bidder to perform the contract or provide the service or work required;~~
  - ~~3. The character, integrity, reputation, judgment, and efficiency of the bidder;~~
  - ~~4. The quality and timeliness of performance by the bidder of previous contracts with Pierce Transit, other local governments and state and federal agencies, including but not limited to, the relative costs, burdens, time and effort necessarily expended by Pierce Transit or such governments and agencies in securing satisfactory performance and resolving claims;~~
  - ~~5. The previous and existing compliance by the bidder with laws relating to public contracts including, but not limited to, disadvantaged business enterprise and equal employment opportunity requirements;~~

~~6. Such other information as may be secured having a bearing on whether the bidder is responsible and has submitted a responsive bid.~~

~~(Res. No. 08-018, § 3, 4-14-2008)~~

~~3.13.040 Competitive proposals.~~

~~If soliciting competitive sealed bids is not appropriate under the conditions described in Section 3.13.030, then equipment, materials, supplies, professional and non-professional services or work purchased and ordered, the estimated cost of which is in excess of thirty-five thousand dollars may be let by contract under the following competitive sealed proposals procedures to include alternative procurement methods in accordance with RCW 39.10:~~

- ~~A. The chief executive officer shall cause a notice inviting statements of qualifications and/or proposals to be published in appropriate newspapers in Pierce and King Counties at least once, the publication of which shall be not less than ten business days before accepting proposals for such contract. The notice shall state generally the work to be done or equipment, materials, supplies or non-professional services or work to be purchased and shall call for statements of qualifications and/or proposals to be submitted to Pierce Transit on or before the day and hour named therein. The notice may be published in such additional newspapers or magazines and for such additional period of time as the chief executive officer shall deem to be in the best interest of Pierce Transit. The request for statements of qualifications and/or proposals shall state the relative importance of price and other evaluation factors, including but not limited to, the elements listed in Section 3.13.020 for evaluating competitive sealed bids.~~
- ~~B. After review of the proposals, Pierce Transit may award the contract on the basis of the proposals submitted or after conducting interviews with selected offerors as provided in Section 3.13.020 of this resolution, or Pierce Transit may conduct discussions with selected offerors to determine which proposals should be evaluated in more detail and/or whether it is necessary for offerors to submit best and final offers for evaluation. Pierce Transit may request clarifications and consider minor adjustments in the proposals in order to better understand the proposals and to qualify them for further consideration; provided, that information discussed or obtained from one offeror shall not be disclosed to competing offerors during the discussions and negotiations. Except to the extent protected by state or federal laws, proposals shall be considered public documents and available for review and copying by the public after an award of contract recommendation is made.~~
- ~~C. If Pierce Transit determines to award a contract, the award shall be made to a responsible offeror whose proposal is determined to be the most advantageous to Pierce Transit, taking into consideration price and the other established evaluation factors.~~

~~(Res. No. 08-018, § 4, 4-14-2008)~~

~~3.13.050 Prequalification.~~

~~The chief executive officer is hereby authorized to establish procedures for qualifying equipment, materials, supplies and consulting and contracting firms to perform or provide services and work prior to procurement of such items, services or work when special qualifications, experience, capability or performance characteristics are required for the success of a project. Under such procedures, only equipment, materials, supplies and contractors or consultants providing services and work that are determined to meet the qualifying criteria of Pierce Transit will be acceptable to bid or to propose in the subsequent procurement.~~

~~(Res. No. 08-018, § 5, 4-14-2008)~~

3.13.060 - Sole source procurements.

~~The chief executive officer shall establish specific sole source award criteria in accord with RCW 39.04.280(2)(a) as may be amended from time to time. Notwithstanding any other provisions of this resolution, upon determination in writing by the chief executive officer that one or more of the administratively approved sole source award criteria have been met there is only one source available for that which is to be procured, a contract may be negotiated and awarded to that source without being competitively procured. The chief executive officer shall report to the board all contracts for sole source procurements which exceed ten thousand dollars on a periodic basis, not less frequently than quarterly. The chief executive officer may award contracts and purchases for sole source procurements up to not to exceed one hundred thousand dollars, may be awarded by the chief executive officer. Contracts for sole source procurements exceeding one hundred thousand dollars shall be approved by the board for award. The resolution approving the contract, if required under the procedures established by this resolution, shall also indicate the reasons for the sole source procurement.~~

~~(Res. No. 08-018, § 6, 4-14-2008)~~

~~3.13.070 - Proprietary and nondiscretionary items.~~

- ~~A. Spare parts, replacement parts and maintenance contracts for existing equipment and systems where only proprietary items and services are compatible with the existing equipment and systems and where such items and services can be acquired only from the manufacturer or from a single distributor or licensee up to two hundred thousand dollars may be acquired, ordered or paid in the best interests of Pierce Transit by the chief executive officer within budget appropriations or other board authorization therefor.~~
- ~~B. Routine expenses of government, such as utilities charges, governmental taxes, publication and meeting expenses, and governmental fees for licenses and permits may be acquired, ordered or paid in the best interests of Pierce Transit by the chief executive officer within budget appropriations or other board authorization therefor.~~

~~(Res. No. 08-018, § 7, 4-14-2008)~~

3.13.080 - Emergency.

When any emergency shall require the immediate execution of a contract for work or services, or any immediate purchases of materials, equipment supplies, services or construction items, the chief executive officer is authorized to make a finding of the existence of such emergency and execute any contracts or purchases necessary to respond to the existing emergency, provided that the chief executive officer shall, at the first board meeting following the chief executive officer's finding of the existence of an emergency, request board ratification of the finding of emergency and any purchases or contracts awarded and/or executed pursuant to that finding. The chief executive officer shall keep the Pierce Transit Board informed of the development of the emergency situation and the progress of any contracts or purchases executed to remedy the emergency.

~~(Res. No. 08-018, § 8, 4-14-2008)~~

3.13.090 - ~~Capital contract administration~~ Change Order Administration.

~~The following procedures and practices shall be utilized by the chief executive officer to initiate and report on the status of capital projects.~~

- A. Construction Contracts (Public Work) and capital equipment purchases: The chief executive officer may execute change orders in any amount, up to his/her purchasing authority, so long as the

~~cumulative change order amount does not exceed the approved project contingency. Change orders exceeding \$200,000 and up to \$1,000,000 may be approved by the Executive Finance Committee. Change orders exceeding \$1,000,000 and any change order requiring a budget amendment must be approved by the Board. Unless Pierce Transit Board requests more frequent reporting, the chief executive officer shall report quarterly to Pierce Transit Board on the progress and status of major capital projects.~~

- B. ~~Professional Services Contracts: The chief executive officer may execute change orders in any amount, so long as the cumulative change order amount plus the original contract amount does not exceed his/her purchasing authority. Change orders exceeding \$200,000 and up to \$1,000,000 may be approved by the Executive Finance Committee. Change orders exceeding \$1,000,000 and any change order requiring a budget amendment must be approved by the Board. Unless Pierce Transit Board requests more frequent reporting, the chief executive officer shall report quarterly to Pierce Transit Board on the progress and status of major capital projects.~~

~~Where contracts for the performance of work have been individually awarded by the board and work is in progress, and changes in plans and/or specifications are necessitated in order to properly accomplish the work, the executive director of finance or the procurement manager may approve and execute change orders valued up to \$50,000.00 and the chief executive officer may execute change orders in any amount. Regardless of value, change orders may only be authorized provided that all of the following conditions are met:~~

- ~~1. The estimated cost of the change order will not exceed funds available in the approved contingency for the work. When an individual change order exceeds the available approved contingency, the change order shall not be issued without prior board approval; and~~
- ~~2. The contract provides for issuance of change orders and the change order is consistent with the terms and provisions of the contract; and~~
- ~~3. The individual change order has been approved and/or certified by the project architect or engineer as being appropriate.~~

~~(Res. No. 08-018, § 9, 4-14-2008; Res. No. 16-020, § 2, 6-13-2016)~~

### 3.13.100 - Professional services.

- A. ~~Professional services estimated to cost more than thirty five thousand dollars may be performed by contract when the following circumstances are present: to be performed for Pierce Transit by other than employees, including but not limited to engineering, financial, marketing, appraisal and other specialized or professional services, the estimated cost of which exceeds thirty five thousand dollars, shall be procured consistent with the following procedures.~~

- A. ~~The chief executive officer may initiate the procurement of professional services in the following circumstances:~~

- ~~1. When the services cannot be performed on a timely basis by employees of Pierce Transit; or~~
- ~~2. The services are not part of the routine assignment for such employees; or~~
- ~~3. The services require specialized professional or technical expertise not available from such employees.~~

- B. ~~Such services shall be procured using an RFP/RFQ process using procedures consistent with state and federal requirements and approved by the chief executive officer. The chief executive officer shall cause a notice inviting statements of qualifications and/or proposals to be published in appropriate newspapers in Pierce and King Counties at least ten business days before the date for submitting such statements of qualifications and/or proposals. The request for statements of qualifications and/or proposals published or provided to interested parties shall describe the services required, list the types of information and data required of each proposal, identify applicable minority/women/disadvantaged business enterprise and equal employment opportunity requirements, describe the evaluation criteria and state the relative importance of the criteria.~~

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Exhibit A

- ~~G. The chief executive officer shall establish a selection board to review and evaluate statements of qualifications and/or proposals and, if appropriate, hear oral presentations by proposers. After consultation with the board, the chief executive officer may request that one or more board members serve on the selection board. The selection board shall select and rank the most qualified proposers. In selecting and ranking such proposers, the selection board shall consider the published evaluation criteria and may consider such other information as may be secured during the evaluation process related to a proposer's qualifications and experience. The ranking of proposers shall be subject to approval by the chief executive officer. If the chief executive officer approves the ranking, the chief executive officer may authorize contract negotiations with the top ranked proposer or proposers. Negotiations may be conducted concurrently or sequentially.~~
- ~~D. Contracts for architectural and engineering services shall be procured in accordance with Chapter 39.80 RCW.~~

~~(Res. No. 08-018, § 10, 4-14-2008)~~

3.13.110 - Real property acquisition and disposition.

- A. The chief executive officer may approve contracts for Pierce Transit to acquire or use property of others, including purchase agreements, leases, rental agreements, operating agreements, licenses, easements, use and access permits, rights of entry and other use agreements; provided that ~~funding for the rental or other~~ resulting monetary obligation is within authorized budget limits, the term of such agreement does not exceed five years (including options), and the total monetary commitment of Pierce Transit over the term of any such agreement (including options) does not exceed two hundred thousand dollars. Contracts for property acquisition or use in excess of the chief executive officer's contract authority of two hundred thousand dollars but less than one million dollars may be approved by the Board's Executive-Finance Committee.
- B. The chief executive officer ~~is authorized to shall~~ obtain ~~appropriate~~ appraisals for ~~use in~~ evaluating or negotiating any proposed Pierce Transit acquisition, sale, or lease of real property or any lesser interest therein.
- C. After the Pierce Transit Board authorizes the acquisition of real property by negotiated purchase or condemnation, the chief executive officer shall take all necessary steps, including executing all required closing documents, deeds, and other necessary title instruments to secure title of such property for Pierce Transit. The acquisition price of individual properties (or ownerships) shall in no case exceed Pierce Transit's appraisal of fair market value or authorized budget limitations without further specific Pierce Transit Board approval. ~~All voluntary acquisitions costing in excess of two hundred thousand dollars shall be approved by the Pierce Transit Board.~~
- D. The chief executive officer is authorized to make application for vacation of streets or roads, and to take all other steps necessary to acquire a fee interest in street or road ends or other public right-of-way ancillary to Pierce Transit development, if the estimated acquisition costs do not exceed two hundred thousand dollars and are within authorized budget limits.
- ~~E.D.~~ Upon approval by Pierce Transit Board, the chief executive officer ~~is authorized to may~~ sell, exchange, transfer, lease or otherwise dispose of Pierce Transit real or personal property to government entities as provided in Chapter 39.33 RCW, or applicable federal law.

~~(Res. No. 08-018, § 11, 4-14-2008; Res. No. 14-035, § 1(Exh. A), 7-14-2014)~~

3.13.120 - Miscellaneous provisions.

- A. ~~Any public work performed by employees of Pierce Transit, the estimated cost of which exceeds the amount set forth in RCW 39.04.020 shall be performed consistent with the provisions of Chapter 39.04 RCW.~~

Exhibit A

~~B. The chief executive officer may designate employees of Pierce Transit to act as the purchasing agents of Pierce Transit for the purpose of carrying out the policies and provisions of this resolution.~~

C. The chief executive officer is authorized to enter into cooperative and/or joint agreements on behalf of Pierce Transit with federal, state and local governments, and/or "piggyback" on such entities' contracts for the purchase of supplies, materials, and equipment whenever in the judgment of the chief executive officer, purchases may thereby be more advantageously made. Whenever supplies, materials and equipment are purchased for Pierce Transit by such federal, state or local governments, such purchases may be accomplished in the manner prescribed by the provisions of applicable law, charter or regulation of such federal, state or local governments, rather than the provisions of this section. The federal, state or local governmental units shall may be reimbursed for necessary costs of performing purchasing services for Pierce Transit.

~~D.B.~~ When a procurement involves the expenditure of federal or state grant or contract funds, and the method of procurement required by such agency differs from the requirements of this resolution code or Pierce Transit's purchasing procedures or manual, the chief executive officer shall conduct the procurement in accordance with any mandatory applicable federal or state laws and regulations.

~~E.C.~~ The chief executive officer shall ensure that Pierce Transit complies with state law where specifically applicable to the award by Pierce Transit of public contracts.

~~F.D.~~ The chief executive officer is authorized to enter into agreements under which Pierce Transit will provide reimbursable services to others and for which Pierce Transit will receive reimbursement, when such services are part of normal-usual Pierce Transit operations or incident thereto.

~~G.E.~~ The chief executive officer is authorized to include provisions in contracts awarded by Pierce Transit which promote cooperation and motivate contractors or vendors to improve the project quality or function, to reduce the cost or to save time in construction or delivery by using such methods as shared savings for value engineering, incentive payments, reimbursement for proposal or bid preparation expenses and preconstruction planning, and partnering.

~~H. In the case of a tie bid, the tie shall be decided by lot.~~

~~I.F.~~ Whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder or proposer who is a resident of Washington if so provided in the bidding documents and allowed by applicable state and federal laws and regulations.

~~(Res. No. 08-018, § 12, 4-14-2008)~~

3.13.130 - Special circumstances.

Whenever in the judgment of the board special circumstances require a policy or procedure different from that set forth herein, the board may authorize the making of purchases, the ordering of work or the performance of services in such other manner as may be deemed to be appropriate to the circumstances.

~~(Res. No. 08-018, § 13, 4-14-2008)~~

3.13.140 - Protests.

The chief executive officer shall establish procedures for considering and determining prequalification, bid and proposal protests and appeals. The chief executive officer, or his or her designee, shall render the final administrative determination on all such protests and appeals.

~~(Res. No. 08-018, § 14, 4-14-2008)~~

~~3.13.150 - Debarments and suspensions.~~

~~The chief executive officer shall comply with the following procedures in contract debarment and suspension actions:~~

- ~~A. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the chief executive officer shall have authority to debar a person, firm or other legal entity for cause from consideration for award of contracts with Pierce Transit. An individual debarment action shall be for a period of not more than two years.~~
- ~~B. The chief executive officer shall have the authority to suspend a person, firm or other legal entity from consideration for award of contracts if there is probable cause for debarment. An individual suspension action shall be for a period of not more than six months.~~
- ~~C. The authority to debar or suspend shall be exercised in accordance with procedures established by the chief executive officer.~~
- ~~D. The causes for debarment or suspension include the following:~~
  - ~~1. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;~~
  - ~~2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a contractor to Pierce Transit;~~
  - ~~3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;~~
  - ~~4. Violation of provisions of contracts with Pierce Transit of a character which is regarded by the chief executive officer to be so serious as to justify debarment action, including but not limited to:~~
    - ~~(a) deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or~~
    - ~~(b) substantial failure to comply with commitments to and contractual requirements for participation by women, minority and disadvantaged business enterprises and equal opportunity; or~~
    - ~~(c) a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; or~~
  - ~~5. Violation of ethical standards set forth in contracts with Pierce Transit; or~~
  - ~~6. Any other cause the chief executive officer determines so serious and compelling as to affect responsibility as a contractor to Pierce Transit, including debarment by another governmental entity for any cause similar to those set forth herein.~~
- ~~E. The chief executive officer's decision of debarment or suspension shall constitute the final and conclusive decision on behalf of Pierce Transit.~~

~~(Res. No. 08-018, § 15, 4-14-2008)~~

3.13.160 - Privatized contracts.



Exhibit A

The following provisions shall apply to contracts entered into by Pierce Transit for work or services to be provided to Pierce Transit by private parties which retain an ownership interest in facilities used for such work on services:

- A~~1~~. The specifications for each privatization contract which involves construction, reconstruction, maintenance, or repair of a facility shall contain a provision stating the specified hourly minimum rate of wage, not less than the Washington State or Davis Bacon Act prevailing rate of wage, whichever is higher shall be paid to laborers, workers, or mechanics in each trade or occupation employed in the performance of such contract, either by the contractor, subcontractor, or other person doing or contracting to do the whole or any part of the work contemplated in the construction, reconstruction, maintenance, or repair of the facility.
- B~~2~~. The chief executive officer is authorized and directed to establish a process under which the payment of prevailing wage by such contractor or its subcontractors may be monitored and enforced.

~~(Res. No. 08-018, § 16, 4-14-2008)~~

3.13.170 - Grant and other revenue.

The chief executive officer is hereby authorized to submit grant applications and related documents and to execute grant and other revenue generating contracts provided the resulting revenue and any related expense is included in the budget. Revenue generating contracts ~~in excess of~~ exceeding two hundred thousand dollars not included in the budget shall be authorized for execution by the board of commissioners.

~~(Res. No. 08-018, § 17, 4-14-2008)~~

3.13.180 - Surplus equipment/supplies.

- A. The chief executive officer is hereby authorized to declare equipment or supplies that are no longer of use to the agency surplus and to dispose of such equipment or supplies by open competition to the public provided that applicable state and federal retention rules and requirements have been satisfied.
- B. ~~Care-a-van~~ Vehicle donation program—Subject to board of commissioners' approval or by board delegated authority to the CEO, nothing herein shall prevent donation of surplus~~ed~~ vehicles to qualified non-profit organizations through the ~~care~~ Care-a-van-Van or similar program-, provided that the recipient provides sufficient transportation services to offset the approximate value that the vehicle would have been sold for in open competition.

~~(Res. No. 08-018, § 18, 4-14-2008; Res. No. 15-068, §§ 1, 2(Exh. A), 12-14-2015)~~

3.13.190 - Implementation.

The chief executive officer ~~is hereby authorized to~~ shall establish additional ~~regulations,~~ requirements, certifications and procedures as ~~the chief executive officer deems~~ needed necessary to carry out ~~these~~ se policies ~~and provisions of this resolution~~. The chief executive officer is authorized to propose innovative contracting techniques for securing necessary work and services including, but not limited to, design/build and general contractor/construction manager projects.

~~(Res. No. 08-018, § 19, 4-14-2008)~~

3.13.200 - ~~Affirmative action~~ Equal Opportunity in Contracting.

Pierce Transit is committed to a policy of providing fair and representative employment and business opportunities for disadvantaged business enterprises (DBE) in the procurement of equipment, materials, supplies and non-professional and professional services purchased or work ordered for Pierce Transit, consistent with those Pierce Transit DBE policies, procedures, and guiding principles in effect at the time. The chief executive officer shall take such steps as may be necessary to ensure that parties contracting with Pierce Transit fully comply with all federal, state and local laws, regulations and ordinances pertaining to non-discrimination, equal employment and affirmative action. The chief executive officer is further authorized and directed to utilize, disadvantaged minority and women's business goals in Pierce Transit's contracting as may be applicable under federal or state grant contracts or as may be imposed by federal and state laws and regulations or by Pierce Transit Board policy. The chief executive officer is further authorized and directed to take all necessary steps to collect sufficient statistical and anecdotal evidence to determine whether a formal preference program or alternative means to involve minority and women's businesses is necessary to remedy discrimination against such businesses. Such steps shall be taken on a schedule that would permit any resulting program to be in place prior to the award of any major design or capital contracts and may include review of existing data collected by agencies within the jurisdiction of the authority, the commissioning of a consultant study for the authority itself, or the collaboration with other agencies in a joint study.

~~(Res. No. 08-018, § 20, 4-14-2008)~~

3.13.210 - Purchasing ~~credit~~ card program.

- A. For the purpose of this section, purchasing ~~credit~~ card means a card that is the responsibility of the agency, with the balance to be paid monthly, which gives the cardholder authorization to make purchases to conduct official agency business.
- B. The chief executive officer is authorized to establish policies and procedures for issuance of purchasing ~~credit~~ cards to appropriate agency personnel.
- C. The chief financial officer will develop and implement guidelines and controls to ensure the proper usage of the cards, and establish credit limits.

~~(Res. No. 14-062, § 1(Exh. A), 12-8-2014)~~

Chapter 3.13 - DELEGATED AUTHORITY FOR PROCUREMENT OF MATERIALS, WORK AND SERVICES AND FOR THE ACQUISITION AND USE OF PROPERTY AND PROPERTY RIGHTS<sup>(1)</sup>

3.13.010 - Delegated authority.

- A. The board has retained a chief executive officer to implement the mission, goals, objectives and policy guidelines of the board of commissioners of Pierce Transit pursuant to policies to be established by the board. The chief executive officer derives authority from the board acting as the governing body of Pierce Transit and as permitted by law. The following policies are adopted by the board to establish the administrative authority of the chief executive officer.
- B. The chief executive officer shall be responsible for the overall management and conduct of operations at Pierce Transit, subject to board policies set forth in this Code or by other board action or direction. The chief executive officer is responsible for the day-to-day business transactions of the agency involving personnel, finances, payments of vouchers, facilities, real and personal property, and other assets. The chief executive officer is authorized to retain staff to operate and manage according to directives and policy from the chief executive officer subject board policies and direction. The chief executive officer shall regularly inform and consult with the chair of the board, the board's standing committees, and the board as a whole regarding significant information, business transactions and policies through methods mutually agreeable to the board and the chief executive officer.
- C. As permitted by law, the chief executive officer may delegate to appropriate Pierce Transit staff such of his or her administrative authority or reporting requirements herein established as, in his or her discretion, is necessary and advisable for the efficient exercise of such authority. To implement delegations to Pierce Transit staff, the chief executive officer may issue such policies and procedures, monetary delegations, authority to execute contracts and other documents to guide agency administration such as employee position descriptions, affirmative action plans, office manuals, etc., which shall include such delegations as may be appropriate. Directives or initiatives by the board shall be implemented through the chief executive officer unless otherwise provided in the board's directive or initiative. Except in the event of emergencies, directives or initiatives shall be approved by the full Board of Pierce Transit acting as a body, or by a motion of a standing committee of the board. The board, acting as a body, may at any time rescind or suspend all or any portion of the delegated authority confirmed upon the chief executive officer by resolution or motion acted on in a public meeting.
- D. As permitted by law, the board's executive-finance committee is hereby authorized to approve all contracts proposed for award and all contracts for Pierce Transit to acquire or use property of others or to allow the use of Pierce Transit property by others which exceed the chief executive officer's award authority up to a maximum amount of one million dollars or as otherwise required by law. Such approval shall be by motion based on written facts provided by the chief executive officer.
- E. As permitted by law, the chief executive officer may award all contracts and purchases that do not exceed two hundred thousand dollars in aggregate amount over the term of the contract (including options), pursuant to such procedures as the chief executive officer deems reasonable and in the best interests of Pierce Transit; provided, that such contracts or purchases are within current budget authorizations.

3.13.020 - Procurement and contracting policy.

- A. The chief executive officer shall ensure that equipment, materials, supplies, services and public work are procured efficiently and economically by Pierce Transit with maximum practicable competition and in compliance with applicable state and federal laws and regulations, adopted board policies, and applicable procedures.
- B. Reporting. The chief executive officer (or delegate) shall provide a report(s) to the board, not less frequently than quarterly, of the following items:
  - 1. All contracts and purchases exceeding one hundred thousand dollars.

2. All sole source awards exceeding ten thousand dollars, except purchase of insurance or bonds and those items that are legally limited to one source by a government authority, such as utilities and building permits.
3. The progress and status of major (as determined by the CEO) capital projects.

### 3.13.060 - Sole source procurements.

The chief executive officer shall establish specific sole source award criteria in accord with RCW 39.04.280(2)(a) as may be amended from time to time. Upon determination in writing by the chief executive officer that one or more of the administratively approved sole source award criteria have been met, a contract may be negotiated and awarded to that source without being competitively procured. The chief executive officer may award contracts and purchases for sole source procurements not to exceed one hundred thousand dollars. .

### 3.13.080 - Emergency.

When any emergency shall require the immediate execution of a contract for work or services, or any immediate purchases of materials, equipment supplies, services or construction items, the chief executive officer is authorized to make a finding of the existence of such emergency and execute any contracts or purchases necessary to respond to the existing emergency, provided that the chief executive officer shall, at the first board meeting following the chief executive officer's finding of the existence of an emergency, request board ratification of the finding of emergency and any purchases or contracts awarded and/or executed pursuant to that finding. The chief executive officer shall keep the Pierce Transit Board informed of the development of the emergency situation and the progress of any contracts or purchases executed to remedy the emergency.

### 3.13.090 - Change Order Administration.

- A. Construction Contracts (Public Work) and capital equipment purchases: The chief executive officer may execute change orders in any amount, up to his/her purchasing authority, so long as the cumulative change order amount does not exceed the approved project contingency. Change orders exceeding \$200,000 and up to \$1,000,000 may be approved by the Executive Finance Committee. Change orders exceeding \$1,000,000 and any change order requiring a budget amendment must be approved by the Board.
- B. Professional Services Contracts: The chief executive officer may execute change orders in any amount, so long as the cumulative change order amount plus the original contract amount does not exceed his/her purchasing authority. Change orders exceeding \$200,000 and up to \$1,000,000 may be approved by the Executive Finance Committee. Change orders exceeding \$1,000,000 and any change order requiring a budget amendment must be approved by the Board.

### 3.13.100 - Professional services.

- A. Professional services estimated to cost more than thirty five thousand dollars may be performed by contract when the following circumstances are present:
  1. When the services cannot be performed on a timely basis by employees of Pierce Transit; or
  2. The services are not part of the routine assignment for such employees; or
  3. The services require specialized professional or technical expertise not available from such employees.
- B. Such services shall be procured using an RFP/RFQ process using procedures consistent with state and federal requirements and approved by the chief executive officer.

## 3.13.110 - Real property acquisition and disposition.

- A. The chief executive officer may approve contracts for Pierce Transit to acquire or use property of others, including purchase agreements, leases, rental agreements, operating agreements, licenses, easements, use and access permits, rights of entry and other use agreements; provided that the resulting monetary obligation is within authorized budget limits, the term of such agreement does not exceed five years (including options), and the total monetary commitment of Pierce Transit over the term of any such agreement (including options) does not exceed two hundred thousand dollars. Contracts for property acquisition or use in excess of the chief executive officer's contract authority of two hundred thousand dollars but less than one million dollars may be approved by the Board's Executive-Finance Committee.
- B. The chief executive officer shall obtain appraisals for evaluating or negotiating any proposed Pierce Transit acquisition, sale, or lease of real property or any lesser interest therein.
- C. After the Pierce Transit Board authorizes the acquisition of real property by negotiated purchase or condemnation, the chief executive officer shall take all necessary steps, including executing all required closing documents, deeds, and other necessary title instruments to secure title of such property for Pierce Transit. The acquisition price of individual properties (or ownerships) shall in no case exceed Pierce Transit's appraisal of fair market value or authorized budget limitations without further specific Pierce Transit Board approval. D. The chief executive officer is authorized to make application for vacation of streets or roads, and to take all other steps necessary to acquire a fee interest in street or road ends or other public right-of-way ancillary to Pierce Transit development, if the estimated acquisition costs do not exceed two hundred thousand dollars and are within authorized budget limits.
- D. Upon approval by Pierce Transit Board, the chief executive officer may sell, exchange, transfer, lease or otherwise dispose of Pierce Transit real or personal property to government entities as provided in Chapter 39.33 RCW, or applicable federal law.

## 3.13.120 - Miscellaneous provisions.

- A. The chief executive officer is authorized to enter into cooperative and/or joint agreements on behalf of Pierce Transit with federal, state and local governments, and/or "piggyback" on such entities' contracts for the purchase of supplies, materials, and equipment whenever in the judgment of the chief executive officer, purchases may thereby be more advantageously made. Whenever supplies, materials and equipment are purchased for Pierce Transit by such federal, state or local governments, such purchases may be accomplished in the manner prescribed by the provisions of applicable law, charter or regulation of such federal, state or local governments, rather than the provisions of this section. The federal, state or local governmental units may be reimbursed for necessary costs of performing purchasing services for Pierce Transit.
- B. When a procurement involves the expenditure of federal or state grant or contract funds, and the method of procurement required by such agency differs from the requirements of this code or Pierce Transit's purchasing procedures or manual, the chief executive officer shall conduct the procurement in accordance with any mandatory applicable federal or state laws and regulations.
- C. The chief executive officer shall ensure that Pierce Transit complies with state law where specifically applicable to the award by Pierce Transit of public contracts.
- D. The chief executive officer is authorized to enter into agreements under which Pierce Transit will provide reimbursable services to others and for which Pierce Transit will receive reimbursement, when such services are part of usual Pierce Transit operations or incident thereto.
- E. The chief executive officer is authorized to include provisions in contracts awarded by Pierce Transit which promote cooperation and motivate contractors or vendors to improve the project quality or function, to reduce the cost or to save time in construction or delivery by using such methods as shared savings for value engineering, incentive payments, reimbursement for proposal or bid preparation expenses and preconstruction planning, and partnering.

- F. Whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder or proposer who is a resident of Washington if so provided in the bidding documents and allowed by applicable state and federal laws and regulations.

3.13.130 - Special circumstances.

Whenever in the judgment of the board special circumstances require a policy or procedure different from that set forth herein, the board may authorize the making of purchases, the ordering of work or the performance of services in such other manner as may be deemed to be appropriate to the circumstances.

3.13.140 - Protests.

The chief executive officer shall establish procedures for considering and determining prequalification, bid and proposal protests and appeals. The chief executive officer, or his or her designee, shall render the final administrative determination on all such protests and appeals.

3.13.160 - Privatized contracts.

The following provisions shall apply to contracts entered into by Pierce Transit for work or services to be provided to Pierce Transit by private parties which retain an ownership interest in facilities used for such work on services:

1. The specifications for each privatization contract which involves construction, reconstruction, maintenance, or repair of a facility shall contain a provision stating the specified hourly minimum rate of wage, not less than the Washington State or Davis Bacon Act prevailing rate of wage, whichever is higher shall be paid to laborers, workers, or mechanics in each trade or occupation employed in the performance of such contract, either by the contractor, subcontractor, or other person doing or contracting to do the whole or any part of the work contemplated in the construction, reconstruction, maintenance, or repair of the facility.
2. The chief executive officer is authorized and directed to establish a process under which the payment of prevailing wage by such contractor or its subcontractors may be monitored and enforced.

3.13.170 - Grant and other revenue.

The chief executive officer is hereby authorized to submit grant applications and related documents and to execute grant and other revenue generating contracts provided the resulting revenue and any related expense is included in the budget. Revenue generating contracts exceeding two hundred thousand dollars not included in the budget shall be authorized for execution by the board of commissioners.

3.13.180 - Surplus equipment/supplies.

- A. The chief executive officer is hereby authorized to declare equipment or supplies that are no longer of use to the agency surplus and to dispose of such equipment or supplies by open competition to the public provided that applicable state and federal retention rules and requirements have been satisfied.
- B. Vehicle donation program—Subject to board of commissioners' approval or by board delegated authority to the CEO, nothing herein shall prevent donation of surplus vehicles to qualified non-profit organizations through the Care-a-Van or similar program, provided that the recipient provides sufficient transportation services to offset the approximate value that the vehicle would have been sold for in open competition.

3.13.190 - Implementation.

The chief executive officer shall establish additional requirements, certifications and procedures as deemed necessary to carry out these policies. The chief executive officer is authorized to propose

innovative contracting techniques for securing necessary work and services including, but not limited to, design/build and general contractor/construction manager projects.

### 3.13.200 - Equal Opportunity in Contracting.

Pierce Transit is committed to a policy of providing fair and representative employment and business opportunities for disadvantaged business enterprises (DBE) in the procurement of equipment, materials, supplies and non-professional and professional services purchased or work ordered for Pierce Transit, consistent with those Pierce Transit DBE policies, procedures, and guiding principles in effect at the time. The chief executive officer shall take such steps as may be necessary to ensure that parties contracting with Pierce Transit fully comply with all federal, state and local laws, regulations and ordinances pertaining to non-discrimination, equal employment and affirmative action. The chief executive officer is further authorized and directed to utilize disadvantaged minority and women's business goals in Pierce Transit's contracting as may be applicable under federal or state grant contracts or as may be imposed by federal and state laws and regulations or by Pierce Transit Board policy. The chief executive officer is further authorized and directed to take all necessary steps to collect sufficient statistical and anecdotal evidence to determine whether a formal preference program or alternative means to involve minority and women's businesses is necessary to remedy discrimination against such businesses. Such steps shall be taken on a schedule that would permit any resulting program to be in place prior to the award of any major design or capital contracts and may include review of existing data collected by agencies within the jurisdiction of the authority, the commissioning of a consultant study for the authority itself, or the collaboration with other agencies in a joint study.

### 3.13.210 - Purchasing card program.

- A. For the purpose of this section, purchasing card means a card that is the responsibility of the agency, with the balance to be paid monthly, which gives the cardholder authorization to make purchases to conduct official agency business.
- B. The chief executive officer is authorized to establish policies and procedures for issuance of purchasing cards to appropriate agency personnel.
- C. The chief financial officer will develop and implement guidelines and controls to ensure the proper usage of the cards, and establish credit limits.



Board of Commissioners  
Fact Sheet No.: 2018-011  
Date: February 12, 2018

TITLE: Authority to Execute a Sole Source Contract with Track-it, LLC, to Provide a Training Database with Mobile-App Functionality

DIVISION: Administration

SUBMITTED BY: J. Mike Severino, Bus Safety & Training Supervisor

RELATED ACTION: N/A

ATTACHMENTS: None

RELATION TO STRATEGIC PLAN: Internal

.....  
**BUDGET INFORMATION**

Is it Budgeted? ☒ Yes / ☐ No

Project Name or Number: Track-It LLC

☒ Operating Budget

☐ Capital Budget

FUNDING SOURCE:		EXPLANATION:
Local Amount	\$ 72,000	Since 2014, the contract has been paid annually at 24,000 per year on a sole source justification. The cumulative cost has reached \$101,000 and now requires board approval. Staff is requesting a 3-year contract to be paid at a rate of 24,000 per year.
Grant/Other Amounts	\$	
Total Expenditure	\$ 72,000	

.....  
**BACKGROUND:**

Pierce Transit entered into a contract with Track-It, LLC, in 2014 via a sole source justification. The vendor provides a form-based mobile app that allows trainers and field supervisors to document training and performance evaluations from their work cellphones in the field. In the past, the contract has been approved and renewed on a sole source justification annually since 2014. However, this year the cumulative amount of renewal will exceed \$100,000. This requires Board approval per Pierce Transit Code Section 3.13.060. Track-It, LLC, is the only company that provides this type of service and this cloud-based database builds efficiencies saving the Training and Service Support Departments overtime costs exceeding \$50,000 per year. Additionally, this database gives the agency the ability to export employee training records and allows for emailing them thus giving the agency further efficiencies and cost savings.

**STAFF RECOMMENDATION:**

Staff recommends approval of contract renewal for a 3-year period in the amount of \$24,000 per year through February 28, 2021.



ALTERNATIVES:

Do not approve renewal. This is not recommended as the Training Department, Safety Office, and Service Support Departments would have to resort to training and evaluation documentation via pen and paper. This would drastically increase staff overtime costs and training standardization would be lost.

PROPOSED MOTION:

Move to authorize the CEO to enter into and execute a three-year sole source agreement with Track-It, LLC, to provide a training database with mobile-App functionality in an amount not to exceed \$72,000.



Board of Commissioners  
Fact Sheet No.: 2018-012  
Date: February 12, 2018

TITLE: Authority to Execute a 3-Year Sole Source Renewal  
and Expansion Agreement for Session Initiation Protocol  
(SIP) Trunking Services with Level 3

DIVISION: Administration

SUBMITTED BY: Keith Messner, Chief Technology Officer

RELATED ACTION: N/A

ATTACHMENTS: None

RELATION TO STRATEGIC PLAN: Customer

### BUDGET INFORMATION

Is it Budgeted? ☒ Yes / ☐ No

Project Name or Number: N/A

☒ Operating Budget

☐ Capital Budget

FUNDING SOURCE:		Explanation: Our current Level 3 SIP Trunk Service Agreement expired in December 2017 and we are now on a month to month plan with no fixed pricing. Renewal of this agreement will provide a continuation of our current SIP Trunk service and provide additional SIP Trunk lines at Tacoma Dome Station for a locked-in fixed price. Costs are approximately \$49,455 each year (depending upon long distance charges). Funds for 2018 are available in the 2018 IT Maintenance & Operations Budget. Funds for year's 2 and 3 will be budgeted accordingly in the 2019 and 2020 IT M&O Budgets.
Local Amount	\$ \$49,455/yr. each year (2018, 2019, 2020)	
Grant/Other Amounts	\$	
Total Expenditure	\$ 148,365 (approximately)	

### BACKGROUND:

Pierce Transit released an RFP in 2013 for SIP Trunk Services. Level 3 was selected as the best vendor able to provide these services. Pierce Transit elected to take advantage of the two one-year extensions available in the contract in 2016 and 2017. The Agency has exhausted the available contract extensions, and the fixed price contract has expired.

The current phone system, Microsoft Lync, is a Voice over IP (VOIP) system that utilizes SIP (Session Initiation Protocol) trunks with the internet rather than old standard phone lines used with a Private Bench Exchanges (PBXs). Our current SIP trunks allow for incoming and outgoing calls. Staff seek to renew the contract and add additional SIP trunks to Tacoma Dome Station to allow for failover of the Agency telephone system if something

were to occur to connections at headquarters. This contract covers the SIP trunks, internet connectivity and long-distance charges for the next 3 years, allowing for failover to another site if needed in an emergency.

This is a sole source as the Level 3 infrastructure is all in place and providing telephone services, releasing another RFP to replace Level 3 would entail replacing our complete SIP infrastructure and involve a re-implementation of our telephone services.

**STAFF RECOMMENDATION:**

Authorize execution of the Sole Source renewal and expansion agreement for SIP Trunk Services with Level 3.

**ALTERNATIVES:**

Do not renew agreement with Level 3. The Agency could remain on a month-to-month plan, but there would be no guarantee the pricing for the service would remain reasonable over the next three years, and Pierce Transit would not be able to expand SIP trunking services to Tacoma Dome Station for telephone system failover.

**PROPOSED MOTION:**

Move to authorize the CEO to enter into and execute a three-year sole source Renewal and Expansion Agreement for SIP Trunking Services with Level 3.



Board of Commissioners  
Fact Sheet No.: 2018-013  
Date: February 12, 2018

TITLE: Authority to Execute Task Order No. 13 with Parametrix for Engineering and Design Services for Sprinkler and Alarm System for Building 6

DIVISION: Finance

SUBMITTED BY: Clint Steele, Sr. Construction Project Manager

RELATED ACTION:

FS 17-039: Authority for the CEO to Enter Into a Lease With Option to Buy Property at 9622 40th Avenue SW in Lakewood and to Further Authorize the CEO to Execute a Purchase and Sale Agreement.

ATTACHMENTS: N/A

RELATION TO STRATEGIC PLAN: Customer

**BUDGET INFORMATION**

Is it Budgeted? ☒ Yes / ☐ No

Project Name or Number: 0522 Building 6 Property Improvements

☐ Operating Budget

☒ Capital Budget

FUNDING SOURCE:		EXPLANATION:
Local Amount	\$ 91,057.64	The proposed cost of the contract is \$91,057.64 with a 20% contingency of \$18,211.53.
20% Contingency	\$ 18,211.53	
Grant/Other Amounts		
Total Expenditure	\$ 109,269.17	

BACKGROUND:

Pierce Transit purchased the property located at 9622 40th Avenue SW, Lakewood ("Building 6"), in November of 2017. During a pre-application meeting with the City of Lakewood on December 7, 2017, staff was informed by the fire department and City of Lakewood of the requirement to add a sprinkler and alarm system in Building 6 due to the change in use of the building. On January 26, 2017, Staff received a fee proposal from Parametrix Engineers for the design, engineering and construction support for the sprinkler and alarm system in the amount of \$91,057.64. This design will include a fire line connection to a new required fire hydrant, a fire department connection (FDC), post indicator valve, back flow preventer, associated shut off valves, water line over to the building and a complete fire sprinkler and interconnected alarm system tied into the existing HVAC equipment with a required annunciator panel on the interior of the building to meet all current fire and building codes.

STAFF RECOMMENDATION:

Staff recommends approval of contract so Pierce Transit staff can occupy the building.

ALTERNATIVES:

Do not award the Task Order to Parametrix Engineers. This is not recommended, as the sprinkler and alarm system are required before Staff are allowed to occupy Building 6.

PROPOSED MOTION:

Move to authorize the CEO to enter into and execute Task Order No. 13 with Parametrix Engineers to provide engineering and design services for the sprinkler and alarm system for Building 6 in an amount not to exceed \$109,269.17.



Board of Commissioners  
Fact Sheet No.: 2018-014  
Date: February 12, 2018

**TITLE:** A Resolution Authorizing Revisions to the Pierce Transit Drug and Alcohol Abuse Policy and Repealing Resolutions Nos. 94-089, 98-082, 01-045, and 12-016 that Created Prior Drug and Alcohol Abuse Policies

**DIVISION:** Administration

**SUBMITTED BY:** Jean Carlson, Human Resources Generalist

**RELATED ACTION:**

94-089, Adopt and Implement Revised Drug and Alcohol Abuse Policy  
98-082, Adopt Revised Drug and Alcohol Abuse Policy  
01-045, Adopt Revised Drug and Alcohol Abuse Policy  
12-016, Adopt Revised Drug and Alcohol Abuse Policy

**ATTACHMENTS:** Proposed Resolution  
Exh A, Proposed Policy (redlined)  
Exh B, Proposed Policy (clean version)

**RELATION TO STRATEGIC PLAN:** Internal

**BUDGET INFORMATION:** N/A

**BACKGROUND:**

On July 2, 1994, the Board adopted the original Pierce Transit Drug and Alcohol Abuse Policy which implemented the Department of Transportation (DOT) and the Federal Transit Administration (FTA) jointly published drug and alcohol testing rules (49 CFR Part 40 & 49 CFR Part 655). These rules require transit agencies receiving federal funds to develop a policy on drug use and alcohol misuse that must be adopted by the agency's governing Board. Revisions to the policy and Board approval are required when the DOT and/or FTA issue significant changes and/or clarifications to the rules. The FTA issued new requirements for drug and alcohol testing, effective January 1, 2018. The proposed revisions also include recommended changes following a routine FTA audit of Pierce Transit's program. The attached resolution and recommended policy brings Pierce Transit into compliance with these changes.

Highlights of the proposed revision include:

*Four-Hour Rule:* Policy language was amended to clarify alcohol use being impermissible for 4 hours prior to performing a safety-sensitive duty, while on-call to perform a safety-sensitive duty, and while performing a safety-sensitive duty.

*Pre-Employment Drug Testing:* Amended the policy to clarify language for when a covered employee or applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan. The previous policy included only pre-employment failures. The revised policy includes pre-employment test refusals.

Amended the policy to clarify language regarding the provision to require a pre-employment drug test with a verified negative result for safety sensitive work when an employee or applicant has not performed safety sensitive functions for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time.

*Consequences of a Breath Alcohol Concentration (BAC) in Range of .02 to .039:* The DOT/FTA considers confirmed alcohol test results between .02 to .039 to be non-negative. Pierce Transit's policy required an amendment to correct language when we discipline for a result in this range. The discipline must be under our own authority, employee's must be referred to an Employee Assistance Professional rather than a Substance Abuse Professional, and any tests resulting from this discipline must be collected on non-DOT forms.

Effective January 1, 2018, the DOT revised 49 CFR Part 40 expanding the drug test panel to include the following opioids: Hydrocodone, Hydromorphone, Oxymorphone, and Oxycodone. This is a direct effort to enhance safety, prevent opioid abuse, and combat the nation's growing opioid epidemic. Common names for these opioids include: ***OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.*** The Pierce Transit Drug and Alcohol Abuse Policy proposed revisions seek to ensure compliance with this significant change to the DOT/FTA rules.

STAFF RECOMMENDATION:

Approve the proposed revised Pierce Transit Drug and Alcohol Abuse Policy in substantially the same form as set forth in Exhibit A.

ALTERNATIVES:

Reject the revisions to the policy; however, Pierce Transit would then be out of compliance with the DOT/FTA drug and alcohol testing regulations and could be subject to loss of FTA funding.

PROPOSED MOTION:

Approve Resolution No. 18-007, authorizing revisions to the Pierce Transit Drug and Alcohol Abuse Policy as presented in Exhibit A and repealing Resolutions Nos. 94-089, 98-082, 01-045, and 12-016, that created prior drug and alcohol abuse policies.

**RESOLUTION NO. 18-007**

A RESOLUTION of the Board of Commissioners of Pierce Transit Authorizing Revisions to the Pierce Transit Drug and Alcohol Abuse Policy

WHEREAS, the Department of Transportation (DOT) and Federal Transit Administration (FTA) have issued significant regulatory changes to the rules for conducting workplace drug and alcohol testing; and

WHEREAS, the FTA conducted a routine audit of Pierce Transit's FTA-mandated drug and alcohol testing program and noted recommended amendments to the Agency's policy; and

WHEREAS, the DOT/FTA rules require recipients of federal funding to promulgate a policy containing specific regulatory information that is adopted by the governing body of Pierce Transit; and

WHEREAS, Pierce Transit desires to fully comply with the DOT/FTA rules.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1. The Board of Commissioners authorizes the amendments to the Pierce Transit Drug and Alcohol Abuse Policy in substantially the same form as set forth in Exhibit A hereto; and

Section 2. Resolution Nos. 94-089, 98-082, 01-045, and 12-016 are hereby repealed in their entirety as they are obsolete policies.

ADOPTED by the Board of Commissioners of Pierce Transit at their regular meeting thereof held on the 12th day of February 2018.

PIERCE TRANSIT

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Kent Keel, Chair  
Board of Commissioners

ATTEST/AUTHENTICATED

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Deanne Jacobson, CMC  
Clerk of the Board





# DRUG AND ALCOHOL ABUSE POLICY

Effective: January 1, 1995

Revised: ~~May 14, 2012~~

## PIERCE TRANSIT DRUG AND ALCOHOL ABUSE POLICY

### 1.0 POLICY STATEMENT

Pierce Transit performs a vital public service to our community. To ensure that this service is delivered safely, we are dedicated to providing and maintaining a drug and alcohol free working environment in compliance with the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employees Testing Act of 1991. It is Pierce Transit's policy to:

- Assure that employees have the ability to perform assigned duties in a safe, healthy and productive manner;
- Create a workplace free from the adverse effects of drug and alcohol abuse or misuse;
- Prohibit the unlawful manufacture, distribution, possession or use of controlled substances.

Pierce Transit recognizes that its employees' use of illegal drugs and misuse of alcohol pose a significant risk to public safety, as well as the employee's health and well-being. Drug use includes, but is not limited to, marijuana, amphetamines, opiates, cocaine, and phencyclidine, as well as any substance which causes the presence of these drugs or drug metabolites such as hemp-related products, coca leaves or any substance not approved for use by the U.S. Food and Drug Administration. Illegal use includes the use of any illegal drug in violation of federal, state, or local laws, including the misuse of legally prescribed drugs, and use of illegally-obtained prescription drugs. The "use" of drugs means presence in an employee's body system while on duty. Pierce Transit cooperates fully with local, state, and federal authorities in matters pertaining to the use, possession, or sale of controlled substances by anyone on agency premises.

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Pierce Transit cares about the health and well-being of its employees. We urge anyone who believes that they are having an alcohol or chemical dependency problem to seek treatment before their job performance and employment are endangered.

### 1.1 PURPOSE

The purpose of this policy is to assure employee fitness for duty and to protect our employees, ~~passengers-customers,~~ and the public from risks posed by worker misuse of alcohol and drugs. This policy is written to comply with all the applicable ~~F~~federal, state and local legislation and regulations governing workplace drug abuse and alcohol misuse, ~~in the transit industry. Regulations~~ Those include DOT 49 CFR Part 40 and ~~ETA 49 CFR Part 655, issued by the U.S. Department of Transportation and the Federal Transit Administration mandate urine drug testing and evidential breath alcohol testing for safety sensitive positions. If any conflict occurs between state and local laws and any requirement of the above-mentioned federal regulations, the federal regulations prevail. However, Federal regulations do not pre-empt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse, whether the provisions apply specifically to transportation employees, employers, or the public in general.~~

This policy sets forth the Pierce Transit alcohol and drug abuse program and the testing and reporting guidelines for safety-sensitive employees as required by those regulations.

The DOT enacted the Drug-Free Workplace Act of 1988 (DFWA) which requires the establishment of drug-free workplace policies and the reporting of certain drug related offenses to the FTA. Additional information about the Drug Free Awareness Program is provided in Section 34.0.

The Drug and Alcohol Policy ~~Manual~~ incorporates federal requirements in addition to Pierce Transit requirements. To distinguish DOT and/or FTA requirements from Pierce Transit-specific requirements, portions of the Policy text have been *italicized* when references are made to the inclusion of non-safety ~~position-sensitive~~ employees or other Pierce Transit authority requirements. Pierce Transit mandated policies are in addition to the DOT/FTA requirements and are chosen to provide additional safety provisions. As used herein from time to time, the term "Covered Employees" means safety-sensitive employees.

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Copies of this policy will be given to non-safety sensitive employees during new employee orientation and to safety-sensitive employees during ~~the drug and alcohol testing program~~ *Employee Awareness* training. It is the responsibility of all safety sensitive Pierce Transit employees to read, understand and comply with the Drug and Alcohol Policy ~~Manual~~. Employees will be kept apprised of changes and clarification through periodic newsletters or items in Agency newsletters. Revised policies will be ~~distributed~~distributed, and receipt certified by safety-sensitive employees. ~~Copies of the Drug and Alcohol Testing Program Policy and Procedures Manual will be available at Human Resources, Dispatch and the Maintenance Supervisor's Station as well as from any manager or supervisor.~~

The Drug and Alcohol Policy includes several components for prevention and intervention. To promote a drug free workplace and comply with FTA regulations, Pierce Transit provides supervisory and employee education and contracts for EAP (Employee Assistance Program) and SAP (Substance Abuse Professional) services that provide employees access to professionals in addressing substance abuse.

## 1.2 APPLICABILITY

This policy applies in general to all transit system employees: full-time, part-time and contract employees and contractors when they are on transit property or when performing transit-related business off property. Employees who perform safety-sensitive functions, or contractors performing safety-sensitive functions for Pierce Transit, will be subject to the specific requirements of federal regulations 49 CFR Part 40, ~~published December 11, 2000 and as amended thereafter,~~ and 49 CFR Part 655, ~~published August 9, 2001 and as amended thereafter, issued pursuant to the Omnibus Transportation Employee Testing Act of 1991.~~ Participation in the federally mandated testing program is a condition of performing safety-sensitive functions.

*Employees shall promptly report to his/her supervisor or to the Drug and Alcohol Program Manager/Designated Employer Representative (DAPM/DER) whenever he/she observes or has*

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knowledge of an employee who poses a hazard to the safety and welfare of others. Failure to report may result in discipline under Pierce Transit authority.

Supervisory level staff is required to use and apply all aspects of this policy. Any supervisory level employee who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including discharge under Pierce Transit authority.

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A safety-sensitive function is any duty related to the safe operation of ~~mass transit~~ public transportation service as defined in 49 CFR Part 655:

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

A list of positions determined to be safety-sensitive is found in Appendix A.

### 1.3 PROHIBITED SUBSTANCES

~~Prohibited drugs are any illegal controlled substance, as well as any drug not approved for medical use by the USDA or the USFDA. Drugs for which testing will be conducted under the federal regulations (49 CFR Part 40, as amended) include: marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP); for clarity, the use of such drugs is prohibited at any time. Illegal use includes use of or impairment by any illegal drug, misuse of legally prescribed or over the counter drugs, or use of illegally obtained prescription drugs.~~

#### Prohibited Drugs

Unless legally prescribed, consumption of the following substances is prohibited at all times. Covered Safety Sensitive employees may be tested for drugs any time they are on duty.

- Marijuana metabolites
- Cocaine metabolites
- Opioids
- Amphetamines
- Phencyclidine (PCP)

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#### Prohibited Usage of Alcohol

Alcohol testing may occur just prior to, during, or immediately following performance of a safety-sensitive function. The following uses of alcohol are prohibited under this policy:

- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- Using alcohol while performing safety sensitive functions.

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- Using alcohol within four (4) hours prior to performing a safety sensitive function.
- Employees are prohibited from using alcohol during their specified on-call hours. However, any on-call employee who has used alcohol during his/her on call hours will be given the opportunity to acknowledge such use and/or their inability to perform a safety-sensitive function at the time they are called to report to duty. If an on-call employee acknowledges the use of alcohol, but claims to be able to perform their safety-sensitive function, they will be required to submit to an alcohol test.
- Eight hours following an accident, or until after the testing is completed.

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#### 1.4 PRESCRIPTION OR OVER-THE-COUNTER MEDICATION

The use of any beverage or mixture, including any medication, containing alcohol during or prior to performing a safety-sensitive function is also prohibited.

*The appropriate use of legally prescribed drugs and over-the-counter medications non prescription medication is not prohibited. However, the use of any substance that carries a warning label indicating mental functioning, motor skills or judgment will be adversely affected, MUST be reported to supervisory personnel prior to performing safety sensitive duties. It is the responsibility of employees to either not report for duty or to remove themselves from service if they are experiencing any adverse effects from medication. Employees are responsible for informing their physician of the safety sensitive nature of their work. Employees must use medically-authorized drugs or over-the-counter medications in a manner which will enable them to perform their jobs without impairment.*

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1.5 *Legally prescribed drugs. A verified positive drug test result whether for prohibited drugs, illegal use of prescriptions, or misuse of prescriptions will result in disciplinary action up to and including termination. A prescription is considered valid only if it is in writing and indicates must include documentation of the patient's name, date, the name of the substance name, the quantity or amount to be taken and the period of authorization. It is a violation of this policy to use any controlled substance in a manner that is inconsistent with the prescription.*

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#### PROHIBITED CONDUCT

In compliance with the Drug Free Workplace Act of 1988 employees are absolutely prohibited from using, manufacturing, dispensing, distributing drugs or possessing or being impaired by alcohol or drugs when reporting for duty, while on duty, or when on Pierce Transit's premises. Such behavior constitutes a threat to the health, safety and security of themselves, their fellow employees, passengers customers and other members of the public. Therefore, employees must not report for work or continue working under these circumstances.

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*Under Pierce Transit authority non-safety-sensitive employees are prohibited from reporting to work unfit for duty due to drug or alcohol use.*

~~DRUG USE: Reporting to work with any of the drugs identified in Section 1.3 in their systems is prohibited at all times for safety-sensitive employees.~~

~~ALCOHOL USE: No safety-sensitive employee shall report for duty within four hours of using alcohol, use alcohol while performing safety-sensitive duties, or use alcohol while subject to being on call. In addition, unless the employee's contribution to the accident can be completely discounted, employees involved in an accident as defined by the FTA regulations shall abstain from alcohol consumption until he or she has been tested or until eight hours has elapsed, whichever occurs first. A positive alcohol test is defined under this policy as a blood alcohol concentration of 0.02 or greater on an evidentiary breath-testing device.~~

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## 1.6 1.5 COMPLIANCE WITH TESTING

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Safety-sensitive employees who refuse to comply with a request for drug and/or alcohol testing under the circumstances defined in Section ~~23.31~~ – Types of Testing ~~will be prohibited from performing or continuing to perform a safety-sensitive function and will be subject to discipline. shall be removed from duty immediately under FTA authority.~~ *Non-safety-sensitive employees under the same circumstances will be removed from duty immediately and could be subject to discipline under Pierce Transit authority.* The following behaviors constitute a test refusal:

- 1.6.5.1 Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer;
- 1.6.5.2 Failure to remain at the testing site until the testing process is complete;
- 1.6.5.3 Failure to provide a breath or urine specimen for any required drug test;
- 1.6.5.4 Failure to sign the certification at Step 2 of the DOT required alcohol testing form;
- 1.6.5.5 Failure to permit the observation or monitoring of the specimen collection when required to do so;
- 1.6.5.6 Failure to provide a specimen (a urine specimen of less than 45 mL or a breath specimen inadequate for analysis by an approved EBT) without a valid medical explanation for the failure;
- 1.6.5.7 Failure to take a second test when directed to do so by the employer or collector;
- 1.6.5.8 Failure to undergo a medical examination when directed to do so by the MRO or DER;
- 1.6.5.9 Leaving the scene of an accident prior to testing without a valid reason or without notifying Pierce Transit;
- 1.6.5.10 Failure to cooperate with any part of the testing process (e.g. refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
- 1.6.5.11 Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if

you have any type of prosthetic or other device that could be used to interfere with the collection process;

- 1.65.12 Possess or wear a prosthetic or other device that could be used to interfere with the collection process; and
- 1.65.13 Admit to the collector or MRO that you adulterated or substituted the specimen.
- 1.65.14 If the MRO reports a verified adulterated or substituted test result.

Such refusals to comply with a request for testing will be recorded as a positive test for FTA purposes and *treated as insubordination under Pierce Transit authority with the employee subject to discharge as called for in the labor contract and in Section 5.0 – Discipline of this document.*

## 2.0 TESTING FOR PROHIBITED SUBSTANCES

~~All employees will be subject to testing for reasonable suspicion, and return to duty and follow up testing if allowed to return to work after failing a test or upon the completion of prescribed substance abuse treatment. For non-safety-sensitive employees this testing is conducted under the authority of Pierce Transit. For safety-sensitive employees this testing is conducted under FTA authority. Those employees who perform safety-sensitive functions as defined in Section 1.2 of this policy shall also be subject to testing prior to first performing safety-sensitive work (pre-employment), on a random, unannounced basis, following an accident as defined in Section 2.3.3, return to duty and follow up testing after returning to work subsequent to a policy violation.~~

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## 2.40 CONFIDENTIALITY

Pierce Transit will carry out this policy in a manner that respects the dignity and confidentiality of those involved. Confidentiality will be maintained throughout the drug/alcohol testing process from notification of the request to test, to collection of the required specimens, to notification of results.

### 2.1.4 Maintenance of RecordsMAINTENANCE OF RECORDS

The ~~Human Resources~~Employee Services Department will maintain records of results in the strictest of confidence in a separate locked file cabinet from the official personnel file. In cases where disciplinary action results from a positive test, such information is shared only with those in a supervisory capacity directly involved in the disciplinary decisions related to the test result.

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### 2.21.2 Release of RecordsRELEASE OF RECORDS

Testing records and results will be released only to those authorized by the FTA rules to receive such information. This includes:

- The employee, if requested in writing.
- National Traffic Safety Board (NTSB) when investigating an accident.

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- Decision-maker in a lawsuit, grievance, or other proceeding initiated on behalf of the employee, including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.
- DOT agency or State Oversight Agency authorized by the DOT.
- Other DOT employers when a current or former employee is an applicant for a safety-sensitive position within two years of their PT employment.
- Subsequent employers, if requested in writing by the employee.
- Other identified means if requested by the employee.

### 2.1.3 ~~Reporting to the WA State~~ **REPORTING TO THE WA STATE Department of Licensing** **DEPARTMENT OF LICENSING** (RCW 46.25)

*In accordance with the provisions of RCW 46.25, Pierce Transit shall report a verified positive drug test or a positive alcohol confirmation test or refusals to test of current CDL holders for tests conducted under the authority of the FTA regulations 49 CFR Part 655 to the Washington State Department of Licensing under the following circumstances:*

- *An employee is terminated or resigns; and*
- *An employee has exhausted all grievance processes up to, but not including, arbitration; and*
- *An employee has not been cleared to return to performing safety-sensitive functions.*

*Also, in accordance with this regulatory requirement, Pierce Transit's ~~Medical Review Officer (MRO)~~ shall report all positive pre-employment drug test results or refusals to test of current CDL holders to DOL after consultation with Pierce Transit's Drug & Alcohol Program Manager to confirm applicability of the regulation.*

*Individuals whose positive test results or refusals to test are reported to DOL will be subject to the consequences outlined in the Uniform Commercial Driver's License Act found at ~~the~~ RCW 46.25.*

## ~~23.20~~ **METHODOLOGY** **DRUG AND ALCOHOL TESTING PROCEDURES**

Testing will be conducted in accordance with 49 CFR, Part 40, as amended, and in a manner to assure a high degree of accuracy and reliability by using the techniques, chain of custody procedures, equipment and laboratory facilities as called for in the regulations. Both alcohol and drug testing will be conducted in an environment that affords maximum privacy.

Immediately after receiving notice from a ~~Medical Review Officer (MRO)~~ that a covered employee has a verified positive drug test result, Pierce Transit will require that the employee cease performing a safety-sensitive function. If an employee refuses to submit to a drug or alcohol test, Pierce Transit will require that the employee cease performing a safety-sensitive function. If a covered employee has a verified positive drug test result, or has a confirmed alcohol test of 0.04 or greater, or refuses to submit to a drug or alcohol test, Pierce Transit will advise the employee of the resources available for evaluating and resolving problems associated with prohibited drug use

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and alcohol misuse, including the names, addresses, and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs.

To test for prohibited drugs, an initial screening test using an immunoassay technique will be performed at a DHHS certified laboratory. If the specimen is positive, a DOT -authorized confirmatory test will be performed. If the test is confirmed positive, the ~~Medical Review Officer (MRO)~~ will conduct a verification process, which includes giving the employee an opportunity to provide a valid medical explanation for the positive test result.

The employee must produce at least 45 mL of urine for it to be considered a valid specimen for testing. If the employee cannot produce the required quantity of urine, the collector will offer the employee the opportunity to consume up to 40 oz. of water within a three (3) hour time frame in order to produce the required 45 mL. The employee may NOT exit the premises of the testing facility during this time. In the event the employee is still unable to produce the required quantity of urine, it is considered a “shy bladder”. *The employee will be placed on home assignment and must undergo a medical evaluation.* The agency will refer the employee to a physician acceptable to the MRO and the employee will be required to provide evidence of a medical condition hindering the production of urine. The employee will have five (5) days to get a medical evaluation once a shy bladder occurs. If there is no valid medical condition relating to hindering the production of urine, the employee will be considered to have refused to test.

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To test for alcohol, the employee shall be required to provide a breath sample using an Evidential Breath Testing (EBT) device on the NHTSA conforming products list and operated by a trained Breath Alcohol Technician (BAT). If the initial test result is 0.02 or higher the employee will be directed to take a confirmation test after a 15-minute waiting period. Employees having a confirmed alcohol concentration of 0.02 or greater but less than 0.04 are prohibited from performing or continuing to perform safety-sensitive functions, until (1) The employee’s alcohol concentration measures less than 0.02; or (2) The start of the employee’s next regularly scheduled duty period, but not less than eight hours following administration of the test. Employees having a confirmed alcohol concentration of 0.04 or greater are prohibited from performing or continuing to perform a safety-sensitive function.

In the event of a “shy lung”, where the employee is unable to provide a sufficient breath sample using an EBT ~~EBT~~ *the employee will be placed on home assignment and referred to a physician of our Pierce Transit’s choice within five (5) days to determine if there is a valid medical reason for being unable to provide a sufficient amount of breath. If there is no valid medical reason, the employee will be considered to have refused to test.*

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Specimen collection for urine drug testing will occur at a collection site designated by Pierce Transit. Collection will be conducted according to procedures outlined in 49 CFR Part 40 Subparts C-E published December 19, 2000 and as amended thereafter. These procedures include the collection of a split sample specimen, completion and distribution of a Federal Drug Testing Custody and Control Form according to federal protocol, and transportation of the specimen by laboratory courier

to the certified laboratory. These procedures ensure the integrity of the specimen and protect the employee from false accusations. (See Appendix B of the Procedures Manual for collection site procedure protocol.)

Analytical urine testing will be conducted at a HHIS certified laboratory for marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP). Laboratory analysis of the submitted specimen will be conducted according to the procedures outlined in 49 CFR Part 40 Subpart F. An initial drug screen will be conducted on the primary specimen with the split sample preserved for testing upon request as provided for in the regulations. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry test will be performed. A positive test result, above the minimum thresholds set forth by the regulation, and verified by the MRO, will be considered a violation of this policy.

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

~~Tests for alcohol concentration will be conducted using National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing devices operated by breath alcohol technicians trained to proficiency on the particular EBT they are using. Equipment will be maintained according to the quality assurance plan developed for the particular piece of equipment. The collection process will be conducted according to procedures set forth in 49 CFR Part 40 Subparts J-N. A US Department of Transportation Breath Alcohol Testing Form will be completed with each collection. In accordance with the regulations an employee who tests at 0.02 or above will be retested within 15 to 30 minutes of the first test. This second test is considered a confirmatory test. *A confirmed alcohol concentration of 0.02 or greater will be considered a positive alcohol test and a violation of this policy. Under Pierce Transit's authority a confirmatory test will also be conducted for BAC readings above 0.00 and below 0.02. Confirmed results in this range will not be considered a violation of the policy, but the employee will be counseled by his or her immediate supervisor.*~~

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~~All alcohol testing will occur just prior to, during, or immediately following the performance of safety-sensitive functions. Drug testing will occur anytime while on duty.~~

~~A positive drug test result, above the minimum thresholds set forth by the federal regulation and verified by the MRO, will be considered a violation of this policy. The employee will be removed immediately from performing safety sensitive functions and subject to discipline as outlined in Section 5.0 Discipline of this policy.~~

## **23.31 TYPES OF TESTING**

### **23.1.1 PRE-EMPLOYMENT TESTING/PRE-TRANSFER (49 CFR Part 655.41)**

Applicants for all safety-sensitive positions shall undergo urine drug testing prior to employment. ~~Receipt by the agency of negative test results. A verified negative drug test result must be received before any applicant shall be permitted to perform any safety sensitive job function. is required prior to employment and failure to pass will disqualify an applicant. A pre-employment drug test must also be performed, and a verified negative drug test result received for an~~ Employees who transferring from a non-safety sensitive to a safety-sensitive position shall undergo urine drug testing prior to the employee assuming his or new new appointment to the new position. Test results must be negative in order for the appointment to take place.

If a pre-employment drug test is cancelled by the MRO or the results are negative dilute, the applicant or covered employee will be required to complete another DOT test with a verified negative result in order for the appointment to a safety-sensitive position to occur.

~~If an applicant previously worked for any DOT-covered employer in the past two years, Pierce Transit will also conduct a pre-employment drug background check from the previous employers. The agency will inquire in writing if the applicant has previously failed or refused a DOT pre-employment drug test. If there was any previous violation Applicants who have failed a DOT drug and/or alcohol test for a previous DOT covered employer the employee must provide the employer proof of having successfully completed a referral, to a SAP, a substance abuse evaluation, and successful completion of the prescribed rehabilitation program treatment plan prior to appointment to the safety-sensitive position. If an applicant tests positive for drug(s) or refuses to submit to a test when required, Pierce Transit shall advise the individual of the resources available for evaluating and resolving problems associated with prohibited drug use and alcohol misuse and document such a refusal.~~

~~When a Covered employees or applicant who have has not performed a safety-sensitive functions for 90 consecutive calendar days; regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a -undergo pre-employment drug test ing prior to returning to performing safety-sensitive work. The results must be with a verified negative result.~~

#### ~~23.31.2~~ 23.31.2 REASONABLE SUSPICION TESTING (49 CFR Part 655.43)

~~All employees will be subject to testing for reasonable suspicion, and return to duty and follow up testing if allowed to return to work after failing a test or upon the completion of prescribed substance abuse treatment. For non-safety-sensitive employees this testing is conducted under the authority of Pierce Transit. For safety-sensitive employees this testing is conducted under FTA authority. Under FTA authority safety-sensitive employees are subject to a fitness for duty evaluation, including a Pierce Transit shall conduct a drug and/or alcohol test, when there is a reason to suspect reasonable suspicion they that a safety sensitive employee is are under the influence of any of the prohibited drugs while on duty or alcohol immediately prior to, during, or immediately after performing safety-sensitive duties or while on the property, in Agency vehicles or in~~

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*Agency uniform. Non-safety-sensitive employees are also subject to a fitness for duty evaluation including drug and/or alcohol testing in these same circumstances under Pierce Transit authority.*

~~A referral for testing will be made on the basis of documented objective facts and circumstances. A determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. Supervisory personnel who are trained to detect the signs and symptoms of drug abuse and alcohol misuse will make such referrals to drug and/or alcohol testing based on such reasonable suspicion. (Details regarding a reasonable suspicion investigation and referral for testing are found in the Drug & Alcohol Testing Procedures Manual).~~ Safety-sensitive employees will be removed immediately from performing safety-sensitive functions and subject to discipline as outlined in Section 5.0 – Discipline of this policy.

Alcohol testing is authorized under this section only if the observations required by the above paragraph of this section are made during, just preceding, or just after the covered employee's workday. A trained supervisor shall direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety sensitive functions; just before the employee is to perform safety sensitive functions; or just after the employee has ceased performing safety sensitive functions.

*Non-safety-sensitive employees who are reasonably suspected of not being fit for duty due to drug or alcohol use shall be ~~suspended from job duties with pay~~placed on home assignment pending the outcome of test results, an ~~investigation~~ investigation, and verification of condition. Such employees who fail to pass a drug or alcohol test shall be removed from duty immediately and subject to disciplinary action, up to and including termination.*

### ~~23.31.3~~ POST-ACCIDENT TESTING (49 CFR Part 655.44)

Federal regulations require surviving safety-sensitive employees to be tested if they are involved in an accident, or if their performance could have contributed to an accident; involving a Pierce Transit vehicle (in or out of service) that results in:

- ~~A fatality. In the event of a fatality, any surviving covered employee operating a public transportation vehicle at the time of an accident will be required to submit to tests for alcohol and prohibited drugs as soon as practicable.~~
- Bodily An injury for which the injured party receives immediate attention away from the scene of the accident and the supervisor in charge of the accident scene determines, using the best information available at the time, that the covered employee's performance cannot be completely discounted as a contributing factor to the accident; or
- One or more Amotor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle being towed from the scene and the supervisor in charge of the accident scene determines, using the best

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information available at the time, that the covered employee's performance cannot be completely discounted as a contributing factor to the accident.

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In all post-accident testing decisions, the agency will also test any other employee whose performance could have contributed to the accident, as determined by the agency using the best information available at the time of the decision.

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Following an accident under the above circumstances, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Testing will be stayed while the employee assists in the resolution of the accident or receives medical attention as required.

Covered Employees involved in accidents must refrain from using alcohol for eight hours following the accident or until the required post-accident test a drug/alcohol test is administered, whichever occurs first. Employees must remain readily available for testing. Those who leave the scene of an accident without appropriate authorization prior to the testing will be considered to have refused the test and be subject to discipline, as outlined in Section 65.0 – Discipline.

If an alcohol test is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following an accident, the agency will make no further attempt to administer an alcohol test and document the reasons why the test was not administered within eight hours. In the event a drug test is not administered within 32 hours following an accident, the agency will cease its attempts to administer any further testing and document the reasons why the test was not performed.

If the employer determines that the covered employee will not be tested because the employee's performance can be completely discounted as a contributing factor to the accident, the employer will document the decision in detail, including the employer's decision making process. ~~If an alcohol test is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. Any other agency employee whose performance may have contributed to accidents under this section will be tested, for example, maintenance or dispatching employees.~~

It is Pierce Transit's policy that following a post-accident test the employee will not be allowed to perform any safety sensitive function until negative results have been received.

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#### 23.31.4 RANDOM TESTING (49 CFR Part 655.45)

Employees in safety-sensitive positions will be subject to random, unannounced testing. Each year Pierce Transit will conduct the number of tests required to meet the established Federal minimum rates for drug and alcohol testing. These random testing percentage rates are subject to change on an annual basis, depending on the industry-wide positive rate determined by the FTA from the annual MIS reports submitted by covered employers by direction of the Federal Transit Administration.

Selection of employees for random testing shall be made by a scientifically valid computer based random number generator that is matched to the employee's social security number, payroll identification number, or other comparable identifying number. This method ensures that All covered employees ~~will~~ have an equal chance of being tested each time a selection is made. Testing will be continuous throughout the year and conducted on all days and hours during which Pierce Transit is in operation. Employees selected for testing will receive a notification letter and are required to immediately proceed to the designated collection site for testing.

~~Each year Pierce Transit will conduct the number of tests required to meet the established Federal minimum rates for drug and alcohol. These percentage rates are subject to change by direction of the Federal Transit Administration.~~

Random drug and alcohol testing will be unannounced and unpredictable. ~~Employees selected for testing will receive a Letter of Notification and will report immediately to the appropriate testing site. Alcohol testing will only occur while the employee is performing safety sensitive functions, just prior to performing such functions or just after an employee has completed performing such functions. Drug testing will occur anytime while the employee is on duty. Random lists are only valid for the current selection period. The DAPM/DER will make every effort to test all employees on the list for that selection period. If an employee is unavailable for testing due to an approved absence (i.e. vacation, leave of absence, illness) the DAPM/DER must test that employee when they return as long as it is within the random selection period. All employees selected for random testing are required to be tested during the random selection period. For missed tests, a legitimate reason must be documented and kept on file with the random selection list.~~

#### ~~23.31.5~~ RETURN-TO-DUTY TESTING (49 CFR Part 655.46)

Under FTA authority safety-sensitive employees who previously tested positive on a drug or alcohol test, and who, under the discipline policy are allowed to return to work, will be subject to testing for either drugs or alcohol or both prior to being released for duty by a Substance Abuse Professional. Per Final Rule §40.67 which amends 49 CFR Part 40, an observed test collection is required for return-to-duty testing. Test results must be negative. ~~This same provision holds true for Non-safety-sensitive employees may also be subject to return-to-duty testing using non-federal forms under Pierce Transit authority.~~

#### ~~23.31.6~~ FOLLOW-UP TESTING (49 CFR Part 655.47)

Employees who are allowed to return to work following a violation of this policy will be required to undergo frequent follow-up drug and/or alcohol testing during the period of their re-entry contract with a minimum of six tests scheduled randomly during the first twelve months following their return. Per Final Rule §40.67 which amends 49 CFR Part 40, an observed test collection is required for follow-up testing. The Substance Abuse Professional will ~~recommend-determine~~ the frequency and duration of the testing (see Discipline section). ~~Non safety-sensitive employees may also be~~

subject to randomly scheduled follow up tests using non-federal forms under Pierce Transit authority, if recommended by the SAP who will specify the frequency and duration for such testing.

## **23.42 POLICY VIOLATIONS**

Refusal to test (as defined in Section 1.56), a verified positive drug test result and/or a confirmed alcohol test result of 0.024 or greater will be considered a violation of this policy. Safety-sensitive employees who violate this policy will be removed immediately from performing safety-sensitive functions and subject to discipline as outlined in Section 56.0 – Discipline of this policy. *Non safety-sensitive employees found in violation of this policy will be subject to discipline under Pierce Transit authority.*

## **23.53 RETESTS AND OBSERVED TESTS**

### **SPLIT SPECIMEN TESTING**

Employees that have a verified positive drug test result or a test refusal due to adulteration or substitution may request within 72 hours of notification, a test of the split specimen. ~~as all specimens are split and the non-tested portion stored for a period of time.~~ Employees do not have access to a test of their split specimen following an invalid result. If more than 72 hours have passed, but the employee can present information that demonstrates to the satisfaction of the MRO that extenuating circumstances unavoidably prevented the employee from making a timely request, the split specimen may be tested. If the result of the second test remains the same as the original test, the employee shall be required to reimburse the agency for the cost of the test. The employee will be made whole if the second test invalidates the original test or if the test was cancelled. As used herein, all specimens are split into two bottles before being sent to the laboratory. The primary specimen bottle is tested at the laboratory and the non-tested portion will be stored for a period of time unless the circumstances as described above require that the a “split specimen” be tested. ~~The procedure for requesting a split specimen test is outlined in the Drug & Alcohol Testing Procedures Manual. A copy of this manual may be obtained from Human Resources.~~

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### **OBSERVED COLLECTIONS**

Directly Observed collections are required in the following circumstances:

- All return-to-duty tests;
- All follow-up tests;
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- Anytime the employee is directed to provide another urine specimen because the original specimen appeared to have been tampered with;

- Anytime a collector observes material brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be canceled because the test of the split specimen could not be performed.

• The observer shall be the same gender as the employee, but need not be the collector. [The observer is responsible for ensuring that the specimen goes from the employee's body into the collection container.]

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## NEGATIVE DILUTE

~~Under DOT authority (49 CFR Part 40.67 & 40.197), when Pierce Transit receives a report from its Medical Review Officer that the lab has reported a negative. If there is a~~ dilute test result with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, that employee will be directed to undergo a recollection under direct observation. If the employee is on duty at the time of the report, they will be removed immediately from performing safety sensitive functions and directed to report to the collection site for the observed recollection. If the employee is not on duty when the report is received, they will be directed to report immediately to ~~PTs~~ the agency's collection site for the recollection when they next report for duty. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

*Except in cases when a negative test is required (i.e. pre-employment, return-to-duty and follow up), when Pierce Transit receives an MRO determination reporting a negative test result with a dilute specimen outside those parameters requiring retesting as stated above, the test will be treated as a negative test result and no retesting will be required.*

## 23.64 MEDICAL REVIEW OFFICER (MRO)

Pierce Transit will establish a contractual relationship with a qualified Medical Review Officer who is a licensed physician with knowledge of substance abuse disorders and who has met the qualification training requirements outlined in 49 CFR Part 40 Subpart G. The MRO or authorized staff will review all drug test results to ensure that the chain of custody form has been properly completed and the specimen has been handled according to DOT established protocol. The MRO will personally review at least 5% of all ~~ee's~~ chain of custody forms quarterly. In addition, the MRO will review and interpret all confirmed positive test results examining alternative medical explanations for these results. Prior to verifying a positive test, the MRO will contact the affected employee to discuss the test results and provide an opportunity to offer a



legitimate medical reason for the test results. If the MRO determines the test is a verified positive, the MRO will contact both the Pierce Transit Program Manager and the employee with that determination. Pierce Transit's MRO will fully comply with the role and responsibilities prescribed in Subpart G of 49 CFR Part 40.

### **23.75 SUBSTANCE ABUSE PROFESSIONAL (SAP)**

Pierce Transit will contract with a qualified Substance Abuse Professional to evaluate employees who have violated this policy to determine what help they need in resolving problems associated with drug abuse and/or alcohol misuse. The SAP shall be a licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; or a state licensed or certified marriage and family therapist; or a drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC), or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC). The SAP shall have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorder. Pierce Transit's SAP will ~~recommend-determine~~ education or treatment for all employees referred for violation of DOT drug and alcohol regulations.

### **34.0 DRUG-FREE WORKPLACE ACT OF 1988**

In compliance with the Drug-Free Workplace Act of 1988 the distribution, dispensing, possession or use of a controlled substance is prohibited at Pierce Transit. Employees violating this prohibition will be disciplined up to and including discharge. Also, all employees are required to notify Pierce Transit of any conviction under a criminal drug statute for violations occurring on or off the property within five days of conviction. Failure to report such a conviction, *or any moving violation causing the loss of driver's license, by state or local law enforcement involving drugs or alcohol*, will result in discipline, up to and including discharge, within thirty days of the notification. Pierce Transit will notify the FTA within ten days after receiving notice of such conviction. In addition, Pierce Transit will conduct an on-going drug-free awareness program informing employees about the dangers of drug abuse in the workplace and available substance abuse counseling, rehabilitation and employee assistance programs.

### **45.0 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

*Pierce Transit supports employees who volunteer for treatment of alcohol or drug abuse. Alcoholism and drug dependency are treatable illnesses and can be successfully dealt with if identified in their early stages and referred to an appropriate source for treatment. Indications of alcohol and drug abuse include extreme changes in personality, problems with employer or other employees, interrupted or changing sleep patterns, attendance and late problems, concealment of social habits involving drugs and alcohol, and family problems. Continued alcohol and drug dependency can lead to deteriorating health.*

*Pierce Transit encourages employees to seek treatment voluntarily and in addition to other benefits, makes available the Employee Assistance Program (EAP). Any employee who comes forth and notifies the Agency of alcohol or chemical abuse problems will be given the assistance and accommodation as appropriate and as extended to employees with any other illness. Sick leave, vacation leave or leave of absence without pay may be*

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granted for treatment and rehabilitation as in other illnesses. ~~The Agency provides and health insurance coverage for employees as a benefit; such health insurance may provide coverage for alcohol or drug treatment; will be provided to the extent of individual coverage.~~

Employees are encouraged to contact the ~~Human Resources~~ Employee Services Department for help in understanding benefits and leave policies ~~when participating in the EAP~~. Any decision to seek help through the ~~Employee Assistance Program~~ EAP or privately will not interfere with an employee's continued employment or eligibility for promotional opportunities. CONFIDENTIALITY of information will be maintained at all times.

While Pierce Transit is anxious to assist employees with alcohol or chemical dependency problems, employees are expected to remember that safety is the Agency's first priority. Therefore, employees must not report for work or continue working if they are under the influence or impaired by alcohol or any controlled substance. Failure to observe the Prohibited Conduct rules established in Section 1.5 of this policy will result in disciplinary action (see Discipline section) regardless of whether or not an employee is participating in a treatment program. Such employees are expected to observe all other job performance standards and work rules, including attendance, required of all employees.

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## **56.0 DISCIPLINE – CONSEQUENCES OF POLICY VIOLATIONS**

Under FTA regulations, discipline for program violations is determined at the local level. The Pierce Transit discipline policy for ~~Prohibited~~ Conduct is as follows; however, individual circumstances involving any positive test may merit additional actions, up to and including discharge (see Article 11 of the Labor Contract)

~~56.1~~ Any safety-sensitive employee, or other employee performing a safety-sensitive task, who tests positive for alcohol at a 0.04 alcohol level or higher will be removed from duty, given a list of treatment resources available for evaluating and resolving drug and alcohol problems, referred to the SAP, and discharged.

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~~6.2~~ Any employee who tests positive for the presence of illegal drugs from random testing must successfully complete all of the following before being allowed to return to work:

- Removal from their safety-sensitive function
- Referral to and assessment by a Substance Abuse Professional (SAP);
- Complete a treatment and rehabilitation program as developed by the SAP;
- Suspensions as they may apply consistent with work rules;
- Return to duty drug and/or alcohol tests; and
- Last chance agreement that is developed in conjunction with the SAP outlining terms of return to work, including ongoing treatment, aftercare conditions, and additional random testing for up to five years, with a minimum of six tests for the first year.

~~56.23~~ Any employee who tests positive under random, post-accident, or reasonable suspicion testing for alcohol at a 0.02 – 0.039 level, ~~or those who test positive for the presence of illegal drugs from random testing must successfully complete all of the following before being allowed to return to work:~~

- Removal from their safety-sensitive position;
- Referral to and assessment by ~~an~~ Substance Abuse Professional (SAP) Employee Assistance Professional; as defined in:

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Commented [JC9]: I am not comfortable saying this is defined in Section 5.0 – EAP because that section talks about self-referral rather than already testing positive. I believe it is enough to say that they will be assessed by an Employee Assistance Professional

- Complete a treatment and rehabilitation program as developed by the Employee Assistance Professional PE-AP;
- Suspensions as they may apply consistent with work rules;
- Return to duty drug and/or alcohol tests under Pierce Transit authority and will be collected on non-DOT forms and
- Return to work agreement/Last chance agreement that is developed in conjunction with the S.A. the Employee Assistance Professional PE-AP outlining terms of return to work, including ongoing treatment, aftercare conditions, and additional random testing for up to five years, with a minimum of six tests the first year.

56.34 An employee who has previously tested positive and has a second positive test under any testing circumstance will be discharged.

56.45 Any safety-sensitive employee who tests positive from reasonable suspicion or post-accident testing for the presence of drugs will be subject to discipline, up to and including discharge, in accordance with the Labor Contract and existing work rules.

56.56 Any employee who tests for alcohol at a level above 0.00 but below 0.02 will at the least be verbally counseled and be provided information about the EAP. As stated in the introductory paragraph to this section, individual circumstances related to this test may merit additional actions, up to and including discharge. With a second test at this level within 12 months, appropriate discipline will apply.

6.7 Any employee who uses alcohol within four hours prior to reporting for a safety-sensitive function will be subject to discipline, up to and including discharge, in accordance with the Labor Contract and existing work rules.

56.68 Any safety sensitive employee who refuses to comply with a request for testing will be subject to discipline for insubordination. The employee will be subject to discharge as called for in the labor contract.

## **67.0 EDUCATION AND TRAINING**

It is the policy of Pierce Transit that training and education programs will be made available to all Agency employees. As required by FTA regulations, Pierce Transit will provide a minimum of 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use. All safety-sensitive employees will receive three hours of training on the effects of drugs on the body, the major elements of the DOT drug testing regulations, Pierce Transit's Drug & Alcohol Abuse Policy, and resources for dealing with a substance abuse problem. The training will also provide detailed information on alcohol misuse, specifically as it impacts an individual's biological, emotional and psychosocial well being. The effects of misuse can be seen in an individual's work performance, attitude and social interaction.

All supervisory personnel or agency officials who are in a position to determine employee fitness for duty will receive an initial 60 minutes of reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and

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~~performance indicators of probable alcohol misuse. Periodic refresher training will also be required of all supervisory personnel. Supervisors, managers, and union officials will receive a minimum of four hours of instruction on how to identify the signs of drug and/or alcohol use or impairment and Pierce Transit's reasonable suspicion investigation process.~~

#### **78.0 PROGRAM OVERSIGHT**

The Administration Division is responsible for administering the Drug and Alcohol ~~Abuse~~ Policy. Any questions about the policy or testing program may be addressed to the Drug & Alcohol Program Manager, or to the ~~Vice President~~Executive Director, Administration, at the Pierce Transit Headquarters.

APPROVED:

~~Marilyn Strickland~~Kent Keel, Chairman  
Board of Commissioners

\_\_\_\_\_  
Date

ATTEST:

~~Treva Pereira, CM~~Deanne Jacobson  
~~Executive Assistant to the CEO~~, Clerk of the Board

Policy approved: July 12, 1994; Revised July 11, 1995, October 1, 1995, November 9, 1998, August 14, 2000, August 1, 2001, January 15, 2004, July 15, 2005, September 15, 2006, March 30, 2007, ~~and~~ May 14, 2012, ~~and February 2018.~~

## **APPENDIX A**

### **SAFETY SENSITIVE POSITIONS**

Apprentice Diesel Mechanic  
Apprentice Equipment Body/Automotive Repairer  
Automotive Technician  
Bus Safety and Training Supervisor  
[Communication Center Assistant Manager](#)  
[Communications Controller](#)  
Communications Coordinator  
Communication Technician I  
Communication Technician II  
[Dispatch Assistant Manager](#)  
Dispatch Coordinator  
Dispatch Coordinator (SHUTTLE)  
Equipment Body Repairer  
Fleet Assistant Manager  
[Fleet Manager](#)  
Instructor  
Journey Level Mechanic  
Laborer  
Lead Mechanic  
Machinist  
Maintenance Training Coordinator  
Mechanic I  
[Paratransit Manager](#)  
Relief Transit Operator  
[Service Impact Supervisor](#)  
Service Station Attendant  
Service Supervisor  
Special Events Coordinator  
Specialized Transportation Dispatcher  
Transit Operator  
[Transit Operator Assistant Manager](#)  
[Transit Operator Trainee](#)  
[Transportation Manager, Service Delivery](#)  
Upholsterer  
Vehicle Custodian

## APPENDIX B

### CONTACTS FOR PROGRAM INFORMATION

#### Drug and Alcohol Program Manager/DER

Jean Carlson, Human Resources Generalist

Work phone: 253.581.8081

~~Home phone: 253.927.2805~~

Cell phone: 253.905.4704

Alternate cell phone: 253.381.2448

#### Alternate:

~~Jim Schofield~~ Adrienne Johnson, Human Resources Generalist

Work phone: 253.581.8125 983.3642

~~Cell phone: 253.905.4704~~

#### Collection Sites

PAML at St Clare Hospital

~~Denise Brown, Laboratory~~ Inae Kim, Operations Manager, Laboratory Services

11315 Bridgeport Way SW

Lakewood, WA 98499-3004

Phone: 253.985. ~~6872~~ 2607

PAML at St Joseph's Medical Center

Linda Guay, ~~Laboratory~~ Operations Manager, Laboratory Services

~~Lorinda Cox, Client Services~~

1717 South J St – Use I Street entrance

Tacoma, WA 98401

Phone: 253.426.6779

#### Laboratory

~~Pathology Associates Medical Labs (PAML)~~ Clinical Reference Laboratory (CRL)

~~8433 Quiviera Road~~ 410 W Cliff Avenue

~~Lenexa, KS 66215~~ Spokane, WA 99204

~~Kimberly Kolbow, Account Executive~~ H David Michaelson, Forensic Toxicologist

Phone: ~~888.472.2522~~ 213.693.8823

Cell: ~~425.890.9393~~ 213.202.0009

Fax: ~~509.209.5485~~ 555.691.3937

#### Medical Review Officer (MRO)

Dee J McGonigle, M.D.

~~DRUGFREE~~ Drug Free Business

~~41511 NE 195<sup>th</sup> St, Suite 102~~ 18912 North Creek Parkway, Ste 202

Bothell, WA 98011

Phone: 425.488.9755 or 800.598.3437

**Substance Abuse Professional (SAP)**

~~Rainier Employee Assistance~~ SAP Referral Services, d/b/a SRS, LLC  
~~Mike Walling, MA, MBA, CMHC, MAC~~ 8441 Belair Road, Ste 204  
~~404 West Mecker, Suite D~~ Nottingham, MD 21236  
~~Puyallup, WA 98371~~  
Phone: ~~253.864.8188~~ 410.668.8110 or 800.632.7327

**Employee Assistance Program**

~~First Choice Health EAP~~ Deer Oaks EAP Services  
~~Craig Nelson, MA, LMHC, CEAP, SPHR~~ Account Executive  
~~One Union Square~~  
600 University Street, Suite 1400  
~~Seattle, WA 98101~~ Website: www.deeroakseap.com  
Phone: ~~206.268.2317 or 800.777.4114~~ 866.327.2400

## APPENDIX C

### COMMUNITY HOTLINE AND RESOURCE INFORMATION

Substance Abuse Treatment Locator OR <a href="http://www.findtreatment.samhsa.gov">www.findtreatment.samhsa.gov</a>	800.662.4357
American Council on Alcoholism OR <a href="http://www.aca-usa.org">www.aca-usa.org</a>	800.527.5344
National Cocaine Hotline OR <a href="http://www.ca.org">www.ca.org</a>	800.347.8998
National Council on Alcoholism and Drug Dependence HopeLine OR <a href="http://www.ncadd.org">www.ncadd.org</a>	800.622.2255
Al-Anon or Alateen OR <a href="http://www.al-anon.alateen.org">www.al-anon.alateen.org</a>	888.425.2666



## APPENDIX D

### DRUG AND ALCOHOL FACT SHEETS

#### Drug Detection Periods

Detection periods vary; rates of metabolism and excretion are different for each drug and use. Detection periods should be viewed as estimates. Cases can always be found to contradict these approximations.

<u>Drug</u>	<u>Detection Period</u>
Amphetamines	
Amphetamine	1-2 days
Methamphetamine	1-2 days
Ecstasy (MDMA)	1-4 days
Cocaine	2-3 days
Cannabinoids (Marijuana)	
Casual use	2-7 days
Chronic use	up to 30 days or more after heavy use and/or in users with high body fat
Alcohol	12-24 hours
Opiates	
Codeine	Usually up to 2 days
Heroin	1-4 days
Phencyclidine (PCP)	3 to 7 days for single use; up to 30 days in chronic users

## ALCOHOL FACT SHEET

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

**Duration of Single Dose Effect:** Alcohol is fully absorbed into the bloodstream within 30 minutes to 2 hours, depending upon the beverage consumed and associated food intake. The body can metabolize about one quarter of an ounce (0.25 oz. – roughly half the amount in a can of beer) of alcohol per hour.

The effects of alcohol on behavior (including driving behavior) vary with the individual and with the concentration of alcohol in the individual's blood. The level of alcohol achieved in the blood depends in large part (although not exclusively) upon the amount of alcohol consumed and the time period over which it was consumed. One rule of thumb says that in a 150-pound person, each drink adds 0.02% to blood alcohol concentration and each hour that passes removes 0.01 percent from it.

Generally speaking, alcohol is absorbed into the blood relatively quickly and metabolized more slowly. Therefore, the potential exists for alcohol concentrations to build steadily throughout a drinking session. The table below shows some general effects of varying levels of BAC:

<b><u>BAC</u></b>	<b><u>Behavioral Effects</u></b>
0.02 – 0.09%	Loss of muscular coordination, impaired senses, changes in mood and personality
0.10 – 0.19%	Marked mental impairment, further loss of coordination, prolonged reaction time
0.20 – 0.29%	Nausea, vomiting, double vision
0.30 – 0.39%	Hypothermia, blackouts, anesthesia
0.40 – 0.70%	Coma, respiratory failure, death

**Dependency Level:** The chronic use of alcohol can produce dependence in some individuals manifested by craving, withdrawal, and tolerance. Despite the fact that many individuals consume alcoholic beverages (more than 90 percent of Americans at some point during their lives), relatively few of them (only about 10 percent of drinkers) develop psychological and physical dependency on it.

### Signs and Symptoms of Use

- **Physical Symptoms:** Reduction in reflexes, slurred speech, loss of coordination, unsteady gait.
- **Behavioral Symptoms:** Increased talkativeness, reduced emotional control, distorted judgment, impaired driving ability, gross effects on thinking and memory.

## Effects of Alcohol on the Individual

### Physical Health Effects

- The liver is the primary site of alcohol metabolism and can be severely affected by heavy alcohol use. The three primary dangers are fatty liver, alcoholic hepatitis, and cirrhosis.
- Heavy alcohol use can also severely affect the gastrointestinal tract, contributing to inflammation of the esophagus, exacerbating peptic ulcers, and causing acute chronic pancreatitis. It interferes with the absorption of nutrients from food and contributes to malnutrition.
- Heavy alcohol use affects the heart and vascular system, contributing to heart attacks, hypertension and strokes.
- Either because of direct action or indirectly through the malnutrition, liver disease, and other effects it causes, alcohol depresses immune system functioning and increases the likelihood of infection.
- There is considerable evidence that alcohol abuse is associated with the incidence of cancer, particularly cancers of the liver, esophagus, nasopharynx, and larynx.
- Heavy alcohol consumption causes brain damage, manifested through dementia, blackouts, seizures, hallucinations and peripheral neuropathy.

### Other Health Effects

- In addition to having direct health effects through physiological changes in the drinker's body, alcohol contributes significantly to health problems indirectly. While most of the medical consequences of alcohol use listed above result from chronic use, these other effects can often result from a single episode of acute use:
  - One half of all traffic accident fatalities are alcohol-related
  - The risk of a traffic fatality per mile driven is at least eight times higher for a drunk driver than for a sober one.
  - Falls are the most common cause of nonfatal injuries in the U.S. and the second most common cause of fatal accidents. A BAC between 0.05 and 0.10 percent increases the likelihood of a fall by three times. Between 0.10 and 0.15 percent, it increases by a factor of 10, and above 0.16 percent it increases by a factor of 60.
  - Alcohol also plays a significant role in crime and family violence, including spousal and child abuse.

### Effects on Driver Performance

- The statistics reported above make it clear that alcohol can have a devastating effect on driver performance. By affecting vision, reflexes, coordination, emotions, aggressiveness, and judgment, alcohol deprives the professional driver of most of the tools he or she relies upon to perform safely.
- Hangovers also present a risk to driving behavior, as would other illnesses. The sick feeling associated with hangovers, including headaches, nausea, and other symptoms, can distract a driver's attention and lead to accidents even though alcohol may no longer be detectable in the body.

## AMPHETAMINE FACT SHEET

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the United States or clandestinely manufactured in crude laboratories.

**Duration of Single Dose Effect:** 2 to 4 hours after use. Amphetamines can be detected 1 to 2 days after use. Psychological dependence on amphetamines is known to be high. Physical dependence is possible.

### Signs and Symptoms of Use

- **Physical Symptoms:** Dilated pupils, sweating, increased blood pressure, palpitations, rapid heartbeat, dizziness, decreased appetite, dry mouth, headaches, blurred vision, insomnia, high fever (depending on the level of the dose).
- **Behavioral Symptoms:** Confusion, panic, talkativeness, hallucinations, restlessness, anxiety, moodiness, false sense of confidence and power.

### Effects of Amphetamine Use on the Individual

#### Physical Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug
- High doses may cause toxic psychosis resembling schizophrenia
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts
- Long term heavy use can lead to malnutrition, skin disorders, ulcers, and various diseases that come from vitamin deficiencies
- Lack of sleep, weight loss, and depression also result from regular use
- Users who inject drugs intravenously can get serious and life-threatening infections (e.g. lung or heart disease, kidney damage) from non-sterile equipment or contaminated self-prepared solutions.

#### Effects on Driver Performance

- Amphetamines cause a false sense of alertness and potential hallucinations, which can result in risky driving behavior and increased accidents. Because amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness due to unusual overtime demands or failure to get rest. However, although low doses of amphetamines will cause a short-term improvement in mental and physical functioning, greater use impairs functioning. The hangover effect of amphetamines is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

## COCAINE FACT SHEET

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are tenser, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevations.

**Duration of Single Dose Effect:** 1 to 2 hours after use. Cocaine can be detected up to 2 to 3 days after last use. Psychological dependence on cocaine is known to be high.

### Signs and Symptoms of Use

- **Physical Symptoms:** Dilated pupils, runny or irritated nose, profuse sweating, dry mouth, tremors, needle tracks, loss of appetite, hyperexcitability, restlessness, high blood pressure, heart palpitations, insomnia, talkativeness, formication (sensation of bugs crawling on skin).
- **Behavioral Symptoms:** Increased physical activity, depression, isolation and secretive behavior, unusual defensiveness, frequent absences, wide mood swings, difficulty in concentration, paranoia, hallucinations, confusion, false sense of power and control.

### Effects of Cocaine Use on the Individual

#### Physical Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days of using crack or within several months of snorting coke. Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than those of other chemical dependencies
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths in the United States has tripled in the last four years.

#### Effects on Driver Performance

- Cocaine use results in an artificial sense of power and control, which leads to a sense of invincibility. Lapses in attention and the ignoring of warning signals brought on by cocaine use greatly increase the potential for accidents. Paranoia, hallucinations, and extreme mood swings make for erratic and unpredictable reactions while driving.
- The high cost of cocaine frequently leads to workplace theft and/or dealing. Forgetfulness, absenteeism, tardiness, and missed assignments can translate into lost business.

## CANNABINOIDS (MARIJUANA) FACT SHEET

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood and perception-altering effects it produces.

**Duration of Single Dose Effect:** The most obvious effects are felt for 4 to 6 hours. Preliminary studies suggest that performance impairment lasts longer. The active chemical, THC, is stored in body fat and slowly metabolized over time. Traces of marijuana will remain in the urine of an occasional user for up to 1 week, and, in the case of a chronic user, for 3 to 4 weeks. Evidence indicates moderate psychological dependence.

### Signs and Symptoms of Use

- **Physical Symptoms:** Reddened eyes (often masked by eye drops); stained fingertips from holding “joints,” particularly for non-smokers; chronic fatigue, irritating cough; chronic sore throat; accelerated heartbeat; slowed speech; impaired motor coordination; altered perception; increased appetite.
- **Behavioral Symptoms:** Impaired memory, time-space distortions, feeling of euphoria, panic reactions, paranoia, “I don’t care” attitude, false sense of power.

### Effects of Marijuana Use on the Individual

#### General Health Effects

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana smoking lowers the body’s immune system response, making users more susceptible to infection.

#### Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive functions
- Distortions in time estimation
- Long term negative effects on mental function are known as “acute brain syndrome,” which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

#### Effects on Driver Performance

- The mental impairments resulting from the use of marijuana produce reactions that can lead to unsafe and erratic driving behavior. Distortions in visual perceptions, impaired signal detection, and altered reality can make driving a vehicle very dangerous.
- The active chemical, THC, is stored in body fat and slowly releases over time. Marijuana smoking has a long term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and the marijuana.

## OPIATES (NARCOTICS) FACT SHEET

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

**Duration of Single Dose Effect:** 3 to 6 hours after use. Opiates can be detected usually up to 2 days. Both physical and psychological dependence on opiates are known to be high. Dependence on codeine is moderate.

### Signs and Symptoms of Use

- **Physical Symptoms:** Constricted pupils, sweating, nausea and vomiting, diarrhea, needle marks or “tracks,” wearing long sleeves to cover “tracks,” loss of appetite, slurred speech, slowed reflexes, depressed breathing and heartbeat, and drowsiness and fatigue.
- **Behavioral Symptoms:** Mood swings, impaired coordination, depression and apathy, stupor, euphoria

### Effects of Narcotics Use on the Individual

#### General Health Effects

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity
- Narcotics’ effects are multiplied when used in conjunction with other depressant drugs and alcohol, causing increased risk for an overdose.

#### Effects on Driver Performance

- The apathy caused by opiates can translate into an “I don’t really care” attitude toward performance. The physical effects as well as the depression, fatigue, and slowed reflexes impede the reaction time of the driver, raising the potential for accidents. Although opiates have a legitimate medical use in alleviating pain, workplace use may cause impairment of physical and mental functions.

### Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the legitimate user and abuser at higher risk for an accident.



## PHENCYCLIDINE (PCP) FACT SHEET

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half-closed. Sudden noises or physical shocks may cause a “freak-out,” in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

**Duration of Single Dose Effect:** Several days after use. PCP can be detected for up to 8 days. Psychological dependence on PCP is known to be high.

### Signs and Symptoms of Use

- **Physical Symptoms:** Dilated or floating pupils, blurred vision, nystagmus (jerky eye movement), drooling, muscle rigidity, profuse sweating, decreased sensitivity to pain, dizziness, drowsiness, impaired physical coordination (e.g., drunken-like walk, staggering) severe disorientation, rapid heartbeat.
- **Behavioral Symptoms:** Anxiety, panic/fear/terror, aggressive/violent behavior, distorted perception, severe confusion and agitation, disorganization, mood swings, poor perception of time and distance, poor judgment, auditory hallucinations.

### Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

### Effects on Driver Performance

- The distortion in perception and potential visual and auditory delusions make driver performance unpredictable and dangerous. PCP use can cause drowsiness, convulsions, paranoia, agitation, or coma, all obviously dangerous to driving.



# DRUG AND ALCOHOL ABUSE POLICY

Effective: January 1, 1995

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Revised:

# **PIERCE TRANSIT DRUG AND ALCOHOL ABUSE POLICY**

## **1.0 POLICY STATEMENT**

Pierce Transit performs a vital public service to our community. To ensure that this service is delivered safely, we are dedicated to providing and maintaining a drug and alcohol free working environment in compliance with the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employees Testing Act of 1991. It is Pierce Transit's policy to:

- Assure that employees have the ability to perform assigned duties in a safe, healthy and productive manner;
- Create a workplace free from the adverse effects of drug and alcohol abuse or misuse;
- Prohibit the unlawful manufacture, distribution, possession or use of controlled substances.

Pierce Transit recognizes that its employees' use of illegal drugs and misuse of alcohol pose a significant risk to public safety, as well as the employee's health and well-being. Drug use includes, but is not limited to, marijuana, amphetamines, opiates, cocaine, and phencyclidine, as well as any substance which causes the presence of these drugs or drug metabolites such as hemp-related products, coca leaves or any substance not approved for use by the U.S. Food and Drug Administration. Illegal use is the use of any drug in violation of federal, state, or local laws, including the misuse of legally prescribed drugs, and use of illegally- obtained prescription drugs. The "use" of drugs means presence in an employee's body system while on duty. Pierce Transit cooperates fully with local, state, and federal authorities in matters pertaining to the use, possession, or sale of controlled substances by anyone on agency premises.

Pierce Transit cares about the health and well-being of its employees. We urge anyone who believes that they are having an alcohol or chemical dependency problem to seek treatment before their job performance and employment are endangered.

## **1.1 PURPOSE**

The purpose of this policy is to assure employee fitness for duty and to protect our employees, customers, and the public from risks posed by worker misuse of alcohol and drugs. This policy is written to comply with all the applicable federal, state and local legislation and regulations governing workplace drug abuse and alcohol misuse. Those include DOT 49 CFR Part 40 and FTA 49 CFR Part 655. If any conflict occurs between state and local laws and any requirement of the above-mentioned federal regulations, the federal regulations prevail. However, Federal regulations do not preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse, whether the provisions apply specifically to transportation employees, employers, or the public in general.

This policy sets forth the Pierce Transit alcohol and drug abuse program and the testing and reporting guidelines for safety-sensitive employees as required by those regulations. The DOT enacted the Drug-Free Workplace Act of 1988 (DFWA) which

requires the establishment of drug-free workplace policies and the reporting of certain drug related offenses to the FTA. Additional information about the Drug Free Awareness Program is provided in Section 4.0.

The Drug and Alcohol Policy incorporates federal requirements in addition to Pierce Transit requirements. To distinguish DOT and/or FTA requirements from Pierce Transit-specific requirements, portions of the Policy text have been *italicized* when references are made to the inclusion of non-safety sensitive employees or other Pierce Transit authority requirements. Pierce Transit mandated policies are in addition to the DOT/FTA requirements and are chosen to provide additional safety provisions. As used herein from time to time, the term “Covered Employees” means safety-sensitive employees.

Copies of this policy will be given to non-safety sensitive employees during new employee orientation and to safety-sensitive employees during Employee Awareness training. It is the responsibility of all safety sensitive Pierce Transit employees to read, understand and comply with the Drug and Alcohol Policy. Employees will be kept apprised of changes and clarification through periodic newsletters or items in Agency newsletters. Revised policies will be distributed, and receipt certified by safety-sensitive employees.

The Drug and Alcohol Policy includes several components for prevention and intervention. To promote a drug free workplace and comply with FTA regulations, Pierce Transit provides supervisory and employee education and contracts for EAP (Employee Assistance Program) and SAP (Substance Abuse Professional) services that provide employees access to professionals in addressing substance abuse.

## **1.2 APPLICABILITY**

This policy applies in general to all transit system employees: full-time, part-time and contract employees and contractors when they are on transit property or when performing transit-related business off property. Employees who perform safety-sensitive functions, or contractors performing safety-sensitive functions for Pierce Transit, will be subject to the specific requirements of federal regulations 49 CFR Part 40 and 49 CFR Part 655. Participation in the federally mandated testing program is a condition of performing safety-sensitive functions.

*Employees shall promptly report to his/her supervisor or to the Drug and Alcohol Program Manager/Designated Employer Representative (DAPM/DER) whenever he/she observes or has knowledge of an employee who poses a hazard to the safety and welfare of others. Failure to report may result in discipline under Pierce Transit authority.*

*Supervisory level staff is required to use and apply all aspects of this policy. Any supervisory level employee who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including discharge under Pierce Transit authority.*

A safety-sensitive function is any duty related to the safe operation of public transportation service as defined in 49 CFR Part 655:

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

A list of positions determined to be safety-sensitive is found in Appendix A.

### **1.3 PROHIBITED SUBSTANCES**

#### **Prohibited Drugs**

Unless legally prescribed, consumption of the following substances is prohibited at all times. Safety Sensitive employees may be tested for drugs any time they are on duty.

- Marijuana metabolites
- Cocaine metabolites
- Opioids
- Amphetamines
- Phencyclidine (PCP)

#### **Prohibited Usage of Alcohol**

Alcohol testing may occur just prior to, during, or immediately following performance of a safety-sensitive function. The following uses of alcohol are prohibited under this policy:

- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- Using alcohol while performing safety sensitive functions.
- Using alcohol within four (4) hours prior to performing a safety sensitive function.
- Employees are prohibited from using alcohol during their specified on-call hours. However, any on-call employee who has used alcohol during his/her on call hours will be given the opportunity to acknowledge such use and/or their inability to perform a safety-sensitive function at the time they are called to report to duty. If an on-call employee acknowledges the use of alcohol, but claims to be able to perform their safety-sensitive function, they will be required to submit to an alcohol test.
- Eight hours following an accident, or until after testing is completed.

### **1.4 PRESCRIPTION OR OVER-THE-COUNTER MEDICATION**

*The use of legally prescribed drugs and over-the-counter medications is not prohibited. It is the responsibility of employees to either not report for duty or to remove themselves from service if they are experiencing any adverse effects from medication. Employees are responsible for informing their physician of the safety sensitive nature of their work. Employees must use medically-authorized drugs or over-the-counter medications in a manner which will enable them to perform their job without impairment.*

*A verified positive drug test result whether for prohibited drugs, illegal use of prescriptions, or misuse of prescriptions will result in disciplinary action up to and including termination. A prescription is considered valid only if it is in writing and indicates the employee's name, date, the name of the substance, the quantity or amount to be taken and the period of authorization. It is a violation of this policy to use any controlled substance in a manner that is inconsistent with the prescription.*

## **1.5 PROHIBITED CONDUCT**

In compliance with the Drug Free Workplace Act of 1988 employees are absolutely prohibited from using, manufacturing, dispensing, distributing drugs or possessing or being impaired by alcohol or drugs when reporting for duty, while on duty, or when on Pierce Transit's premises. Such behavior constitutes a threat to the health, safety and security of themselves, their fellow employees, customers and other members of the public. Therefore, employees must not report for work or continue working under these circumstances.

*Under Pierce Transit authority non-safety-sensitive employees are prohibited from reporting to work unfit for duty due to drug or alcohol use.*

## **1.6 COMPLIANCE WITH TESTING**

Safety-sensitive employees who refuse to comply with a request for drug and/or alcohol testing under the circumstances defined in Section 3.1 – Types of Testing will be prohibited from performing or continuing to perform a safety-sensitive function and will be subject to discipline. *Non-safety-sensitive employees under the same circumstances will be removed from duty immediately and could be subject to discipline under Pierce Transit authority.* The following behaviors constitute a test refusal:

- 1.6.1 Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer;
- 1.6.2 Failure to remain at the testing site until the testing process is complete;
- 1.6.3 Failure to provide a breath or urine specimen for any required drug test;
- 1.6.4 Failure to sign the certification at Step 2 of the DOT required alcohol testing form;
- 1.6.5 Failure to permit the observation or monitoring of the specimen collection when required to do so;
- 1.6.6 Failure to provide a specimen (a urine specimen of less than 45 mL or a breath specimen inadequate for analysis by an approved EBT) without a valid medical explanation for the failure;
- 1.6.7 Failure to take a second test when directed to do so by the employer or collector;
- 1.6.8 Failure to undergo a medical examination when directed to do so by the MRO or DER;
- 1.6.9 Leaving the scene of an accident prior to testing without a valid reason or without notifying Pierce Transit;
- 1.6.10 Failure to cooperate with any part of the testing process (e.g. refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);

- 1.6.11 Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- 1.6.12 Possess or wear a prosthetic or other device that could be used to interfere with the collection process; and
- 1.6.13 Admit to the collector or MRO that you adulterated or substituted the specimen.
- 1.6.14 If the MRO reports a verified adulterated or substituted test result.

Such refusals to comply with a request for testing will be recorded as a positive test for FTA purposes and *treated as insubordination under Pierce Transit authority with the employee subject to discharge as called for in the labor contract and in Section 5.0 – Discipline of this document.*

## **2.0 CONFIDENTIALITY**

Pierce Transit will carry out this policy in a manner that respects the dignity and confidentiality of those involved. Confidentiality will be maintained throughout the drug/alcohol testing process from notification of the request to test, to collection of the required specimens, to notification of results.

### **2.1 MAINTENANCE OF RECORDS**

The Employee Services Department will maintain records of results in the strictest of confidence in a separate locked file cabinet from the official personnel file. In cases where disciplinary action results from a positive test, such information is shared only with those in a supervisory capacity directly involved in the disciplinary decisions related to the test result.

### **2.2 RELEASE OF RECORDS**

Testing records and results will be released only to those authorized by the FTA rules to receive such information. This includes:

- The employee, if requested in writing.
- National Traffic Safety Board (NTSB) when investigating an accident.
- Decision-maker in a lawsuit, grievance, or other proceeding initiated on behalf of the employee, including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.
- DOT agency or State Oversight Agency authorized by the DOT.
- Other DOT employers when a current or former employee is an applicant for a safety-sensitive position within two years of their PT employment.
- Subsequent employers, if requested in writing by the employee.
- Other identified means if requested by the employee.

## **2.3 REPORTING TO THE WA STATE DEPARTMENT OF LICENSING (RCW 46.25)**

*In accordance with the provisions of RCW 46.25, Pierce Transit shall report a verified positive drug test or a positive alcohol confirmation test or refusals to test of current CDL holders for tests conducted under the authority of the FTA regulations 49 CFR Part 655 to the Washington State Department of Licensing under the following circumstances:*

- *An employee is terminated or resigns; and*
- *An employee has exhausted all grievance processes up to, but not including, arbitration; and*
- *An employee has not been cleared to return to performing safety-sensitive functions.*

*Also, in accordance with this regulatory requirement, Pierce Transit's Medical Review Officer (MRO) shall report all positive pre-employment drug test results or refusals to test of current CDL holders to DOL after consultation with Pierce Transit's Drug & Alcohol Program Manager to confirm applicability of the regulation.*

*Individuals whose positive test results or refusals to test are reported to DOL will be subject to the consequences outlined in the Uniform Commercial Driver's License Act found at RCW 46.25.*

## **3.0 DRUG AND ALCOHOL TESTING PROCEDURES**

Testing will be conducted in accordance with 49 CFR, Part 40, as amended, and in a manner to assure a high degree of accuracy and reliability by using the techniques, chain of custody procedures, equipment and laboratory facilities as called for in the regulations. Both alcohol and drug testing will be conducted in an environment that affords maximum privacy.

Immediately after receiving notice from a MRO that a covered employee has a verified positive drug test result, Pierce Transit will require that the employee cease performing a safety-sensitive function. If an employee refuses to submit to a drug or alcohol test, Pierce Transit will require that the employee cease performing a safety-sensitive function. If a covered employee has a verified positive drug test result, or has a confirmed alcohol test of 0.04 or greater, or refuses to submit to a drug or alcohol test, Pierce Transit will advise the employee of the resources available for evaluating and resolving problems associated with prohibited drug use and alcohol misuse, including the names, addresses, and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs.

To test for prohibited drugs, an initial screening test using an immunoassay technique will be performed at a DHHS certified laboratory. If the specimen is positive, a DOT-authorized confirmatory test will be performed. If the test is confirmed positive, the MRO will conduct a verification process, which includes giving the employee an opportunity to provide a valid medical explanation for the positive test result.

The employee must produce at least 45 mL of urine for it to be considered a valid specimen for testing. If the employee cannot produce the required quantity of urine, the collector will offer the employee the opportunity to consume up to 40 oz. of water



within a three (3) hour time frame in order to produce the required 45 mL. The employee may NOT exit the premises of the testing facility during this time. In the event the employee is still unable to produce the required quantity of urine, it is considered a “shy bladder”. *The employee will be placed on home assignment* and must undergo a medical evaluation. The agency will refer the employee to a physician acceptable to the MRO and the employee will be required to provide evidence of a medical condition hindering the production of urine. The employee will have five (5) days to get a medical evaluation once a shy bladder occurs. If there is no valid medical condition relating to hindering the production of urine, the employee will be considered to have refused to test.

To test for alcohol, the employee shall be required to provide a breath sample using an Evidential Breath Testing (EBT) device on the NHTSA conforming products list and operated by a trained Breath Alcohol Technician (BAT). If the initial test result is 0.02 or higher the employee will be directed to take a confirmation test after a 15-minute waiting period. Employees having a confirmed alcohol concentration of 0.02 or greater but less than 0.04 are prohibited from performing or continuing to perform safety-sensitive functions, until (1) The employee’s alcohol concentration measures less than 0.02; or (2) The start of the employee’s next regularly scheduled duty period, but not less than eight hours following administration of the test. Employees having a confirmed alcohol concentration of 0.04 or greater are prohibited from performing or continuing to perform a safety-sensitive function.

In the event of a “shy lung”, where the employee is unable to provide a sufficient breath sample using an EBT *the employee will be placed on home assignment* and referred to a physician of Pierce Transit’s choice within five (5) days to determine if there is a valid medical reason for being unable to provide a sufficient amount of breath. If there is no valid medical reason, the employee will be considered to have refused to test.

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

### **3.1 TYPES OF TESTING**

#### **3.1.1 PRE-EMPLOYMENT TESTING/PRE-TRANSFER (49 CFR Part 655.41)**

Applicants for all safety-sensitive positions shall undergo urine drug testing prior to employment. A verified negative drug test result must be received before any applicant shall be permitted to perform any safety sensitive job function. A pre-employment drug test must also be performed, and a verified negative drug test result received for an employee who transfers from a non-safety sensitive to a safety-sensitive position prior to the employee assuming his or new position. If a pre-employment drug test is cancelled by the MRO or the results are negative dilute, the applicant or covered employee will be required to complete another DOT test with a verified negative result in order for the appointment to a safety-sensitive position to occur.

If an applicant previously worked for any DOT-covered employer in the past two years, Pierce Transit will also conduct a pre-employment drug background check from the previous employers. The agency will inquire in writing if the applicant has previously failed or refused a DOT pre-employment drug test. If there was any previous violation the employee must provide the employer proof of having successfully completed a referral, evaluation, and treatment plan prior to appointment to the safety-sensitive position. If an applicant tests positive for drug(s) or refuses to submit to a test when required, Pierce Transit shall advise the individual of the resources available for evaluating and resolving problems associated with prohibited drug use and alcohol misuse and document such a refusal.

When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

### 3.1.2 REASONABLE SUSPICION TESTING (49 CFR Part 655.43)

All employees will be subject to testing for reasonable suspicion, and return to duty and follow up testing if allowed to return to work after failing a test or upon the completion of prescribed substance abuse treatment. *For non-safety-sensitive employees this testing is conducted under the authority of Pierce Transit.* For safety-sensitive employees this testing is conducted under FTA authority. Pierce Transit shall conduct a drug and/or alcohol test when there is reasonable suspicion that a safety sensitive employee is under the influence of any of the prohibited drugs while on duty or alcohol immediately prior to, during, or immediately after performing safety-sensitive duties or *while on the property, in Agency vehicles or in Agency uniform.* *Non-safety-sensitive employees are also subject to a fitness for duty evaluation including drug and/or alcohol testing in these same circumstances under Pierce Transit authority.*

A determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. Supervisory personnel who are trained to detect the signs and symptoms of drug abuse and alcohol misuse will make referrals to drug and/or alcohol testing based on such reasonable suspicion. Safety-sensitive employees will be removed immediately from performing safety-sensitive functions and subject to discipline as outlined in Section 5.0 – Discipline of this policy.

Alcohol testing is authorized under this section only if the observations required by the above paragraph of this section are made during, just preceding, or just after the covered employee's workday. A trained supervisor shall direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety sensitive functions; just before the employee is to perform safety sensitive functions; or just after the employee has ceased performing safety sensitive functions.

*Non-safety-sensitive employees who are reasonably suspected of not being fit for duty due to drug or alcohol use shall be placed on home assignment pending the outcome of test results, an investigation,*

*and verification of condition. Such employees who fail to pass a drug or alcohol test shall be removed from duty immediately and subject to disciplinary action, up to and including termination.*

### 3.1.3 POST-ACCIDENT TESTING (49 CFR Part 655.44)

Federal regulations require surviving safety-sensitive employees to be tested if they are involved in an accident, or if their performance could have contributed to an accident involving a Pierce Transit vehicle (in or out of service) that results in:

A fatality. In the event of a fatality, any surviving covered employee operating a public transportation vehicle at the time of an accident will be required to submit to tests for alcohol and prohibited drugs as soon as practicable.

- Bodily injury for which the injured party receives immediate attention away from the scene of the accident and the supervisor in charge of the accident scene determines, using the best information available at the time, that the covered employee's performance cannot be completely discounted as a contributing factor to the accident; or
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle and the supervisor in charge of the accident scene determines, using the best information available at the time, that the covered employee's performance cannot be completely discounted as a contributing factor to the accident.

In all post-accident testing decisions, the agency will also test any other employee whose performance could have contributed to the accident, as determined by the agency using the best information available at the time of the decision.

Following an accident under the above circumstances, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Testing will be stayed while the employee assists in the resolution of the accident or receives medical attention as required.

Covered employees are prohibited from using alcohol for eight hours following any accident or until the required post-accident test is administered, whichever occurs first. Employees must remain readily available for testing. Those who leave the scene of an accident without appropriate authorization prior to the testing will be considered to have refused the test and be subject to discipline, as outlined in Section 6.0 – Discipline.

If an alcohol test is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following an accident, the agency will make no further attempt to administer an alcohol test and document the reasons why the test was not administered within eight hours. In the event a drug test is not administered within 32 hours following an accident, the agency will cease its attempts to administer any further testing and document the reasons why the test was not performed.

If the employer determines that the covered employee will not be tested because the employee's performance can be completely discounted as a contributing factor to the accident, the employer will document the decision in detail, including the employer's decision making process.

*It is Pierce Transit's policy that following a post-accident test the employee will not be allowed to perform any safety sensitive function until negative results have been received.*

#### 3.1.4 RANDOM TESTING (49 CFR Part 655.45)

Employees in safety-sensitive positions will be subject to random, unannounced testing. Each year Pierce Transit will conduct the number of tests required to meet the established Federal minimum rates for drug and alcohol testing. The random testing rates are subject to change on an annual basis, depending on the industry-wide positive rate determined by the FTA from the annual MIS reports submitted by covered employers.

Selection of employees for random testing shall be made by a scientifically valid computer based random number generator that is matched to the employee's social security number, payroll identification number, or other comparable identifying number. This method ensures that all covered employees have an equal chance of being tested each time a selection is made. Testing will be continuous throughout the year and conducted on all days and hours during which Pierce Transit is in operation. Employees selected for testing will receive a notification letter and are required to immediately proceed to the designated collection site for testing.

Random drug and alcohol testing will be unannounced and unpredictable. Random lists are only valid for the current selection period. The DAPM/DER will make every effort to test all employees on the list for that selection period. If an employee is unavailable for testing due to an approved absence (i.e. vacation, leave of absence, illness) the DAPM/DER must test that employee when they return as long as it is within the random selection period. All employees selected for random testing are required to be tested during the random selection period. For missed tests, a legitimate reason must be documented and kept on file with the random selection list.

#### 3.1.5 RETURN-TO-DUTY TESTING (49 CFR Part 655.46)

Under FTA authority safety-sensitive employees who previously tested positive on a drug or alcohol test, and who, under the discipline policy are allowed to return to work, will be subject to testing for either drugs or alcohol or both prior to being released for duty by a Substance Abuse Professional. Per Final Rule §40.67 which amends 49 CFR Part 40, an observed test collection is required for return-to-duty testing. Test results must be negative. *Non-safety-sensitive employees may also be subject to return-to-duty testing using non-federal forms under Pierce Transit authority.*

#### 3.1.6 FOLLOW-UP TESTING (49 CFR Part 655.47)

Employees who are allowed to return to work following a violation of this policy will be required to undergo frequent follow-up drug and/or alcohol testing during the period of their re-entry contract with a minimum of six tests scheduled randomly

during the first twelve months following their return. Per Final Rule §40.67 which amends 49 CFR Part 40, an observed test collection is required for follow-up testing. The Substance Abuse Professional will determine the frequency and duration of the testing (see Discipline section). *Non safety-sensitive employees may also be subject to randomly scheduled follow up tests using non-federal forms under Pierce Transit authority.*

### **3.2 POLICY VIOLATIONS**

Refusal to test (as defined in Section 1.6), a verified positive drug test result and/or a *confirmed alcohol test result of 0.04 or greater* will be considered a violation of this policy. Safety-sensitive employees who violate this policy will be removed immediately from performing safety-sensitive functions and subject to discipline as outlined in Section 6.0 – Discipline of this policy. *Non safety-sensitive employees found in violation of this policy will be subject to discipline under Pierce Transit authority.*

### **3.3 RETESTS AND OBSERVED TESTS**

#### **SPLIT SPECIMEN TESTING**

Employees that have a verified positive drug test result or a test refusal due to adulteration or substitution may request within 72 hours of notification, a test of the split specimen. Employees do not have access to a test of their split specimen following an invalid result. If more than 72 hours have passed, but the employee can present information that demonstrates to the satisfaction of the MRO that extenuating circumstances unavoidably prevented the employee from making a timely request, the split specimen may be tested. *If the result of the second test remains the same as the original test, the employee shall be required to reimburse the agency for the cost of the test. The employee will be made whole if the second test invalidates the original test or if the test was cancelled.* As used herein, all specimens are split into two bottles before being sent to the laboratory. The primary specimen bottle is tested at the laboratory and the non-tested portion will be stored for a period of time unless the circumstances as described above require that the “split specimen” be tested.

#### **OBSERVED COLLECTIONS**

Directly observed collections are required in the following circumstances:

- All return-to-duty tests;
- All follow-up tests;
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- Anytime the employee is directed to provide another urine specimen because the original specimen appeared to have been tampered with;

- Anytime a collector observes material brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be canceled because the test of the split specimen could not be performed.

The observer shall be the same gender as the employee, but need not be the collector. The observer is responsible for ensuring that the specimen goes from the employee's body into the collection container.

#### NEGATIVE DILUTE

If there is a dilute test result with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, that employee will be directed to undergo a recollection under direct observation. If the employee is on duty at the time of the report, they will be removed immediately from performing safety sensitive functions and directed to report to the collection site for the observed recollection. If the employee is not on duty when the report is received, they will be directed to report immediately to the agency's collection site for the recollection when they next report for duty. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

*Except in cases when a negative test is required (i.e. pre-employment, return-to-duty and follow up), when Pierce Transit receives an MRO determination reporting a negative test result with a dilute specimen outside those parameters requiring retesting as stated above, the test will be treated as a negative test result and no retesting will be required.*

### 3.4 MEDICAL REVIEW OFFICER (MRO)

Pierce Transit will establish a contractual relationship with a qualified Medical Review Officer who is a licensed physician with knowledge of substance abuse disorders and who has met the qualification training requirements outlined in 49 CFR Part 40 Subpart G. The MRO or authorized staff will review all drug test results to ensure that the chain of custody form has been properly completed and the specimen has been handled according to DOT established protocol. The MRO will personally review at least 5% of all chain of custody forms quarterly. In addition, the MRO will review and interpret all confirmed positive test results examining alternative medical explanations for these results. Prior to verifying a positive test, the MRO will contact the affected employee to discuss the test results and provide an opportunity to offer a legitimate medical reason for the test results. If the MRO determines the test is a verified positive, the MRO will contact both the Pierce Transit Program Manager and the employee

with that determination. Pierce Transit's MRO will fully comply with the role and responsibilities prescribed in Subpart G of 49 CFR Part 40.

### **3.5 SUBSTANCE ABUSE PROFESSIONAL (SAP)**

Pierce Transit will contract with a qualified Substance Abuse Professional to evaluate employees who have violated this policy to determine what help they need in resolving problems associated with drug abuse and/or alcohol misuse. The SAP shall be a licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; or a state licensed or certified marriage and family therapist; or a drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC), or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC). The SAP shall have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorder. Pierce Transit's SAP will determine education or treatment for all employees referred for violation of DOT drug and alcohol regulations.

### **4.0 DRUG-FREE WORKPLACE ACT OF 1988**

In compliance with the Drug-Free Workplace Act of 1988 the distribution, dispensing, possession or use of a controlled substance is prohibited at Pierce Transit. Employees violating this prohibition will be disciplined up to and including discharge. Also, all employees are required to notify Pierce Transit of any conviction under a criminal drug statute for violations occurring on or *off* the property within five days of conviction. Failure to report such a conviction, *or any moving violation causing the loss of driver's license, by state or local law enforcement involving drugs or alcohol*, will result in discipline, up to and including discharge, within thirty days of the notification. Pierce Transit will notify the FTA within ten days after receiving notice of such conviction. In addition, Pierce Transit will conduct an on-going drug-free awareness program informing employees about the dangers of drug abuse in the workplace and available substance abuse counseling, rehabilitation and employee assistance programs.

### **5.0 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

*Pierce Transit supports employees who volunteer for treatment of alcohol or drug abuse. Alcoholism and drug dependency are treatable illnesses and can be successfully dealt with if identified in their early stages and referred to an appropriate source for treatment. Indications of alcohol and drug abuse include extreme changes in personality, problems with employer or other employees, interrupted or changing sleep patterns, attendance and late problems, concealment of social habits involving drugs and alcohol, and family problems. Continued alcohol and drug dependency can lead to deteriorating health.*

*Pierce Transit encourages employees to seek treatment voluntarily and in addition to other benefits, makes available the Employee Assistance Program (EAP). Any employee who comes forth and notifies the Agency of alcohol or chemical abuse problems will be given the assistance and accommodation as appropriate and as extended to employees with any other illness. Sick leave, vacation leave or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. The Agency provides health insurance coverage for employees as a benefit; such health insurance may provide coverage for alcohol or drug treatment.*

*Employees are encouraged to contact the Employee Services Department for help in understanding benefits and leave policies. Any decision to seek help through the EAP or privately will not interfere with an employee's continued employment or eligibility for promotional opportunities. CONFIDENTIALITY of information will be maintained at all times.*

*While Pierce Transit is anxious to assist employees with alcohol or chemical dependency problems, employees are expected to remember that safety is the Agency's first priority. Therefore, employees must not report for work or continue working if they are under the influence or impaired by alcohol or any controlled substance. Failure to observe the Prohibited Conduct rules established in Section 1.5 of this policy will result in disciplinary action (see Discipline section) regardless of whether or not an employee is participating in a treatment program. Such employees are expected to observe all other job performance standards and work rules, including attendance, required of all employees.*

## **6.0 DISCIPLINE – CONSEQUENCES OF POLICY VIOLATIONS**

*Under FTA regulations, discipline for program violations is determined at the local level. The Pierce Transit discipline policy for Prohibited Conduct is as follows; however, individual circumstances involving any positive test may merit additional actions, up to and including discharge (see Article 11 of the Labor Contract)*

*6.1 Any safety-sensitive employee, or other employee performing a safety-sensitive task, who tests positive for alcohol at a 0.04 alcohol level or higher will be removed from duty, given a list of treatment resources available for evaluating and resolving drug and alcohol problems, referred to the SAP, and discharged.*

*6.2 Any employee who tests positive for the presence of illegal drugs from random testing must successfully complete all of the following before being allowed to return to work:*

- *Removal from their safety-sensitive function*
- *Referral to and assessment by a Substance Abuse Professional (SAP);*
- *Complete a treatment and rehabilitation program as developed by the SAP;*
- *Suspensions as they may apply consistent with work rules;*
- *Return to duty drug and/or alcohol tests; and*
- *Last chance agreement that is developed in conjunction with the SAP outlining terms of return to work, including ongoing treatment, aftercare conditions, and additional random testing for up to five years, with a minimum of six tests for the first year.*

*6.3 Any employee who tests positive under random, post-accident, or reasonable suspicion testing for alcohol at a 0.02 – 0.039 level, must successfully complete all of the following before being allowed to return to work:*

- *Removal from their safety-sensitive position;*
- *Referral to and assessment by an Employee Assistance Professional;*
- *Complete a treatment and rehabilitation program as developed by the Employee Assistance Professional;*
- *Suspensions as they may apply consistent with work rules;*
- *Return to duty drug and/or alcohol tests under Pierce Transit authority and will be collected on non-DOT forms and*



- *Last chance agreement that is developed in conjunction with the Employee Assistance Professional outlining terms of return to work, including ongoing treatment, aftercare conditions, and additional random testing for up to five years, with a minimum of six tests the first year.*
- 6.4 *An employee who has previously tested positive and has a second positive test under any testing circumstance will be discharged.*
- 6.5 *Any safety-sensitive employee who tests positive from reasonable suspicion or post-accident testing for the presence of drugs will be subject to discipline, up to and including discharge, in accordance with the Labor Contract and existing work rules.*
- 6.6 *Any employee who tests for alcohol at a level above 0.00 but below 0.02 will at the least be verbally counseled and be provided information about the EAP. As stated in the introductory paragraph to this section, individual circumstances related to this test may merit additional actions, up to and including discharge. With a second test at this level within 12 months, appropriate discipline will apply.*
- 6.7 *Any employee who uses alcohol within four hours prior to reporting for a safety-sensitive function will be subject to discipline, up to and including discharge, in accordance with the Labor Contract and existing work rules.*
- 6.8 *Any safety sensitive employee who refuses to comply with a request for testing will be subject to discipline for insubordination. The employee will be subject to discharge as called for in the labor contract.*

## **7.0 EDUCATION AND TRAINING**

*It is the policy of Pierce Transit that training and education programs will be made available to all Agency employees. As required by FTA regulations, Pierce Transit will provide a minimum of 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.*

All supervisory personnel or agency officials who are in a position to determine employee fitness for duty will receive an initial 60 minutes of reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Periodic refresher training will also be required of all supervisory personnel.

## 8.0 PROGRAM OVERSIGHT

The Administration Division is responsible for administering the Drug and Alcohol Policy. Any questions about the policy or testing program may be addressed to the Drug & Alcohol Program Manager, or to the Executive Director, Administration, at the Pierce Transit Headquarters.

APPROVED:

\_\_\_\_\_  
Kent Keel, Chairman  
Board of Commissioners

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Deanne Jacobson  
Clerk of the Board

Policy approved: July 12, 1994; Revised July 11, 1995, October 1, 1995, November 9, 1998, August 14, 2000, August 1, 2001, January 15, 2004, July 15, 2005, September 15, 2006, March 30, 2007, May 14, 2012, and February 2018

## APPENDIX A

### SAFETY SENSITIVE POSITIONS

Apprentice Diesel Mechanic  
Apprentice Equipment Body/Automotive Repairer  
Automotive Technician  
Bus Safety and Training Supervisor  
Communication Center Assistant Manager  
Communications Controller  
Communications Coordinator  
Communication Technician I  
Communication Technician II  
Dispatch Assistant Manager  
Dispatch Coordinator  
Dispatch Coordinator (SHUTTLE)  
Equipment Body Repairer  
Fleet Assistant Manager  
Fleet Manager  
Instructor  
Journey Level Mechanic  
Laborer  
Lead Mechanic  
Machinist  
Maintenance Training Coordinator  
Mechanic I  
Paratransit Manager  
Relief Transit Operator  
Service Impact Supervisor  
Service Station Attendant  
Service Supervisor  
Special Events Coordinator  
Specialized Transportation Dispatcher  
Transit Operator  
Transit Operator Assistant Manager  
Transit Operator Trainee  
Transportation Manager, Service Delivery  
Upholsterer  
Vehicle Custodian

## APPENDIX B

### CONTACTS FOR PROGRAM INFORMATION

#### **Drug and Alcohol Program Manager/DER**

Jean Carlson, Human Resources Generalist  
Work phone: 253.581.8081  
Cell phone: 253.905.4704  
Alternate cell phone: 253.381.2448

#### **Alternate:**

Adrienne Johnson, Human Resources Generalist  
Work phone: 253.983.3642  
Cell phone: 253.905.4704

#### **Collection Sites**

PAML at St Clare Hospital  
, Inae Kim, Operations Manager, Laboratory Services  
11315 Bridgeport Way SW  
Lakewood, WA 98499-3004  
Phone: 253.985.2607

PAML at St Joseph's Medical Center  
Linda Guay, Operations Manager, Laboratory Services  
1717 South J St – Use I Street entrance  
Tacoma, WA 98401  
Phone: 253.426.6779

#### **Laboratory**

Clinical Reference Laboratory (CRL) 8433 Quiviera Road  
Lenexa, KS 66215  
Kimberly Kolbow, Account Executive  
Phone: 913.693.8823  
Cell: 913.202.0009  
Fax: 855.691.3937

#### **Medical Review Officer (MRO)**

Dee J McGonigle, M.D.  
Drug Free Business  
18912 North Creek Parkway, Ste 202  
Bothell, WA 98011  
Phone: 425.488.9755 or 800.598.3437

#### **Substance Abuse Professional (SAP)**

SAP Referral Services, d/b/a SRS, LLC 8441 Belair Road, Ste 204 Nottingham, MD 21236  
Phone: 410.668.8110

#### **Employee Assistance Program**

Deer Oaks EAP Services Website: [www.deeroakseap.com](http://www.deeroakseap.com)  
Phone: 866.327.2400

## APPENDIX C

### COMMUNITY HOTLINE AND RESOURCE INFORMATION

Substance Abuse Treatment Locator OR <a href="http://www.findtreatment.samhsa.gov">www.findtreatment.samhsa.gov</a>	800.662.4357
American Council on Alcoholism OR <a href="http://www.aca-usa.org">www.aca-usa.org</a>	800.527.5344
National Cocaine Hotline OR <a href="http://www.ca.org">www.ca.org</a>	800.347.8998
National Council on Alcoholism and Drug Dependence HopeLine OR <a href="http://www.ncadd.org">www.ncadd.org</a>	800.622.2255
Al-Anon or Alateen OR <a href="http://www.al-anon.alateen.org">www.al-anon.alateen.org</a>	888.425.2666

## APPENDIX D

### DRUG AND ALCOHOL FACT SHEETS

#### Drug Detection Periods

Detection periods vary; rates of metabolism and excretion are different for each drug and use. Detection periods should be viewed as estimates. Cases can always be found to contradict these approximations.

<u>Drug</u>	<u>Detection Period</u>
Amphetamines	
Amphetamine	1-2 days
Methamphetamine	1-2 days
Ecstasy (MDMA)	1-4 days
Cocaine	2-3 days
Cannabinoids (Marijuana)	
Casual use	2-7 days
Chronic use	up to 30 days or more after heavy use and/or in users with high body fat
Alcohol	12-24 hours
Opiates	
Codeine	Usually up to 2 days
Heroin	1-4 days
Phencyclidine (PCP)	3 to 7 days for single use; up to 30 days in chronic users

## ALCOHOL FACT SHEET

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

**Duration of Single Dose Effect:** Alcohol is fully absorbed into the bloodstream within 30 minutes to 2 hours, depending upon the beverage consumed and associated food intake. The body can metabolize about one quarter of an ounce (0.25 oz. – roughly half the amount in a can of beer) of alcohol per hour.

The effects of alcohol on behavior (including driving behavior) vary with the individual and with the concentration of alcohol in the individual's blood. The level of alcohol achieved in the blood depends in large part (although not exclusively) upon the amount of alcohol consumed and the time period over which it was consumed. One rule of thumb says that in a 150-pound person, each drink adds 0.02% to blood alcohol concentration and each hour that passes removes 0.01 percent from it.

Generally speaking, alcohol is absorbed into the blood relatively quickly and metabolized more slowly. Therefore, the potential exists for alcohol concentrations to build steadily throughout a drinking session. The table below shows some general effects of varying levels of BAC:

<b><u>BAC</u></b>	<b><u>Behavioral Effects</u></b>
0.02 – 0.09%	Loss of muscular coordination, impaired senses, changes in mood and personality
0.10 – 0.19%	Marked mental impairment, further loss of coordination, prolonged reaction time
0.20 – 0.29%	Nausea, vomiting, double vision
0.30 – 0.39%	Hypothermia, blackouts, anesthesia
0.40 – 0.70%	Coma, respiratory failure, death

**Dependency Level:** The chronic use of alcohol can produce dependence in some individuals manifested by craving, withdrawal, and tolerance. Despite the fact that many individuals consume alcoholic beverages (more than 90 percent of Americans at some point during their lives), relatively few of them (only about 10 percent of drinkers) develop psychological and physical dependency on it.

### Signs and Symptoms of Use

- **Physical Symptoms:** Reduction in reflexes, slurred speech, loss of coordination, unsteady gait.
- **Behavioral Symptoms:** Increased talkativeness, reduced emotional control, distorted judgment, impaired driving ability, gross effects on thinking and memory.

## Effects of Alcohol on the Individual

### Physical Health Effects

- The liver is the primary site of alcohol metabolism and can be severely affected by heavy alcohol use. The three primary dangers are fatty liver, alcoholic hepatitis, and cirrhosis.
- Heavy alcohol use can also severely affect the gastrointestinal tract, contributing to inflammation of the esophagus, exacerbating peptic ulcers, and causing acute chronic pancreatitis. It interferes with the absorption of nutrients from food and contributes to malnutrition.
- Heavy alcohol use affects the heart and vascular system, contributing to heart attacks, hypertension and strokes.
- Either because of direct action or indirectly through the malnutrition, liver disease, and other effects it causes, alcohol depresses immune system functioning and increases the likelihood of infection.
- There is considerable evidence that alcohol abuse is associated with the incidence of cancer, particularly cancers of the liver, esophagus, nasopharynx, and larynx.
- Heavy alcohol consumption causes brain damage, manifested through dementia, blackouts, seizures, hallucinations and peripheral neuropathy.

### Other Health Effects

- In addition to having direct health effects through physiological changes in the drinker's body, alcohol contributes significantly to health problems indirectly. While most of the medical consequences of alcohol use listed above result from chronic use, these other effects can often result from a single episode of acute use:
  - One half of all traffic accident fatalities are alcohol-related
  - The risk of a traffic fatality per mile driven is at least eight times higher for a drunk driver than for a sober one.
  - Falls are the most common cause of nonfatal injuries in the U.S. and the second most common cause of fatal accidents. A BAC between 0.05 and 0.10 percent increases the likelihood of a fall by three times. Between 0.10 and 0.15 percent, it increases by a factor of 10, and above 0.16 percent it increases by a factor of 60.
  - Alcohol also plays a significant role in crime and family violence, including spousal and child abuse.

### Effects on Driver Performance

- The statistics reported above make it clear that alcohol can have a devastating effect on driver performance. By affecting vision, reflexes, coordination, emotions, aggressiveness, and judgment, alcohol deprives the professional driver of most of the tools he or she relies upon to perform safely.
- Hangovers also present a risk to driving behavior, as would other illnesses. The sick feeling associated with hangovers, including headaches, nausea, and other symptoms, can distract a driver's attention and lead to accidents even though alcohol may no longer be detectable in the body.



## AMPHETAMINE FACT SHEET

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the United States or clandestinely manufactured in crude laboratories.

**Duration of Single Dose Effect:** 2 to 4 hours after use. Amphetamines can be detected 1 to 2 days after use. Psychological dependence on amphetamines is known to be high. Physical dependence is possible.

### Signs and Symptoms of Use

- **Physical Symptoms:** Dilated pupils, sweating, increased blood pressure, palpitations, rapid heartbeat, dizziness, decreased appetite, dry mouth, headaches, blurred vision, insomnia, high fever (depending on the level of the dose).
- **Behavioral Symptoms:** Confusion, panic, talkativeness, hallucinations, restlessness, anxiety, moodiness, false sense of confidence and power.

### Effects of Amphetamine Use on the Individual

#### Physical Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug
- High doses may cause toxic psychosis resembling schizophrenia
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts
- Long term heavy use can lead to malnutrition, skin disorders, ulcers, and various diseases that come from vitamin deficiencies
- Lack of sleep, weight loss, and depression also result from regular use
- Users who inject drugs intravenously can get serious and life-threatening infections (e.g. lung or heart disease, kidney damage) from non-sterile equipment or contaminated self-prepared solutions.

#### Effects on Driver Performance

- Amphetamines cause a false sense of alertness and potential hallucinations, which can result in risky driving behavior and increased accidents. Because amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness due to unusual overtime demands or failure to get rest. However, although low doses of amphetamines will cause a short-term improvement in mental and physical functioning, greater use impairs functioning. The hangover effect of amphetamines is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

## COCAINE FACT SHEET

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are tenser, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevations.

**Duration of Single Dose Effect:** 1 to 2 hours after use. Cocaine can be detected up to 2 to 3 days after last use. Psychological dependence on cocaine is known to be high.

### Signs and Symptoms of Use

- **Physical Symptoms:** Dilated pupils, runny or irritated nose, profuse sweating, dry mouth, tremors, needle tracks, loss of appetite, hyperexcitability, restlessness, high blood pressure, heart palpitations, insomnia, talkativeness, formication (sensation of bugs crawling on skin).
- **Behavioral Symptoms:** Increased physical activity, depression, isolation and secretive behavior, unusual defensiveness, frequent absences, wide mood swings, difficulty in concentration, paranoia, hallucinations, confusion, false sense of power and control.

### Effects of Cocaine Use on the Individual

#### Physical Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days of using crack or within several months of snorting coke. Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than those of other chemical dependencies
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths in the United States has tripled in the last four years.

#### Effects on Driver Performance

- Cocaine use results in an artificial sense of power and control, which leads to a sense of invincibility. Lapses in attention and the ignoring of warning signals brought on by cocaine use greatly increase the potential for accidents. Paranoia, hallucinations, and extreme mood swings make for erratic and unpredictable reactions while driving.
- The high cost of cocaine frequently leads to workplace theft and/or dealing. Forgetfulness, absenteeism, tardiness, and missed assignments can translate into lost business.

## CANNABINOIDS (MARIJUANA) FACT SHEET

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood and perception-altering effects it produces.

**Duration of Single Dose Effect:** The most obvious effects are felt for 4 to 6 hours. Preliminary studies suggest that performance impairment lasts longer. The active chemical, THC, is stored in body fat and slowly metabolized over time. Traces of marijuana will remain in the urine of an occasional user for up to 1 week, and, in the case of a chronic user, for 3 to 4 weeks. Evidence indicates moderate psychological dependence.

### Signs and Symptoms of Use

- **Physical Symptoms:** Reddened eyes (often masked by eye drops); stained fingertips from holding “joints,” particularly for non-smokers; chronic fatigue, irritating cough; chronic sore throat; accelerated heartbeat; slowed speech; impaired motor coordination; altered perception; increased appetite.
- **Behavioral Symptoms:** Impaired memory, time-space distortions, feeling of euphoria, panic reactions, paranoia, “I don’t care” attitude, false sense of power.

### Effects of Marijuana Use on the Individual

#### General Health Effects

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana smoking lowers the body’s immune system response, making users more susceptible to infection.

#### Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive functions
- Distortions in time estimation
- Long term negative effects on mental function are known as “acute brain syndrome,” which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

## Effects on Driver Performance

- The mental impairments resulting from the use of marijuana produce reactions that can lead to unsafe and erratic driving behavior. Distortions in visual perceptions, impaired signal detection, and altered reality can make driving a vehicle very dangerous.
- The active chemical, THC, is stored in body fat and slowly releases over time. Marijuana smoking has a long term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and the marijuana.

## OPIATES (NARCOTICS) FACT SHEET

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

**Duration of Single Dose Effect:** 3 to 6 hours after use. Opiates can be detected usually up to 2 days. Both physical and psychological dependence on opiates are known to be high. Dependence on codeine is moderate.

### Signs and Symptoms of Use

- **Physical Symptoms:** Constricted pupils, sweating, nausea and vomiting, diarrhea, needle marks or “tracks,” wearing long sleeves to cover “tracks,” loss of appetite, slurred speech, slowed reflexes, depressed breathing and heartbeat, and drowsiness and fatigue.
- **Behavioral Symptoms:** Mood swings, impaired coordination, depression and apathy, stupor, euphoria

### Effects of Narcotics Use on the Individual

#### General Health Effects

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity
- Narcotics’ effects are multiplied when used in conjunction with other depressant drugs and alcohol, causing increased risk for an overdose.

#### Effects on Driver Performance

- The apathy caused by opiates can translate into an “I don’t really care” attitude toward performance. The physical effects as well as the depression, fatigue, and slowed reflexes impede the reaction time of the driver, raising the potential for accidents. Although opiates have a legitimate medical use in alleviating pain, workplace use may cause impairment of physical and mental functions.

### Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the legitimate user and abuser at higher risk for an accident.

## PHENCYCLIDINE (PCP) FACT SHEET

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half-closed. Sudden noises or physical shocks may cause a “freak-out,” in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

**Duration of Single Dose Effect:** Several days after use. PCP can be detected for up to 8 days. Psychological dependence on PCP is known to be high.

### Signs and Symptoms of Use

- **Physical Symptoms:** Dilated or floating pupils, blurred vision, nystagmus (jerky eye movement), drooling, muscle rigidity, profuse sweating, decreased sensitivity to pain, dizziness, drowsiness, impaired physical coordination (e.g., drunken-like walk, staggering) severe disorientation, rapid heartbeat.
- **Behavioral Symptoms:** Anxiety, panic/fear/terror, aggressive/violent behavior, distorted perception, severe confusion and agitation, disorganization, mood swings, poor perception of time and distance, poor judgment, auditory hallucinations.

### Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

### Effects on Driver Performance

- The distortion in perception and potential visual and auditory delusions make driver performance unpredictable and dangerous. PCP use can cause drowsiness, convulsions, paranoia, agitation, or coma, all obviously dangerous to driving.