

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: September 10, 2024
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PHONE NUMBER: Anthony DeKeyzer (915) 212-3306
DISTRICT(S) AFFECTED: All
STRATEGIC GOAL: 7.0 Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: 7.3 Enhance a regional comprehensive transportation system

SUBJECT:

Discussion and action on a Resolution that Mass Transit Department Board approves and adopts the City of El Paso – Sun Metro Substance Abuse Policy and that the City Manager, or designee, is authorized to effectuate the policy, execute any documents and perform any actions necessary to effectuate the intent of this resolution; and that the Director of the City of El Paso's Mass Transit Department be authorized to make amendments to the policy and grant exceptions to the policy provided such exceptions do not violate any federal, state or local laws and regulations.

BACKGROUND / DISCUSSION:

The City of El Paso Mass Transit Department receives financial assistance from the Federal Transit Administration (FTA). The FTA requires transit operators such as Sun Metro who are recipients of its funds establish and implement an anti-drug use and alcohol misuse program that includes an anti-drug and alcohol misuse policy statement adopted by the transit operator's local governing board.

PRIOR COUNCIL ACTION: NA

AMOUNT AND SOURCE OF FUNDING: NA

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Sun Metro

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Jerry DeMuro Deputy Transit Officer for
Anthony DeKeyzer
Director Mass Transit Department

August 26, 2024
Date

RESOLUTION

WHEREAS, the City of El Paso’s Mass Transit Department (Sun Metro) receives financial assistance from the Federal Transit Administration (FTA); and

WHEREAS, the FTA requires transit operations who are recipients of its funds, such as Sun Metro, establish an anti-drug use and alcohol misuse program that includes an anti-drug and alcohol misuse policy statement adopted by the transit operator’s local governing board; and

WHEREAS, Sun Metro implemented a Drug and Alcohol Policy on March 29, 2007 and has revised the policy throughout the years to remain in compliance with the law; and

WHEREAS, in order to remain in compliance with the FTA requirements found in 49 CFR Part 655, the City of El Paso wishes to authorize and adopt the updated version of Sun Metro’s Anti-drug and alcohol misuse policy (“the policy”) attached to this resolution as Attachment “A”.

NOW THEREFORE, BE IT RESOLVED BY THE MASS TRANSIT DEPARTMENT BOARD OF THE CITY OF EL PASO:

1. That, the Sun Metro Anti-drug and Alcohol misuse policy attached to this resolution as Attachment “A” is approved and adopted; and
2. That the City Manager, or designee, is authorized to effectuate the policy, execute any documents and perform any actions necessary to effectuate the intent of this resolution; and
3. That the Director of the City of El Paso’s Mass Transit Department be authorized to make amendments to the policy and grant exceptions to the policy provided such exceptions do not violate any federal, state or local laws and regulations.

APPROVED this _____ day of _____, 2024.


MASS TRANSIT DEPARTMENT BOARD:

Oscar Leeser, Chairman

ATTEST:


Laura D. Prine, Secretary

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

Deputy Transit Officer
 for

Anthony R. Dekeyzer, Director
Mass Transit Department/ Sun Metro

(Attachment “A” on the following pages)



CITY OF EL PASO - *SUN METRO*
Substance Abuse Policy

(Revised May 2024)



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1. PURPOSE OF POLICY

The purpose of this policy is to establish a drug-free workplace policy for the City of El Paso— Sun Metro Public Transportation Department (hereinafter referred to as City—Sun Metro) that incorporates the Federal Transit Administration (FTA) regulations (49 CFR Part 655, as amended, and 49 CFR Part 40, as amended), as well as the Drug-Free Workplace Act of 1988, as implemented by the U.S. Department of Transportation (DOT) and now published in 49 CFR Part 32. Copies of Parts 655, 40 and 32 are available in the Sun Metro Safety Office and can be found on the internet at the Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance website <http://www.dot.gov/odapc>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with these regulations.

Text in bold italics reflects portions of this policy that are mandated by the City-Sun Metro, but are not DOT/FTA-mandated.

The unlawful manufacture, distribution, dispensation, possession, solicitation of or use of a controlled substance is prohibited in the covered workplace.

An employee who is convicted of any criminal drug statute for a violation occurring in the workplace must notify the City—Sun Metro no later than five days after such conviction. Additionally, you must report any conviction under a criminal drug statute for violations occurring off City premises no later than five days after such conviction. Any employee who fails to immediately notify the City—Sun Metro of any criminal drug statute conviction or arrest for DUI/DWI shall be subject to disciplinary action, up to and including termination. See Appendix F for Certification of Driving Record Form.

The City—Sun Metro is committed to maintaining an operation free of prohibited drugs and substance abuse in order to protect the health and safety of employees, passengers, and the general public. In this regard, it is Sun Metro’s policy to:

- assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse;
- prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances;
- encourage employees to seek professional assistance any time alcohol or drug abuse or misuse adversely affects their ability to perform their assigned duties; and
- ***terminate employees with a positive test result to a drug and/or alcohol test (or who fail to comply with an instruction to submit to Drug or Alcohol Testing).***

Zero Tolerance Policy

The City-Sun Metro has a zero-tolerance alcohol and drug policy in place for employees covered under this policy. Any covered employee who tests positive for drugs or alcohol (Blood Alcohol Concentration (BAC) at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP).

Proper Application of this Policy

The City-Sun Metro 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 department head, 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.

2. COVERED EMPLOYEES

This policy applies to employees and contractors of Sun Metro who perform “safety-sensitive functions” as defined in 49 CFR Part 655, section 655.4.

You are a covered employee if you perform any of the following while on duty for or on behalf of Sun Metro:

- Operating a revenue service vehicle, including when not in revenue service
- Operating a non-revenue vehicle requiring a commercial driver’s license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

These categories include supervisors who perform these functions.

SEE APPENDIX A FOR A LISTING OF SAFETY-SENSITIVE POSITIONS FOR BOTH SUN METRO AND ITS CONTRACTORS.

3. PROHIBITED BEHAVIOR

Use of illegal drugs is prohibited at all times as required by 49CFR 655.21(c)

Zero Tolerance Policy

The City-Sun Metro has a zero-tolerance alcohol and drug policy in place for employees covered under this policy. Any covered employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP)- as this is an FTA requirement per section 655.62.

A covered employee may be randomly tested for prohibited drug use anytime while on duty. The minimum thresholds defined in 49 CFR Part 40. Prohibited illicit drugs include:



- Marijuana (THC)
- Cocaine
- Amphetamines, including methamphetamine
- Opioids-including codeine, heroin (6-AM), morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone
- Phencyclidine (PCP)

In accordance with 655.32, all covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Alcohol testing will only be performed just before, during or just after the performance of safety sensitive functions.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function after acknowledging the use of alcohol within the previous 4 hours, he or she must take an alcohol test prior to performance.

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

All covered employees are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace must notify the City-Sun Metro no later than five days after such conviction. Any employee who fails to immediately notify Sun Metro of any criminal drug statute conviction or arrest for DUI/DWI shall be subject to disciplinary action, up to and including termination. See Appendix F for Certification of Driving Record Form.

4. **CONSEQUENCES FOR VIOLATIONS**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional; **additionally, the employee will be subject to termination in accordance with the City—Sun Metro’s zero tolerance policy.** See Appendix B for list of Substance Abuse Professionals (SAP).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties. The employee will be informed of educational and rehabilitation programs that are available. **A violation of the City’s zero tolerance policy will be enforced.**

Treatment/Discipline

Per City policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) and **will be subject to termination in accordance with the City—Sun Metro’s zero tolerance policy.**

5. **CIRCUMSTANCES FOR TESTING**

➤ Pre-Employment Testing

After making a contingent offer of employment or transfer, all safety-sensitive position applicants shall undergo urine drug testing. Receipt by the City of a verified negative test result is required prior to employment in a capacity performing safety-sensitive function(s), and failure of the drug test will disqualify an applicant for employment. If the test is cancelled, the applicant must retake and pass the test with a verified negative result before being hired.

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

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

The City of El Paso/Sun Metro conducts Non-D.O.T. drug and alcohol testing in conjunction with a medical examination as described in 49 CFR Part 391, Subpart E. These tests are required by the City of El Paso—Sun Metro when an employee who normally performs safety-sensitive duties and has not worked for 30 days but less than 90 days.

➤ Reasonable Suspicion Testing

All covered employees shall be subject to reasonable suspicion testing, to include appropriate urine and/or breath testing when there are reasons to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse as specified in this Policy.

A reasonable suspicion referral for testing will be made by a trained supervisor on the basis of specific, contemporaneous, articulable observations concerning the appearance behavior, speech, or body odors of the covered employee. The supervisor shall document the basis for reasonable suspicion/reasonable cause observations. The employee will be provided with transport to and from the collection or testing facility. (See Appendix G – City of El Paso-Reasonable Suspicion Belief Form.)

An alcohol test under this Section should be administered within two hours of the supervisor’s basis of reasonable suspicion. If the test is not performed within two hours, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours of the supervisor’s basis of reasonable suspicion, the City will cease its



attempts to administer the alcohol test and will record the reasons for not administering the same.

➤ Post-Accident Testing

Public Transportation Vehicles. Covered employees will be required to undergo drug and alcohol testing as per Sec 655.44 if they are involved in an accident with a Public Transportation Vehicle (regardless of whether or not the vehicle is in revenue service) that results in:

1. A fatality. This includes all surviving covered employee(s) who are on-duty in the vehicle(s) and any other surviving covered employee(s) whose performance could have contributed to the accident;
2. Injuries requiring immediate medical treatment away from the scene of the accident, unless the employer determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident; or
3. One or more vehicles incurring disabling damage and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle, unless the employer determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident.
4. With respect to an occurrence in which the public transportation vehicle involved is a rail car, trolley car, trolley bus, or vessel, the public transportation vehicle is removed from operation.

As soon as practical, following an accident not involving the loss of human life in which a public transportation vehicle is involved Sun Metro shall drug and alcohol test each covered employee operating the public transportation vehicle at the time of the accident. Testing shall be conducted unless the employer determines using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident. Sun Metro shall also drug and alcohol test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

Disabling damage means damage that requires towing from the site or precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, as well as damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven. Disabling damage does not include: (i) damage that can be remedied temporarily at the scene of the accident without special tools or parts; (ii) tire disablement without other damage even if no spare tire is available; (iii) headlamp or tail light damage; or (iv) damage to turn signals, horn, or windshield-wipers which makes the vehicle inoperable.

Following an accident, the employee will be tested as soon as possible, but not to exceed thirty- two (32) hours for drug testing and eight (8) hours for alcohol testing.

If an alcohol test is not completed within 2 hours of the accident/incident, a written record shall be made on why it could not be done within the 2 hours and continue supplementing the written record every 2 hours until the test is administered. If not able to obtain a specimen within 8 hours, cease trying and update the record. Any 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 employee who leaves the scene of the accident without appropriate authorization prior to submission to alcohol testing will be considered to have refused the test and be subject to termination.

Post testing may be conducted even if the federal thresholds are not met. Testing could be conducted under the authority of the City of El Paso but would be done as a non-DOT test.

The employee will be provided with transport to and from the collection or testing facility.

A covered employee who is subject to post-accident testing and who fails to remain readily available for such testing during the 8 hour period, including notifying the employer or the employer representative of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed by the employer to have refused to submit to testing. Refusal to submit to testing is considered a positive test **and will subject the employee to termination.**

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Nothing in this section prevents testing for reasonable suspicion or random testing.

➤ Random Testing

Covered employees will be subjected to random, unannounced, and immediate drug and alcohol testing. As stated in 49 CFR 655.45(g), each employer shall ensure that random drug and alcohol tests conducted under this part are unannounced and unpredictable, and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed.

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

Employees will be selected randomly for testing using a scientifically valid method such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers, operated by an outside third party contracted by the City. **The employee will be provided with transport to and from the collection or testing facility.**

Testing rates will meet or exceed the minimum annual percentage rate set each year within each DOT agency. The current year testing rates can be viewed online at <http://www.dot.gov/odapc/random-testing-rates>. If a given driver is subject to random testing under the rules of more



than one DOT agency, the driver will be subject to random drug and alcohol testing at the annual percentage rate established by the DOT agency regulating more than 50% of the driver’s function.

➤ Return-to-Duty Testing

The policy of the City—Sun Metro is zero tolerance for all employees testing positive on drug and/or alcohol tests, as specified in this policy; consequently, there is no Return-to-Duty Testing.

Should an individual terminated under this policy wish to seek future employment in a safety- sensitive position with another employer regulated by the US DOT, that person will need to be evaluated by a DOT-qualified SAP in accordance with 49 CFR Part 40, Subpart O. Following that evaluation, the individual will only be able to begin safety-sensitive functions after passing a DOT return-to-duty drug and/or alcohol test.

➤ Employee Requested Testing

Any employee who questions the results of a required and verified positive drug test and/or refusal to test because of adulteration or substitution may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40. The employee’s request for a re-test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable acts that were beyond the control of the employee (e.g., inability to contact the MRO because there was no one in the MRO’s office and the answering machine was not working, serious injury, illness, lack of actual notice of the verified test result).

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, or if the split specimen is not able to be analyzed, or if the results of the split sample are not adequate scientifically, the MRO will declare the test to be canceled and invalid. A canceled test is neither a positive nor a negative test. Also, if the laboratory rejects the sample for testing, it is treated as a canceled test. Once the test is canceled, the MRO shall report the cancellation and the reasons for it to the DOT and/or FTA, the employer, and the employee. A canceled test is considered a “no test”.

5. TESTING PROCEDURES

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

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with these regulations.

➤ Dilute Urine Specimen

In the event of a negative dilute test result, **the employee will be required to immediately provide another specimen.** This will be an unobserved collection unless directed by the MRO to be collected under direct observation. If the employee declines to take another test, this is considered refusal to test and is equivalent to a positive test. **If a second test is administered and the result of that test result is also negative and dilute, the City will accept and record the second test result as negative.** Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate re-collection under direct observation (see 49 CFR Part 40, section 40.67). If the result is cancelled/invalid, with no medical explanation, the employee will need to undergo an immediate observed collection as directed by the MRO. A MRO verified Positive Dilute test result will be treated as a positive drug test result.

➤ Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. All costs for such testing are the responsibility of the employee unless the second test invalidates the original test.

6. TEST REFUSALS

The definition of a Refusal to Submit means a specific action taken by a covered employee to interfere with the controlled substances and/or alcohol testing process required under 49 CFR Part 655 and Part 40.

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

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety- sensitive functions, referred to a SAP, **and will be subject to termination.**

7. VOLUNTARY SELF-REFERRAL

As per the City of El Paso/Sun Metro policy, a covered employee who voluntarily (not in response to a City request to take a drug or alcohol test, or the positive result of a drug or alcohol test) admits to management that he or she has a substance abuse or alcohol problem, and who wishes to voluntarily submit to a Rehabilitation Program, may request medical leave under the City’s Family Medical Leave (FMLA) or Non-FMLA Medical Leave of Absence. Any voluntary requests for treatment must be made prior to any pending drug/alcohol test or disciplinary related action.

- ***The appropriate medical leave of absence may be granted for both treatment and rehabilitation.***
- ***Employees approved leave under FMLA or Non-FMLA, must use all accrued Sick Leave and then Vacation. The employee may remain out on unpaid medical leave once leave accruals have been exhausted. to participate in the substance abuse counselor***



prescribed treatment program. until the substance abuse counsel has determined that the employee has successfully completed the required treatment program and releases the employee to return to safety- sensitive duties.

- *Any leave taken for treatment and rehabilitation, either paid or unpaid, shall be designated under FMLA or Non- FMLA*
- *Payment for treatment will be coordinated through the employee's health insurance provider. Employees who do not have health insurance coverage are responsible for the entire cost of any recommended treatment and rehabilitation services.*
- *Prior to returning to work, the employee must:*
 - *Present evidence of having enrolled in and successfully completing a rehabilitation program with a certified DOT qualified substance abuse professional services. Please refer to Appendix B for referrals.*
 - *Submit to a non-DOT pre-employment drug and alcohol test, at his or her own expense, which produces a verified negative result. If a test is cancelled by the lab, the employee will be required to undergo another test and successfully pass the test with a verified negative result before performing safety-sensitive duties.*

8. PRESCRIPTION DRUG USE

As per the City of El Paso/Sun Metro policy, 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 supervisory personnel before performing safety-sensitive duties. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties. See Appendix E, Review Procedures for Employees Performing Safety Sensitive Functions Who are Taking Prescription Medications.

9. TRAINING – SUPERVISORS AND EMPLOYEES

The City—Sun Metro will provide drug and alcohol training to all employees as mandated by 49 CFR Part 655.14(b).

Covered employees will receive a minimum of 60 minutes of training on the effects and consequences of prohibited drug use and **additional training on the effects of alcohol on personal health, safety, and the work environment.** Supervisors will, in addition to the covered employee training, receive an additional minimum of 60 minutes of training on the physical, behavioral, speech and performance indicators of probable drug use. Supervisors will receive a minimum of an additional 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

10. CONTACT PERSONS

Any questions regarding this policy or any other aspect of the Federal Transit Administration requirements should be directed to the department’s Drug and Alcohol Program Managers and/or Designated Employee Representative. As of May 8, 2019, following are the names of these representatives:

Drug and Alcohol Program Manager:

Name: Steve Perea
Title: Transit Safety Manager
Address: 10151 Montana Avenue, El Paso, TX 79925
Phone #: (915) 212-3384 **Cell:** (915) 471-0684
Email: PereaEA@elpasotexas.gov

Designated Employee Representative:

Name: Angelica Lozoya
Title: Transit Safety Officer
Address: 10151 Montana Avenue, El Paso, TX 79925
Phone #: (915) 212-3305 **Cell:** (915) 268-5280
Email: Lozoyaam@elpasotexas.gov

Designated Employee Representative:

Name: Felix H. Minjarez Jr.
Title: Transit Superintendent of Operations/Streetcar
Address: 601 Santa Fe Bldg. A, El Paso, TX 79901
Phone #: (915) 212-3455 **Cell:** (915) 873-7605
Email: MinjarezFH@elpasotexas.gov



APPENDIX B EMPLOYEE ASSISTANCE PROGRAM
Revised 05/2024

Employee Assistance Program (EAP's)

Deer Oaks EAP Services

EAP Helpline

1-866-EAP- 2400
1-866-327-2400

Web page at: www.deeroakseap.com E-Mail eap@deeroaks.com

SUBSTANCE ABUSE PROFESSIONALS (SAPs)

*BLS Counseling Service
6000 Welch Ste. 15
El Paso, Texas 79905
Telephone number: (915) 408-7125*

or

*Sandra Class
206 Goddard Ave.
White Sands Missile Range, NM 88002
Telephone number: (575) 621-8273*

FOR HELP AND INFORMATION ON DRUG AND ALCOHOL PROBLEMS

Alcoholics Anonymous (AA)

3318 Douglas Ave 10664 Vista Del Sol Dr
El Paso, TX 79903 El Paso, TX 79935
(915) 562-4081 (915) 838-6264

Alcohol & Drug Educational Services

(915) 351-6832

Total Quality Management Education Center (TQMEC)

9627 Sims Drive, Suite H
(915)532-3292

El Paso Behavioral Health System

(833)357-2641

Rio Vista Behavioral Health Hospital

1390 Northwestern Dr.
El Paso, TX 79912
(833)357-2641

Aliviane Inc.

1626 Medical Center Dr, 3801 Mattox St.
El Paso, TX 79902 El Paso, TX
79925
(915) 782-4000 (915) 782-4014

El Paso Methadone Ctr.

1626 Medical Center Dr.
El Paso, Texas 79902
(915) 779-4527



WHO IS COVERED?

- Non-Uniform Employees
- Dependents
- Household members
- Retirees/Post-employment
(for up to 6 months after separation date)

AVAILABILITY

- Online Access 24 hours/7 days a week
- Online chat feature
- IConnectYou - video counseling
- Counseling Services covered up to 6 free sessions
- Group sessions also available upon request
- Take the High Road Program Reimbursement up to \$45.00, no tips included
(One time per year per person)



AVAILABLE SERVICES

- Financial Services
- Identity Theft
- Child Care
- Elder Care
- EAP Counseling
- Structured Telephone Counseling
- Life Coaching
- Aware-mindfulness/ resilience techniques
- CCBT- computerized cognitive behavioral therapy
- Video Counseling
- On-demand seminars via website
- Website available in Spanish
- Trainings
 - Pandemic Series
 - Supervisor Excellence
 - Leadership Certificate
 - Stress Management

COUNSELING SERVICES INCLUDE

- Job related stress
- Substance abuse
- Marital Problems
- Dealing with divorce issues
- Family issues
- Child or adolescent problems
- Anger Management
- Domestic Violence
- Depression & Anxiety
- Healthy Lifestyles
- Health Problems (diabetes, cancer, disabilities)
- Referrals for Medical & Financial problems
- Bereavement

APPENDIX C**ALCOHOL FACT SHEET****ALCOHOL FACT SHEET**

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 effects, it is substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Sign 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 the general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol [average of 3 servings per day of beer (12 ounces), whiskey (1 ounce) or wine (6 ounce glass)] over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (Up to ten percent of all people who drink become physically and/or mentally dependent on 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

- People who drink prior to the crime commit two-thirds of all homicides.
- 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 in families with alcohol dependency problems is seven times the average.
- Forty percent of family cases are alcohol problem related.
- Alcoholics are fifteen 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 [0.10 blood alcohol content (BAC) or more].
- 12,000 more will die on the highway due to the alcohol affected driver (0.099 BAC or less).
- 15,800 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 (0.030 BAC)
- A person who is legally intoxicated (BAC level of 0.10) is six times more likely to have an accident than a sober person.



APPENDIX D ALCOHOL TESTING PROCEDURES

Step-by-step guide to alcohol testing procedures Sequence of events

- 1 You are notified that you must submit to an alcohol test. You go immediately to the Breath Alcohol Technician (BAT) as directed by your City official in charge of alcohol testing.
- 2 You follow the BAT's instructions to complete the alcohol testing form and the screening test.
- 3 If the result of the screening test is lower than .02 BAC (blood alcohol concentration), you complete your part of the form, receive your copy of the form and are free to go.
- 4 If the result of the screening test is .02 BAC or above, a confirmation test is required. If the confirmation result is below .02 BAC, you complete your part of the form, receive your copy and are free to go. ***If the result remains above .02 BAC, the BAT will notify your City official and you will be subject to disciplinary action up to and including termination as per City policy.***

Section 655.35 (a) states: No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions. Unless (1) the employee's alcohol concentration measure less than 0.02 or (2) the start of the employee's next regularly schedule duty period, but not less than eight hours following administration of the test .Section 35(b) states: Expect as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. **This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with Law.**

Safeguards in place to protect you

- The BAT confirms your identification before starting the test.
- You must be presented with an individually-sealed mouthpiece. The technician will unwrap the package in your presence or give it to you to unwrap just before the test.
- The testing device has been DOT approved.
- The BAT is specifically trained to operate the breath device being used.
- If the screening test result indicates .02 BAC, or above, the technician will ask you to wait at least 15 minutes and not more than 30 minutes before taking the confirmation test.
- A new mouthpiece is used for the confirmation test.

The testing procedure

- You must arrive at the collection site at the scheduled date and time.
- Show your photo identification to the technician.

Breath testing

The technician will give you the wrapped mouthpiece and either unwrap it in your presence or ask you to unwrap it. The mouthpiece will be attached to the breath testing device and the technician will ask you to blow steadily and forcefully into the mouthpiece for six seconds or until the unit signals that enough breath has been gathered to complete the test. If you are unable to produce sufficient breath, you will be referred for medical evaluation.

Results of your screen

If your initial test result is below .02 BAC, you will be asked to sign and date part four of the testing form. If your result is .02 BAC or above, you must take a confirmation test. The Technician will have your wait at least 15 minutes, but no longer than 30 minutes, before the confirmation test. You will be instructed not to eat, drink, and chew anything, smoke, etc., during that waiting period.

Consequences of a positive test

Alcohol tests of .04 BAC and above

Positive drug tests Violating the prohibitions

If your breath alcohol test confirmation is .04 or above; or if you test positive for drugs; or if you violate any of the prohibitions listed on page 3 ("Prohibited conduct"):

- You may not perform a safety-sensitive function.
- You will be made aware of resources for solving drug or alcohol problems.
- You will be subject to disciplinary action



Alcohol test over .02 but less than .04

If your test results is a BAC of .02 or greater but less than .04 your employer will be notified and you will be subject to disciplinary action up to and including termination of employment.

If you refuse to take a drug or alcohol test as required by federal regulation, your employer must take the same action as if you had tested positive.

APPENDIX E REVIEW PROCEDURES FOR PRESCRIPTION MEDICATIONS-UNDER SUN METRO AUTHORITY

**Review Procedures for Employees Performing Safety Sensitive Functions
Who are Taking Prescription Medications**

Within the Substance Abuse Policy, a requirement to notify the Safety Department in writing referencing the use of prescribed medications is required by section “6.3 Legal Drugs” of the policy, for those employees performing Safety Sensitive duties.

Notification will initiate the following procedures:

1. The employee will have their medical practitioner (who is certified to dispense/prescribe medications) complete a Return to Work Form (see following page) indicating the medications said employee is taking.
2. The Return to Work Form will have the employee’s Job Description attached (as indicated on the form) to facilitate the medical practitioner’ approval/release process.
3. If there are no red flags indicated, the employee will be allowed to return to work and perform safety-sensitive functions.
4. Employees will not be discouraged to follow their physician’s advice.
5. The completed Return to Work Form (**See Appendix F**) will be reviewed by a SUN METRO Safety Officer and then placed in the employee’s personnel file.

Adverse reactions that negatively affect the safe performance of safety-sensitive duties (i.e., drowsiness, dizziness, or other indication of difficulty performing the duties safely) will be considered a red flag and the employee should refer medication(s) to their medical practitioner, who is certified to dispense and/or prescribe medications.



APPENDIX F RETURN TO WORK FORM



Return To Work Form

(To Be Completed By Doctor)

Based on Employee's Current Medical Examination and the Physical job Activities submitted by the City of El Paso (refer to Job Description on back page): (Check One)

- 1. _____ can perform the work without restrictions.
(PATIENT)
- 2. _____ can perform the work with the following exceptions:
(PATIENT)

I release the City of El Paso employee, _____ to perform (PATIENT)

safety sensitive duties (refer to Job Description on back page) while taking the following medications (if any) without adverse reactions to interfere with their performance of their duties.

Note: List Medications on the spaces below (1-5). If more space in needed please use another sheet.

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

- 3. _____ **cannot** perform the work as described.
(PATIENT)

(Date)

TYPE PHYSICIAN'S NAME AND ADDRESS

(PHYSICIAN'S SIGNATURE)



APPENDIX G REASONABLE SUSPICION/BELIEF FORM

Department Submitting Form:	Division:
Contact Name/Title:	Phone No.:
Employee's Name:	Employee ID No.:
Job Class Title:	Witness Names/ Titles:
Location:	Date: Time of Observations:
Is employee in a Safety-Sensitive position? YES _____ NO _____	

The Supervisor or manager observing the behavior as well as another supervisor/manager, as witness, if possible, are to complete the checklist below.

Check all that apply

Observation by Supervisor	Observation by Witness	Behavior(s) Observed
		Possessing, using, or dispensing a prohibited substance
		Abnormal or erratic Behavior
		Verbal abusiveness
		Physical abusiveness
		Extreme aggressiveness or agitation
		Withdrawal, depression, mood changes, or unresponsiveness
		Inappropriate verbal response to questioning or instructions
		Slurred or incoherent speech
		Unsteady gait or other loss of physical control; poor coordination
		Dilated or constricted pupils or unusual eye movement
		Bloodshot or water eyes
		Extreme fatigue or sleeping on the job
		Excessive sweating or clamminess of the skin
		Flushed or very Pale face
		Highly excited or nervous



Observation by Supervisor	Observation by Witness	Behavior(s) Observed
		Nausea or vomiting
		Odor of alcohol
		Odor of marijuana
		Dry mouth(Frequent swallowing/lip wetting)
		Dizziness or fainting
		Shaking hands or body tremors/twitching
		Irregular or difficult breathing
		Runny sores or sores around nostrils
		Inappropriate wearing of sunglasses
		Puncture marks or tracks
		Other erratic or inappropriate behavior (e.g. hallucinations, disorientation,excessive euphoria, confusion) (Please specify below)



Other erratic or inappropriate behavior:

[Empty box for reporting erratic or inappropriate behavior]

(Complete this portion at time of observation or no later than 24 hours following.)

Please describe your observations and summarize the facts (include dates and time of day) and circumstances of the incident, employee response, supervisor actions, including if the employee was escorted home, and any other pertinent information not previously noted. Please state the facts in narrative form that gave rise to your reasonable suspicion. Attach additional sheets as needed.

Employee declined to take drug/alcohol test: YES: _____ NO: _____

[Large empty box for detailed incident description]

Signature of Supervisor:	Date:
Signature of Witness:	Date:
Signature of Witness:	Date:



Department Director's signature or designee:	Date:
--	-------

HUMAN RESOURCES DEPARTMENT USE
ONLY

Reviewed by (Print):	Date:
Signature:	

Supervisors should secure witness signatures at the time of the incident. The Department Director's signature must be secured at the earliest possible time and the Human Resources Department must review this documentation before filing the form in the employee's personnel file, providing a copy to the employee or issuing discipline. The supervisor may proceed with securing the safety of the employee and or drug and alcohol testing prior to obtaining the Director's signature and Human Resources review.



APPENDIX H CERTIFICATION OF DRIVING RECORD

DATE:
TO: ALL EMPLOYEES REQUIRED TO HOLD A COMMERCIAL LICENSE
FROM: Ellen A. Smyth, Director
SUBJECT: Certification of Driving Record

As required by federal rules and regulations, all drivers must prepare and furnish a list of all violations of motor vehicle traffic laws and ordinances (other than parking violations) of which the driver has been convicted, or of which he/she forfeited bond or collateral during the preceding twelve (12) months (Sec. 391. 27):*

I certify that the following is true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past twelve (12) months.

Date	Offense	Location	Type of Vehicle Operated
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IF NO VIOLATIONS ARE LISTED ABOVE, I certify that I have NOT been convicted or forfeited bond of collateral on account of any violation required to be listed during the past 12 months.

DEPARTMENT RULES REQUIRE TIME REPORT OF ALL CITATIONS OR ARRESTS REGARDLESS OF CONVICTION.

Driver's License No. _____ State _____ Expiration Date _____

Signature _____ Job Title _____

Print Name _____ ID Number _____

For Office Use Only

Reviewed By: Signature _____ Date _____



APPENDIX I RELEASE OF INFORMATION FORM

“Release of Information Form – 49 CFR Part 40 Drug and Alcohol Testing”

SECTION I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Printed or Typed Name: _____

Employee Social Security Number: _____

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-

A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT- regulated testing items:

- Alcohol tests with a result of 0.04 or higher alcohol concentration;
- Verified positive drug tests;
- Refusals to be tested;
- Other violations of DOT agency drug and alcohol testing regulations;
- Information obtained from previous employers of a drug and alcohol rule violation;
- Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: _____ Date: _____

I-A
New Employer Name: _____

Address: _____

Phone # _____ Fax # _____

Designated Employer Representative: _____

I-B (to be completed for each employer, where safety sensitive functions were assigned)

Previous Employer Name: _____

Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

SECTION II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

In the two years prior to the date of the employee’s signature (in Section I), for DOT-regulated testing ~

Did the employee have alcohol tests with a result of 0.04 or higher? YES _____ NO _____

Did the employee have verified positive drug tests? YES _____ NO _____

Did the employee refuse to be tested? YES _____ NO _____

Did the employee have other violations of DOT agency drug and alcohol testing regulations? YES _____ NO _____

Did a previous employer report a drug and alcohol rule violation to you? YES _____ NO _____

If you answered “yes” to any of the above items, did the employee complete the return-to-duty process? N/A _____ YES _____ NO _____

NOTE: If you answered “yes” to item 5, you must provide the previous employer’s report. If you answered “yes” to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

Name of person providing information in Section II-A: _____

Title: _____



Phone #: _____

Date: _____

APPENDIX J CERTIFICATE OF RECEIPT FOR SUBSTANCE ABUSE POLICY

**CERTIFICATE OF RECEIPT OF THE CITY OF EL PASO / SUN METRO
SUBSTANCE ABUSE POLICY FOR SAFETY-SENSITIVE EMPLOYEES
(REVISED 05/2024) AS DEFINED BY THE
FEDERAL TRANSIT ADMINISTRATION**

I hereby certify that I have received a copy of the City of El Paso / Sun Metro Policy on Substance Abuse for Safety-Sensitive Employees **(Revised 05/2024)** as defined by the Federal Transit Administration. **I am responsible for reading this policy when received.**

NOTE: Attached memo reflects changes / additions to this policy.

Name: _____
(Please Print)

Kronos ID: _____

Title: _____

Department: SUN METRO/ CITY OF EL PASO

Signature: _____

Date: _____



APPENDIX K

FINAL AUTHORITY SIGNATURES

Title: Sun Metro Substance Abuse Policy
Revision Date 05/2024
PREPARED BY: Transit Safety Manager, DAPM
REVIEWED BY Departmental Human Resources Manager
APPROVED AS TO FORM City Attorney
APPROVED AS TO CONTENT Director of Mass Transit
El Paso City Manager

*Previous issues of Sun Metro Substance Abuse Policy:
07/01/20 Policy updated per 49 CFR Part 655
4/01/18 Policy updated per 49 CFR Part 655
7/11/16 Policy updated per 49 CFR Part 655
4/11/13 Policy updated per 49 CFR Part 655
8/23/12 Policy updated per 49 CFR Part 655
2/11/12 Policy updated per 49 CFR Part 655
6/09/10 Policy updated per 49 CFR Part 655
8/17/09 Policy update per 49 CFR Part 655 3/29/07 Original



APPENDIX L

Drug & Alcohol Audit Letter



U.S. Department
of Transportation
Federal Transit
Administration

Headquarters

1200 New Jersey Ave., S.E.
Washington, D.C. 20590

6/5/2020

Presented Electronically

Ms. Ellen Smyth
Director
City of El Paso Mass Transit Department
10151 Montana Ave.
El Paso, TX 79925

RE: FTA Drug and Alcohol Compliance Auditing Program

Dear Ms. Smyth,

The Federal Transit Administration has reviewed the responses of the City of El Paso Mass Transit Department (Sun Metro) to the formally-submitted findings of the Drug and Alcohol Compliance Audit Team. Based on the information provided, the Federal Transit Administration has found Sun Metro to currently be in compliance with the federally-mandated Drug and Alcohol Testing Program.

It is important for you and your organization to diligently maintain all aspects of the drug and alcohol testing program so all will remain in compliance in the future.

Thank you for your cooperation and for being prompt in your response. Please let me know at any time if I can be of further service to you.

Sincerely,

Lyon Rosario
Drug and Alcohol Program Manager
FTA Office of Transit Safety and Oversight

Electronic cc:

Steve Perea, Sun Metro
Jose Marquez, Sun Metro
Gail Lyssy, FTA Region VI Administrator
Laura Wallace, FTA Region VI
Susan Hausmann, TxDOT
Lori DeCoste, U.S. DOT / Volpe Center
Joseph Lofgren, Cahill Swift, LLC