

- Leaving the scene of the accident without just cause prior to submitting to post-accident tests.

An employee who refuses to take a non- DOT test or to sign a non-DOT form, is not considered to have refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test. However, under El Aguila authority, an employee who refuses to take a non-DOT test or sign a non-DOT form will be terminated.

15.0 FTA DRUG AND ALCOHOL REQUIRED TESTING PROCEDURES

Drug and alcohol testing of safety-sensitive employees and safety-sensitive job candidates will be conducted in a manner designed to protect employees and the integrity of the testing process, safeguard the validity of test results, and ensure that those results are attributable to the correct employee.

Urine samples for drug testing will be collected in private at the collection site designated by El Aguila, using the split sample collection method. If the collection site personnel and the El Aguila representative have a reason to believe that an adulterated or substituted sample has been provided, or that the employee altered or substituted the sample, the employee will be required to submit a second, sample under direct observation of collection site personnel of the same gender as the employee. The determination to submit a second sample or to provide the original sample under observed collection shall be made in accordance with Section 49 CPR Part 40.

Any covered employee who questions the results of a required Federal DOT Regulated Test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second DHHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, 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 at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The employee will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however, AGENCY will reimburse the employee if the split sample test from the employee results are negative. Thus, indicating the first test was incorrect and not the employees fault.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct AGENCY to retest the employee under direct observation. Employees do not have access to a test of their split specimen following an invalid result.

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. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.

Direct Observation Procedure: Prior to specimen collection, observer must request employee to raise his/her shirt, blouse, or dress/skirt as appropriate above the waist, lower clothing and underpants and to turn around to show that he/she is not wearing any type of device that could be used to interfere with the collection process.

An approved chain of custody procedure will be followed in the administration of all drug tests. Urine samples will be sealed and installed by the employee and a witness. The drug testing custody and control form will be completed in the manner specified in 49 CFR Part 40.

Urine samples will be promptly sent to and tested by a laboratory that is certified to perform drug tests by the Department of Health and Human Services (DHHS), in accordance with the procedures set forth in 49 CFR Part 40. In most cases, the turnaround time will be no longer than forty-eight (48) hours for negative results and seventy-two (72) hours for positive results 49 CFR Part 40 permits up to five (5) days turnaround.