

Altoona Metro Transit AMTRAN

Substance Abuse Policy

Approved by AMTRAN Board of Directors - December 29, 1995

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All provisions set forth in bold print are included consistent with requirements specifically set forth in 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, dated August 1, 2001. Provisions set forth in the Drug-Free Workplace Act (49 CFR part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs, effective August 1, 2001) are delineated in Italics. All other provisions are set forth under the authority of AMTRAN.

1.0 POLICY

AMTRAN is dedicated to providing safe, dependable, and economical transportation services to our passengers. AMTRAN employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to:

- (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
- (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and
- (4) To encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

2.0 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655 as amended, that mandate urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, that sets standards

for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

3.0 APPLICABILITY

This policy applies to all safety-sensitive and AMTRAN employees, paid part-time employees, contract employees, and contractors when they are on transit property or when performing any transit-related safety-sensitive business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on AMTRAN premises and will not be permitted to conduct authority business if found to be in violation of this policy. Violations of this policy will accumulate over the entirety of an employee's history of employment at AMTRAN.

A safety-sensitive function is any duty related to the safe operation of public transportation service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch and maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee who holds a Commercial Driver's License. A list of safety-sensitive positions who perform one or more of the above-mentioned duties is attached.

4.0 PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

4.1 Illegally Used Controlled Substances or Drugs

*The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes: marijuana/(metabolites), amphetamines, opiate/(metabolites), phencyclidine (PCP), and cocaine/(metabolites) Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. **Safety sensitive employees will be tested for marijuana/(metabolites), cocaine/(metabolites), amphetamines, opiate/(metabolites) and phencyclidine as described in Section 6.0 of this policy.***

4.2 Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates

that mental functioning, motor skills, or judgment may be adversely affected must be reported to a transit system supervisor. In addition, the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.

A legally prescribed drug means that individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

4.3 Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing AMTRAN business is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

5.0 PROHIBITED CONDUCT

5.1 Manufacture, Trafficking, Possession, and Use

AMTRAN employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on authority premises, in AMTRAN vehicles, in uniform, or while on authority business. Employees who violate this provision will be discharged. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

5.2 Intoxication/Under the Influence

Any safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of a prohibited substance or **who fail to pass a drug or alcohol test shall be removed from duty** and subject to disciplinary action. **A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.**

5.3 Alcohol Use

No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty, in uniform, while performing safety-

sensitive functions, or just before or just after performing a safety-sensitive function. No safety-sensitive employee shall use alcohol within four hours of reporting for duty, or during the hours that they are on call.

All safety sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds in 49 CFR Part 40, as amended. Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.

5.4 Compliance with Testing Requirements

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as a condition of employment. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and their employment terminated. Any safety-sensitive employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of falsifying test results will result in the employee's removal from duty and their employment terminated.

Refusal will include:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer after being directed to do so by the employer;
- Failure to provide a urine specimen for any drug test required by 49 CFR 655.15 or DOT agency regulations;
- an inability to provide a specimen or breath sample without a valid medical reason (confirmed by a physician);
- if the MRO reports there is verified adulterating, or substituted test result;
- delaying arrival at a designated collection site;
- if there is verified adulterating, or substituted test result;
- leaving the collection site prior to test completion;
- failure to permit an observed or monitored collection when required;
- for an observed collection, failure to follow the observer's 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;
- failure to take a second test when required;
- failure to undergo a medical evaluation when required;
- failure to cooperate with any part of the testing process;
- once test in underway, failing to remain at site and provide a specimen;
- failure to sign Step 2 of alcohol test form; and
- leaving the scene of an accident without just cause prior to submitting to a test.

- Failure to admit to the collector or MRO that you adulterated or substituted the specimen.

Such refusals will be treated as insubordination and recorded as a positive test. The employee will be referred to the substance abuse professional, and will be subject to disciplinary action up to and including discharge.

Refusal can include an inability to provide a sufficient urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test. Drug tests can be performed any time a safety sensitive employee is on duty. An alcohol test can be performed when the safety sensitive employee is actually performing a safety sensitive duty, just before, or just after the performance of a safety sensitive duty.

In the case of a pre-employment drug test, the employee is deemed to have refused to test on the basis only if the pre-employment test is conducted following a contingent offer of employment. For pre-employment test only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal.”

In a case of dilute specimen (specific gravity<1.003 and creatinine<20) we will not retest for random, post accident, return to duty and reasonable suspicion. Pre-employment applicants with a negative dilute specimen will be retested. The second collection will not be taken under direct observation, unless there is another basis for use of direct observation. In a case where the pre-employment second test is negative and dilute the applicant will not be sent for a third test.

5.5 Treatment Requirements

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with transit system requirements for treatment, after care, or return to duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

5.5 Voluntary Rehabilitation and Counseling

This section will not apply to any employee who tests positive through the testing program. The employee must voluntarily seek treatment through this section prior to being notified of a pending drug and/or alcohol test or involved in a situation that requires a

reasonable suspicion of post-accident FTA drug and/or alcohol test.

Authority offers employees the use of counseling and rehabilitative services pursuant to coverage limitations and in accordance with the terms of its benefit programs. Employees are personally responsible for seeking treatment for alcohol and/or controlled substance dependence. Any voluntary request by an employee for assistance with his/her own alcohol and/or controlled substance dependency will remain as confidential as possible and shall not be used, in itself, as a basis for disciplinary action.

The costs of the visits with the SAP shall be borne by the employee or their insurance provider. The employee may use any available accumulated leave in accordance with leave policies in order to participate in extended counseling and/or rehabilitation. If the employee requests that the purpose of the leave not be disclosed to his/her immediate supervisor, the department had shall maintain confidentiality regarding the reason for the leave. (See section 11.0 EMPLOYEE ASSISTANCE PROGRAM).

5.6 Notifying AMTRAN of Criminal Drug Conviction

All employees are required to notify the authority of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

5.7 Proper Application of the Policy

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

6.0 TESTING PROCEDURES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstance warrant or as required by Federal regulations. **All safety-sensitive employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident; as defined in Section 6.2, 6.3 and 6.4 of this policy. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will be conducted following return to duty for a period of one to five years, with at least six tests performed during the first year.**

Those employees who perform safety-sensitive functions as defined in the attachment to this policy shall also be subject to testing on a random, unannounced basis.

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

The drugs that will be tested for include marijuana/(metabolites), cocaine/(metabolites), opiate/(metabolites), amphetamines, and phencyclidine. Urine specimens will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/ Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. The test results from the laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result. The MRO will contact the employee, notify the employee of the positive laboratory result, and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result. If no legitimate medical explanation is found, the test will be verified positive and reported to the company program manager. If a legitimate explanation is found, the MRO will report the test result as negative.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer.

In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above AMTRAN reserves the right to test for additional drugs under the transit system's own authority using standard laboratory testing protocols and after first, discussing the same with the union representatives as provided for in Article 3(c) of the Collective Bargaining Agreement.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using an NHTSA-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout along with an approved alcohol testing form will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40 as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

A safety-sensitive employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless a re-test results in a concentration measure of less than 0.02. The inability to perform safety-sensitive duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused miss out subject to transit system disciplinary procedures. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 for safety-sensitive employees.

Any safety-sensitive employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

AMTRAN affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. In addition, if at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be cancelled.

6.1 Employee Requested Testing

Any safety-sensitive employee who questions the results of a required drug test under paragraphs 6.2 through 6.7 of this policy may request that the split sample be tested. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee shall pay for all costs for such testing unless the result of the split sample test invalidates the result of the original test or the employee cannot afford to pay the cost. The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must

be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to document able facts that were beyond the control of the employee.

6.2 Pre-Employment Testing

All safety-sensitive position applicants shall undergo urine drug testing after an offer of employment but prior to hire or transfer into a safety-sensitive position. Receipt by AMTRAN of a negative drug test result is required prior to employment. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with the approval of the company and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual. **A pre-employment/pre-transfer test will also be performed anytime an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position (i.e., return from Worker's Comp. return from leave of absence).**

All safety-sensitive position applicants will be required to provide a list of DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer.

The safety-sensitive position applicant will be required to provide written consent to allow AMTRAN to request information from the DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer. This information includes:

- (1) alcohol tests with a result of 0.04 or higher alcohol concentration;**
- (2) verified positive drug tests;**
- (3) refusals to be tested (including verified adulterated or substituted drug tests results);**
- (4) Other violations of DOT agency drug and alcohol testing regulations.**

All safety-sensitive position applicants will be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years.

Safety-sensitive position applicants who have tested positive to DOT regulated drug or alcohol tests or a refusal to test administered by an employer as outlined in the previous two paragraphs will not be used to fill positions where safety-sensitive functions are required.

When an existing covered employee has not performed a safety-sensitive function for 90 consecutive calendar days and the employee has not been in the random testing pool during that time, the employee will be required to take a pre-employment drug test and obtain a negative test result prior to the reassignment of safety-sensitive duties. The reason for the 90-day absence will not be a consideration. Thus, employees that are off duty for sickness, vacation, jury duty, leaves of absence, worker's compensation, Family Medical Leave, or any other purpose that extends 90 days or more will be subject to the pre-employment test if the employee has been removed from the testing pool.

6.3 Reasonable Suspicion Testing

All safety-sensitive employees are subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse.

Examples of reasonable suspicion include, but are not limited to the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Fights (to mean physical contact), assaults, flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

6.4 Post-Accident Testing

All safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident with an AMTRAN transit vehicle (regardless of whether or not the vehicle is in revenue service) that result in a fatality. This includes all surviving safety-sensitive employees that are operating the vehicle and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage; unless the employee can be completely discounted as a contributing factor to the accident. The accident definition may include some incidents where an individual is injured even though there is no vehicle collision. Additionally, AMTRAN reserves the right to require employee urine and breathe testing after any accident involving an AMTRAN transit vehicle.

Following an accident, the safety-sensitive employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the

accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only operations personnel, but also any other covered employee whose performance could have contributed to the accident.

Disabling damage means damage which prevented the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail lights, turn signals, horn, or windshield wipers that makes them inoperative.

6.5 Random Testing

Employees in safety-sensitive positions will be subjected to random, unannounced testing. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Tests can be conducted at any time during an employee's shift (i.e. beginning, middle, and end). Employees are required to proceed immediately to the collection site upon notification of their random selection.

6.6 Return-to-Duty Testing

All safety-sensitive employees who previously tested positive on a drug or alcohol test must test negative (below 0.02 for alcohol) on a return-to-duty test and be evaluated and released to duty by a Substance Abuse Professional before returning to work. A Substance Abuse Professional (SAP) is a licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. The SAP must also have clinical experience in the diagnosis and treatment of drug and alcohol related diseases. Before scheduling the return to duty test, the SAP must assess the employee and determine if the required treatment has been completed.

6.7 Follow-up Testing

Safety-sensitive employees will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up testing will be

performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests beyond the minimum will be determined by a qualified Substance Abuse Professional.

7.0 EMPLOYMENT ASSESSMENT

Any safety-sensitive employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. The SAP will determine the length of any treatment program for the employee, if treatment is necessary.

Assessment by a SAP or participation in the company's Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement with the transit system. AMTRAN's Transit Disciplinary Code should be consulted to determine the penalty for performance-based infractions and violation of policy provisions.

If a safety-sensitive employee is allowed to return-to-duty, he/she must properly follow the rehabilitation program prescribed by the Substance Abuse Professional; the employee must have negative return-to-duty drug and alcohol tests, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

8.0 INFORMATION DISCLOSURE

All drug and alcohol testing records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur. Information will only be released in the following circumstances:

- 1. to a third party only as directed by specific written instructions of the employee;**
- 2. to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested;**
- 3. to a subsequent employer upon receipt of a written request from the employee;**

4. to the National Transportation Safety Board during an accident investigation;
5. to the DOT or any DOT agency with regulatory authority over the employer or any of its employees, or to a State oversight agency authorized to oversee rail fixed-guide way system; or
6. to the employee, upon written request.

9.0 CONTRACTORS

Contractor organizations that have persons who provide FTA-defined safety sensitive functions for AMTRAN must adopt a Substance Abuse Policy which contains the same provisions as this policy with respect to prohibited conduct and to drug and alcohol testing. No contractor employee who is in violation of those policy provisions may provide sensitive safety services.

Contractor personnel may, at the sole discretion of AMTRAN, participate in AMTRAN's drug and alcohol-testing program, with results referred to the contractor's management for appropriate personnel action.

10.0 EMPLOYEE AND SUPERVISOR TRAINING

All safety sensitive employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.

Supervisors will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, 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.

Information on the signs, symptoms, health affects and consequences of alcohol misuse is presented in Attachment 2 of this policy.

10.1 Education

A committee composed equally of management and labor representatives shall strive to educate all AMTRAN employees about the effects of the use of drugs and misuse of alcohol. This committee may also promote AMTRAN's Employee Assistance Program (EAP).

11.0 EMPLOYEE ASSISTANCE PROGRAM

An Employee Assistance Program (EAP) has been established to aid employees in coping with the myriad of personal problems with which they may be confronted, including drug and alcohol abuse, which could affect their job performance. The EAP is open to all employees and their families who seek its assistance. Initial counseling is free of charge to employees and their families. If there are costs for further services, these costs may be covered by the employee's health insurance or by the employee if insurance coverage is not provided.

Voluntary participation in the EAP is confidential and will not adversely affect an employee's employment with AMTRAN. In cases of a mandatory referral to the EAP, the counselor may notify AMTRAN whether or not the employee has contacted the EAP, or whether or not the employee is following the counselor's recommendations, or other administrative details. The nature of the employee's personal problem or recommended course of action/treatment will not be shared with AMTRAN unless the employee so consents.

Voluntary Admission

Any employee that voluntarily seeks treatment for a drug and/or alcohol abuse problem prior to being notified to report for drug and/or alcohol testing, shall not be subject to disciplinary action under the following conditions:

1. The employee voluntarily participates in the Employee Assistance Program as described herein;
2. The employee successfully completes any prescribed course of rehabilitation therapy for alcohol or drug abuse;
3. The employee provides documentation to AMTRAN that he or she has complied with #2 above;
4. The employee is subject to re-entry requirements as outlined in 8.0 of this policy;
5. The employee submits and tests negative on a return-to-duty drug and/or alcohol test;
6. The employee submits to follow-up testing as described in 8.0 #3 of this policy, and
7. The employee agrees that any failure to comply with any of the conditions shall be cause for disciplinary action as if the employee tested positive.

Employees will be allowed to use paid/unpaid leave, as provided for in the collective bargaining agreement, to participate in the Substance Abuse Professional's recommended treatment program.

12.0 TEST TIME COMPENSATION

Employees who are required to undergo testing per this policy shall be compensated in the following manner:

A. Alcohol Test (The results of an alcohol test are immediately known.)

A person who tests negative shall have the time involved with the test and travel time directly to and from the facility counted towards their hours worked. The employee shall then return to their work assignment.

A person who tests positive shall have the time involved with the test and travel time directly to and from the facility counted towards their hours worked. The employee is then subject to the disciplinary action stated in the policy.

B. Drug Tests (The results of a drug test are not immediately known).

AMTRAN shall presume that any employee who undergoes random drug testing shall test negative and the employee shall return to their position pending the test results. The time involved with the test and travel time directly to and from the facility shall be counted towards the employee's hours worked.

Any employee who is ordered to submit to drug testing under reasonable suspicion or post accident testing may be removed from a safety-sensitive position until the test results are reported to AMTRAN. The employee with a negative test result will then be reinstated and compensated for any time lost. A positive result will mean no compensation for lost time and the employee is subject to the discipline stated in the policy. The time involved with the test and travel time directly to and from the facility shall be counted towards the employee's hours worked, regardless of the test outcome.

13.0 UNION REPRESENTATION

In cases where an employee who is a union member is ordered to submit to a drug and/or alcohol test, the employee may request union representation. Neither the employee nor the union representative may obstruct the testing process. The testing process may not be delayed to wait for a union representative to arrive. The employee may ask the union representative to accompany him or her to, or meet him or her at the medical testing facility. The Union Representative will not be allowed to accompany the employee into the collection area but must remain in the designated waiting area.

14.0 RE-ENTRY CONTRACTS

Employees who re-enter the workforce must agree to a re-entry contract. That contract may include (but is not limited to);

1. A release to work statement from the Substance Abuse Professional.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.
4. A statement of work-related behaviors.
5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

15.0 SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the drug-free and alcohol-free authority program should contact the following AMTRAN representative:

Designated Employer

Representative (DER): Josh A. Baker, Director of Staff & Customer Services
Alternate: Ray Kennedy, Director of Transportation
Address: AMTRAN, 3301 Fifth Avenue
Altoona, PA 16602
Telephone Number: (814) 944-4074
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Consortium Manager

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(215) 396-5500
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Employee Assistance Program/Substance Abuse Professional

SAP: Roberta Weiner

Firm: The Lytle EAP Partners
15 South Montgomery St.
Hollidaysburg, PA 16648

Telephone Number: 1-800-327-7272
1-814-696-3277

15.0 AMTRAN SAFETY SENSITIVE POSITIONS

Director of Transportation
Dispatcher
Full-time Operator
Mechanic
Transportation Supervisor

Director of Maintenance
Road Supervisor
Part-time Operator
Service Person
Assistant Dispatcher/Supervisor

Addendum Penalties

1. Any safety-sensitive employee involved in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on authority premises, in AMTRAN vehicles, in uniform, or while on authority business (see 5.0) will be discharged from employment. The employee will be advised of a properly accredited Substance Abuse Professional (SAP). The employee will be responsible for contacting the SAP.
2. Any safety-sensitive employee who refuses to undergo a drug or alcohol test, or who attempts to falsify a drug or alcohol test (see 5.4) will be removed from duty and will be discharged from employment. The employee will be advised of a properly accredited Substance Abuse Professional (SAP). The employee will be responsible for contacting the SAP.
3. Any safety-sensitive employee who has been reported by the MRO as testing positive for Illegally Used Controlled Substances or Drugs (see 4.1) will be removed from duty and will be discharged from employment. The employee will be advised of a properly accredited Substance Abuse Professional (SAP). The employee will be responsible for contacting the SAP.
4. Any safety-sensitive employee with an alcohol test result indicating a blood alcohol concentration of 0.02% or higher will be removed from duty and will be subject to the following action guidelines established by AMTRAN:
 - a) Blood alcohol concentration (BAC) of 0.02% to 0.039% (except Post Accident -- See #5 below.)
 - i) First time:
 - a) 3 day suspension without pay
 - b) The employee will be advised of a properly accredited Substance Abuse Professional (SAP). The employee will be responsible for contacting the SAP.
 - c) Employee must complete a Substance Abuse Professional's recommended treatment program (see 7.0)
 - d) Employee must sign a SAP-approved re-entry contract for return to work (see 8.0)
 - e) The employee must have a return to duty test with a result indicating an alcohol concentration of less than 0.02%.
 - ii) Second time:
 - a) 10 day suspension without pay
 - b) The employee will be advised of a properly accredited Substance Abuse Professional (SAP). The employee will be responsible for contacting the SAP.

- c) Employee must complete a Substance Abuse Professional's recommended treatment program (see 7.0)
 - d) Employee must sign a SAP-approved re-entry contract for return to work (see 8.0)
 - e) The employee must have a return to duty test with a result indicating an alcohol concentration of less than 0.02%.
 - iii) Third time:
 - a) The employee will be discharged from employment
 - b) The employee will be advised of a properly accredited Substance Abuse Professional (SAP). The employee will be responsible for contacting the SAP.
 - b) Blood alcohol concentration (BAC) of 0.04% and higher (except Post Accident -- See #5 below.)
 - i) First time:
 - a) The employee will be subject to discipline up to and including discharge
 - b) The employee will be advised of a properly accredited Substance Abuse Professional (SAP). The employee will be responsible for contacting the SAP.
5. Special Circumstances for a Post Accident Alcohol Test: Due to the serious nature of an accident involving a public transit employee, any safety-sensitive employee with a Post Accident Alcohol Test result indicating a blood alcohol concentration of 0.02% or higher will be removed from duty and will be discharged from employment. The employee will be advised of a properly accredited Substance Abuse Professional (SAP). The employee will be responsible for contacting the SAP.
6. All discipline under this policy shall be subject to the grievance and arbitration provisions in the Collective Bargaining Agreement.
7. There may be circumstances, which arise in the future that do not neatly fit into one of the above-defined categories. In such an event, due to the serious nature of a drug- and/or alcohol-related incident in a transportation operation such as AMTRAN, management reserves the right to act within its discretion based upon the facts of the circumstances at that time. AMTRAN reserves the right to impose stricter disciplinary measures based upon the totality of the conduct and the circumstances involved. Violations of this policy will accumulate over the entirety of an employee's history of employment at AMTRAN.

Attachment 2

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

Signs and Symptoms of Use

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

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

Health Effects

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

- Decreased sexual functioning
- Dependence (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent of alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends;
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce is families with alcohol dependency problems is 7 times the average.

- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,8900 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.