



Issue Date
Monday, October 24, 2011

AppalCART
Includes AppalCART's Substance Abuse Policy

Employee Name
NTC

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This Personnel/Substance Abuse Policy dated: Monday, October 24, 2011
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01 AppalCART

01 Political Structure

- 01 AppalCART is a political subdivision of Watauga County. The county commissioners appoint the members of the policy-making Board or Authority, here after referred to as Board. The Board then operates the agency independently from the county administration.
- 02 The eight-member voluntary Board , created in the March 20, 2001 amendment to the Resolution establishing the AppalCART Board [of Authority] by the Watauga County Commissioners according to General Statute 160-A-575, is the policy making Board [of Authority] charged with governing AppalCART.

02 Personnel Policy

01 Mission

- 01 In order to form the best possible blend of employee morale with AppalCART's mission to provide the public, safe, efficient transportation, the AppalCART Board has adopted this written personnel policy.

02 Goals

- 01 The AppalCART Board in setting up this policy recognizes the following goals:
- 02 To recruit and retain the best qualified employees regardless of race, sex, politics or religion.
- 03 To promote fairness in its recruitment, hiring, payment, work conditions, promotion, and discipline of employees.
- 04 To maintain good morale and dedication of employees to the mission of AppalCART.

03 Organizational Structure

- 01 The AppalCART Board selects the director and supervises his or her performance.
- 02 The director reports to the AppalCART Board at monthly meetings and more often if necessary.
- 03 The director is charged with supervising the operations manager, shop manager, and finance officer who then in turn work with the director in supervision of staff.
- 04 When the director is on leave or out of the county, the operations manager is in charge.
- 05 When the operations manager and director are both away from headquarters then the finance officer is in charge.
- 06 The shop manager will work with the dispatcher to keep all routes functioning with well-maintained vehicles.
- 07 In case of a vehicle breakdown, the dispatcher and shop supervisor will first see to the needs of the passengers and then the vehicles.
- 08 If the shop manager is absent, then the full-time mechanic with the most seniority is in charge of the shop operations for that day.
- 09 When the director, operations manager and finance officer are absent at the same time, then the database manager is in charge of the finance office, the senior dispatcher on duty is in charge of operations and the administrative secretary is in charge of the remaining administrative functions.
- 10 In the event the director leaves employment with AppalCART, or will be on disability for a prolonged period the AppalCART Board will appoint an acting director, who will serve until the current director recovers sufficiently to resume working, or a new director is appointed by the AppalCART Board.

04 Scope

- 01 The policies outlined in this handbook shall apply to AppalCART administrative and operating staff.

05 Distribution

- 01 A copy of AppalCART's Personnel Policy will be distributed to each employee who shall have access to such records relating to his or her own pay, benefits, and personnel file.

06 Amendment

- 01 Upon recommendation of the director and approval by the Board of policies and practices may be amended as needed.

03 Job Descriptions

01 Introduction

- 01 The director will furnish each employee with a job description, which outlines the necessary qualifications for the position; the basic responsibilities that person is expected to carry out; and the place the position holds in the chain of command.
- 02 At the end of the responsibilities section, each job description will include the phrase: "and whatever else the management of AppalCART requests of you to carry out the mission of AppalCART."
- 03 Job descriptions will be reviewed during every Management Performance Review [MPR] and more often if substantial changes in the responsibilities are made.
- 04 Employees who feel their job descriptions no longer accurately describe their responsibilities may rewrite their job descriptions and submit it for approval by their supervisor and the director or Board.
- 05 All job descriptions will be kept on file for review by employees, auditors, or members of the public.

04 Definition Of The Work Week

01 Introduction

- 01 AppalCART's administrative offices shall be open from 8:30AM to 5:00PM, Monday through Friday.
- 02 AppalCART's operations department shall be open from 6:00AM to 11:30PM midnight Monday through Friday.
- 03 AppalCART's operations department may be open Saturday or Sunday as need demands.
- 04 When the activities of a particular department require some other schedule to meet work needs, the Director may authorize deviation from the normal schedule.
- 05 The Director and supervisors will work those hours necessary to assure the satisfactory performance of AppalCART.

05 Recruitment

01 Equal Opportunity

- 01 AppalCART maintains an equal opportunity employment policy for all persons regardless of age, race, sex, political party affiliation, religion, or non-disqualifying disability.
- 02 Candidates for a position will be chosen on the basis of their merits for the job being advertised.

02 Hiring

- 01 The AppalCART Board shall recruit and hire the director.
- 02 The director shall recruit and hire the operations manager, shop manager, finance officer and administrative staff.
- 03 The director will work with the operations manager, shop manager and finance officer to recruit and hire all other personnel.
- 04 Any selection of personnel for a new or vacant position will be advertised through suitable media as the position may require.
- 05 Once the deadline for applications expires, the applications will be reviewed, references checked, and interviews held for the most qualified candidates.
- 06 All applicants for employment will need to pass a pre-employment drug test before being hired.
- 07 In the case of drivers, an AppalCART driving test will also be given.
- 08 Other tests may be administered as needed to determine the best applicant for a given position.
- 09 All candidates interviewed for positions with AppalCART will be notified within five days after the decision is made.
- 10 All newly hired employees must agree to have an AppalCART physical exam as described in Section 22 of this policy within 21 business days of becoming an employee.

03 Promotions

- 01 When a vacancy occurs in a position other than the director's, the director and supervisor will consider all applications.
- 02 AppalCART will promote from within whenever a qualified staff member is judged equally suited for the job.
- 03 Part-Time Temporary drivers may be promoted to Part-Time Benefits or Full-Time status as standard practice without advertising outside AppalCART.
- 04 In other positions, the director may approve promotions from within, without advertising outside for a vacant position [the vacancy shall be posted a minimum of three days], where a qualified employee may be promoted quickly to maintain stable operations.
- 05 The following criteria should be considered for promotions:
- 06 [1] job performance
- 07 [2] qualifications for the position under consideration
- 08 [3] length of service should be at least 1,000 hours over 12 months.
- 09 In the case of Temporary Part-Time drivers being considered for promotion to Part-Time Benefits status or Full-Time driver status:
- 10 The driver should be available for work when needed and:
- 11 During the last twelve months there should be:
- 12 [1] no written disciplinary actions
- 13 [2] work experience should equal at least 1,000 hours
- 14 [3] no moving violations revealed by a license check
- 15 [4] no more than one preventable accident estimated under \$1,500

04 Demotions

- 01 If it is the director under consideration for demotion by the AppalCART Board, then the Board will give the director a written explanation of their reasons for seeking the demotion and the grievance procedure to follow.
- 02 If it is a supervisor that the director is recommending a demotion for, then the director will supply the board with reasons for the demotion.
- 03 If the board approves the demotion, the director will give the supervisor written notice of the decision, the reasons for it, and grievance procedures that apply.
- 04 If the demotion is recommended by a supervisor for failure[s] in job performance then the supervisor will supply the director in writing with an explanation of the reasons for demotion.
- 05 If the director upholds the demotion, the employee will be given notice in writing of the decision and the right of appeal referencing the grievance procedures as per Section 15.0.

05 Recruitment

05 Transfers

- 01 Any employee who has successfully completed his/her probationary period in one position may be transferred to the same or similar class in a different job within AppalCART's workforce without being subject to another probationary period.
- 02 Any transferred employee may appeal the decision using the grievance procedures..
- 03 An employee may apply for a transfer within AppalCART for any vacancies, which are within the same pay range.
- 04 The employee must request such a transfer from his/her supervisor and submit an application for the position.
- 05 An employee who wishes to accept a position with a lesser complexity of duties and responsibilities may be transferred to such a position. Voluntary demotion with salary reduction.

06 Employee Classifications

01 Introduction

- 01 AppalCART employees are categorized by the following classifications:

02 Probationary

- 01 Each person aspiring to a position must undergo a six-month period of probation during which the new employee tries out for the position to see if s/he can adequately perform his/her responsibilities.
- 02 During the probationary period, the supervisor will periodically evaluate the job performance of the probationary employee and inform the new employee of the findings.
- 03 The initial six-month period may be extended for up to six more months at the discretion of the Board or Director.
- 04 A probationary employee may be dismissed for any reason without necessitating the normal disciplinary procedures.

03 Full-time Benefits - General

- 01 All Full-Time employees will normally work no more than 40 hours each week with no more than five [5] eight [8] hour days per week.
- 02 Not Used At Present

04 Full-time Benefits - Specific Positions [1]

- 01 The Director, Operations Manager, Finance Officer, and Shop Manager positions work a 40 hour workweek and are entitled to full benefits which include annual leave, sick leave, holidays and insurance.
- 02 The Director, Operations Manager, Finance Officer, and Shop Manager positions are guaranteed a minimum of 40 hours and required to be available 40 hours.
- 03 The Director, Operations Manager, Finance Officer, and Shop Manager positions are required to maintain a minimum of 40 timecard hours, which can include Comp, Leave or Holiday time in order to maintain benefit earning status.
- 04 The Director, Operations Manager, Finance Officer, and Shop Manager positions accrue Compensatory time at the straight time rate.
- 05 The Director, Operations Manager, Finance Officer, and Shop Manager positions, incremental time of fifteen minutes - Work hours totaling 39.75 to 40.25 shall be rounded to 40.00 hours.

05 Full-time Benefits - Specific Positions [2]

- 01 The Dispatchers, Secretary, Database Manager, Trainer, Route Supervisor, Maintainers, Mechanic I and II positions work a 32 to 40 hour workweek and are entitled to full benefits which include annual leave, sick leave, holidays and insurance.
- 02 The Dispatchers, Secretary, Database Manager, Trainer, Route Supervisor, Maintainers, Mechanic I and II positions are guaranteed a minimum of 32 hours and required to be available for up to 40 hours subject to the needs of the authority.
- 03 The Dispatchers, Secretary, Database Manager, Trainer, Route Supervisor, Maintainers, Mechanic I and II positions are required to maintain a minimum of 32 timecard hours, which can include Comp, Leave or Holiday time in order to maintain benefit earning status.
- 04 The Dispatchers, Secretary, Database Manager, Trainer, Route Supervisor, Maintainers, Mechanic I and II positions will accrue Compensatory time at the overtime rate [one and one-half hours for one hour]
- 05 The Dispatchers, Secretary, Database Manager, Trainer, Route Supervisor, Maintainers, Mechanic I and II positions, incremental time of fifteen minutes - Work hours totaling 39.75 to 40.25 shall be rounded to 40.00 hours.

06 Employee Classifications

06 Full-time Benefits - Specific Positions [3]

- 01 The Driver~Dispatchers and Full-time drivers positions work a 32 to 40 hour workweek and are entitled to full benefits which include annual leave, sick leave, holidays and insurance.
- 02 The Driver~Dispatchers and Full-time drivers positions are guaranteed a minimum of 32 hours and required to be available for up to 40 hours subject to the needs of the authority.
- 03 The Driver~Dispatchers and Full-time drivers positions are required to maintain a minimum of 32 timecard hours, which can include Comp, Leave or Holiday time in order to maintain benefit earning status.
- 04 The Driver~Dispatchers and Full-time drivers positions, receive overtime rate [one and one-half hours for one hour] for time exceeding 40 working hours.

07 Part-time Benefits - Compensatory

- 01 The Part-Time Benefit-Compensatory minimum timecard hours, which can include Compensatory, Leave or Holiday time, is to be 16.00 hours. AppalCART guarantees a minimum of 16 hours to the employee and requires the employee to be available to AppalCART for up to 20 hours subject to the needs of the company.
- 02 The Part-Time Benefit-Compensatory positions will accrue Compensatory time at the overtime rate [one and one-half hours for one hour] for time exceeding 40 working hours.
- 03 The Part-Time Benefit-Compensatory positions incremental time of fifteen minutes - Work hours totaling 39.75 to 40.25 shall be rounded to 40.00 hours.

08 Part-time Benefits - Overtime

- 01 The Part-Time Benefit-Overtime positions minimum timecard hours, which can include Leave or Holiday time, is to be 16.00 hours
- 02 The Part-Time Benefit-Overtime positions receive overtime [one and one-half their normal rate of pay] for time exceeding 40 working hours.

09 Part-time Temporary [No Benefits]

- 01 Employees who are not guaranteed set hours per week and who are hired with the understanding their employment is probably seasonal in nature and dependent upon demand from our customers.
- 02 Temporary employees are not eligible for insurance, holiday pay, annual leave, or sick leave benefits.

10 Loss Of Benefits

- 01 Employees who receive benefits [Full-Time and Part-Time Benefits] will cease to receive those benefits at any time their weekly timecard, which may include, compensatory, annual, sick, or holiday time, does not total to the required number of hours for their position.
- 02 [1] No leave will be added for any week in which the employee's timecard does not add up the minimum required hours.
- 03 [2] Holidays are earned at the beginning of the year based on past performance and are not affected.
- 04 [3] An employee will be required to pay the hourly amount for insurance coverage times the number of hours s/he fell short of the required number of hours in order to retain insurance coverage.
- 05 [4] Monthly insurance cost is divided by 4.3 weeks to get a weekly cost.
- 06 [5] Weekly cost is divided by the required hours for the position to get an hourly cost.

11 Exceptions

- 01 [1] Employee is on Disability where health insurance extends to 26 weeks
- 02 [2] Employee is receiving Workers Compensation

07 Standard Of Conduct

01 Introduction

- 01 Every AppalCART employee shall be held to the highest standard of personal conduct.
- 02 Each employee shall endeavor to make efficient use of time, realizing that as an employee of the public, s/he is responsible to the public.
- 03 Employees should always strive to present their best appearance and performance in doing their job.

02 Failure to report to work

- 01 Failure to notify the appropriate person no less than one hour before the beginning of the normal working day, may be grounds disciplinary actions.

03 Gifts and Favors

- 01 [A] No official or employee shall accept any gift of any nominal value, whether in the form of a service, loan, thing or promise from any person, firm or corporation, who in the official or employees knowledge is interested directly or indirectly in any manner whatsoever in business dealings with AppalCART.
- 02 [B] No official or employee shall accept any gift of any nominal value, favor or thing of value that may tend to influence them in the discharge of duties.
- 03 [C] No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.
- 04 [D] No AppalCART driver will accept a tip from any passenger.

04 Political and Civic Activities

- 01 Each employee may join or affiliate with civic organizations of a partisan or political nature; may attend political meetings, may advocate and support the principals of civic or political organizations in accordance with the Constitution and laws of the United States of America and the Constitution and laws of the State of North Carolina.
- 02 However, no employee shall:
 - 03 [A] Engage in any political or partisan activity while on duty.
 - 04 [B] Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
 - 05 [C] Be required as a duty of office of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
 - 06 [D] Coerce or compel contributions for political or partisan purposes from any other AppalCART employee.
 - 07 [E] Use any AppalCART supplies or equipment for political or partisan purposes.
- 08 AppalCART employees are covered by the Hatch Act, Public Law 89-554 as amended. Violation of the Hatch Act shall be a violation of AppalCART policy.
- 09 This federal act, in addition to prohibiting [B], [C], and [D] above, also prohibits candidacy for elective office in a partisan election.
- 10 When an employee expresses his/her opinion publicly, s/he will indicate that the opinion expressed is his/her own.

05 Reporting Outside Work

- 01 AppalCART employees who have jobs with other employers are required to report to their supervisor exactly those hours in terms of time of day worked, and which days worked. This information is required for safety purposes in scheduling.

06 Conflict of Interest

- 01 A conflict of interest is the use of one's AppalCART status to obtain unauthorized privileges, benefits or things of value for oneself or others.
- 02 AppalCART depends on the integrity and discretion of its employees and board members to avoid actual or apparent conflict(s) of interest.
- 03 The following guidelines are designed to help avoid such conflicts
 - 04 No employee shall solicit, or agree to accept any privilege, benefit or thing of value for the exercise of his or her discretion.
 - 05 No employee shall accept any privilege, benefit or thing of value that might influence him or her in the discharge of his/her duties as an employee.
 - 06 No employee shall use his or her position to secure special privileges or exemptions for himself or herself or others, except as the law allows.
 - 07 Any employee or board member who owns a significant portion, 5% or more, of a business that AppalCART does business with should disclose such information in writing to their respective supervisor and the AppalCART Board Chair.
 - 08 No employee or board member shall disclose confidential information gained by reason of position with AppalCART for his or her personal gain or benefit.

07 Employment of Relatives

- 01 AppalCART prohibits the hiring and employment of immediate family in positions where there is a supervisory/subordinate relationship within the organization.
- 02 Likewise, the Authority prohibits the hiring of immediate family of Board members.
- 03 In such cases, where a relative of an existing employee is appointed to the Board, the Board member shall recuse him/herself on any matters which involve the relative directly.
- 04 Immediate family shall be defined as spouse, child, parent, grandparent, brother, sister, significant other, grandchild, legal guardian, or step - , -in-law, or adopted relationship of any these named.

08 Sexual Harassment**01 Purpose**

- 01 Sexual harassment is a form of misconduct that undermines the integrity of passenger-driver, and employment relationships.
- 02 All passengers, board members, and employees shall be allowed to obtain ridership services, serve on the AppalCART Board of Authority, hereafter referred to as Board, and work in an environment free from such harassment.

02 Prohibitions

- 01 [1] No driver, other AppalCART employee, or Board member shall harass a passenger by conduct or communication of a sexual nature as defined below.
- 02 [2] No AppalCART employee or Board member shall harass another employee or Board member by conduct or communication of a sexual nature as defined below.

03 Definition

- 01 [1] Unwelcome sexual advances, requests for sexual favors, and other inappropriate oral, written, or physical conduct of a sexual nature when made by an employee or Board member to a passenger will constitute sexual harassment when:
 - 02 [a] submission to such conduct is made either explicitly or implicitly a term or condition of an individual's ability to obtain transportation services
 - 03 [b] submission to or rejection by a passenger is used as the basis for transportation decisions affecting the passenger
 - 04 [c] such conduct has the purpose or effect of unreasonably interfering with an individual's transportation or of creating an intimidating, hostile or offensive environment
- 05 [2] Unwelcome sexual advances, requests for sexual favors, and other inappropriate oral, written or physical conduct of a sexual nature when made by an AppalCART employee or Board member to another employee or Board member will constitute sexual harassment when
 - 06 [a] submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or ability to serve on the Board
 - 07 [b] submission or rejection by an employee is used as the basis for an employment decision
 - 08 [c] such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile or offensive environment.
- 09 Sexual harassment may include, but is not limited to the following
 - 10 [1] continued remarks having a sexual connotation;
 - 11 [2] pressure for sexual activity;
 - 12 [3] deliberate unwelcome touching; and/or
 - 13 [4] suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats.

08 Sexual Harassment**04 Procedures**

- 01 [1] All complaints of sexual harassment shall be promptly and thoroughly investigated. Violations shall be deemed to be serious disciplinary infractions.
- 02 [2] All complaints of sexual harassment shall be confidential. Only those individuals necessary for the investigation and disposition of the complaint are to be given information.
- 03 [3] A passenger who believes that he/she has suffered sexual harassment may report the matter to the Transportation Director.
- 04 Any employee who receives from a passenger a report of sexual harassment, shall report the same to the Transportation Director.
- 05 Failure by an employee to do so shall subject the employee to disciplinary action.
- 06 If the Transportation Director is the alleged offender, such report shall be made to the Chairman of the Authority Board.
- 07 [4] Any employee who believes that he/she has suffered sexual harassment may report the matter to the Transportation Director.
- 08 Any AppalCART employee who receives a report of alleged sexual harassment, shall report the same to the Director.
- 09 Failure by an employee to do so shall subject the employee to disciplinary action.
- 10 [5] In any case involving sexual harassment by a member of the Board, report shall be made to another member of the Board.
- 11 [6] The Transportation Director shall be the complaint officer for sexual harassment complaints, unless the alleged offender is the Director or a member of the Board. In these cases, the complaint officer shall be the member of the Board who receives the complaint.
- 12 7. It shall be the responsibility of the complaint officer to properly investigate claims of sexual harassment and determine their validity using an informal process. Such investigation and determination shall be made pursuant to the following:
- 13 [a] Upon receiving a complaint, the complaint officer shall confer with the person making the complaint to obtain an understanding of the allegations.
- 14 Based on such understanding, the complaint officer shall make an initial determination as to whether the alleged conduct, if true, constitutes sexual harassment.
- 15 For purpose of making the initial determination, the complaint officer shall :
- 16 [1] assume all the allegations to be true,
- 17 [2] lean toward an initial determination of alleged sexual harassment where the matter is less than clear.
- 18 [b] This complaint shall be reported to the Board either immediately or at the next scheduled meeting based on severity of claim.
- 19 [c] Upon an initial determination that the complainant has alleged conduct that would constitute sexual harassment, the complaint officer shall obtain a written statement of the alleged facts from the complainant.
- 20 S/he shall attempt to meet with the person charged with sexual harassment to obtain a response to the complaint. The complaint officer may meet jointly with the parties involved as he/she deems to be necessary or appropriate.
- 21 [d] Upon completion of the investigation, the complaint officer shall make a determination as to the validity of the complaint.
- 22 In all such cases, the complaint officer shall make a written record of his investigation and determination, which record shall include the complainant's written statement, and shall include a statement of the reasons for his/her determination.
- 23 [e] Up a determination by the complaint officer, he/she shall report such determination, in writing, to the Board
- 24 [f] The report regarding the outcome of the investigation shall not become a part of any personnel file if it is determined there is no validity to the complaint.
- 25 [8a] Except in cases involving sexual harassment by the Transportation Director or a member of the Board, it shall be the responsibility of the Director to determine what further action should be taken with respect to a complaint of sexual harassment after completing the written report.
- 26 [8b] In cases, involving alleged sexual harassment by the Director or a member of the Board, it shall be the responsibility of those members of the Board who are not involved in the matter to determine what further action should be taken with respect to a complaint of sexual harassment after receiving the written report from their designated complaint officer.
- 27 [8c] The Director or Board may make such further investigation as is deemed necessary or appropriate.
- 28 [8d] A substantiated charge against an employee shall subject such employee to disciplinary action, up to and including discharge.
- 29 [9] If either party does not agree with the findings of the complaint officer, the decision may be appealed to the Board.
- 30 [10] The Director may establish such guidelines and additional procedures as he/she deems necessary for the purpose of enforcement hereof.
- 31 NOTE: Refer to the Disciplinary Action section of Policy Manual for possible consequences of validated offenses

09 Employee Assistance Program

01 Introduction

- 01 To help employees deal with problems, which may hinder them in doing a good job, the AppalCART Board approved an Employee Assistance Program
- 02 Examples of such problems are marital or family distress, emotional instability, alcohol or drug dependencies, and financial and legal concerns.

02 Procedure

- 01 If an employee is troubled by a personal situation and wants to seek counseling, s/he may contact the program director with the Employee Assistance Program Provider .

03 Confidentiality

- 01 Strict confidentiality will be maintained.
- 02 An employee going to a counselor will not be reported to AppalCART.
- 03 The Employee Assistance Program Provider will only report to AppalCART the number of employees they counsel, not who or why.

04 Eligibility

- 01 Any AppalCART employee or immediate/dependent family member living in his/her home or a dependent student living away from home may use the Employee Assistance Program.

05 Cost

- 01 The first three sessions are free.
- 02 If employees need more counseling after that, the cost will be based on their ability to pay.
- 03 The employee will be billed for any visits after the third.

10 Osha Bloodborne Pathogens

01 Introduction

- 01 AppalCART adopted plan for exposure control of blood borne pathogens on October 29, 1996, that is in compliance with OSHA regulations and includes the following:
 - 02 Definitions of AIDS and Hepatitis B
 - 04 Modes of transmittal of these diseases
 - 05 Work related activities that may involve exposure to blood and other potentially infectious materials
 - 06 Universal precautions
 - 07 Clean up of blood and other potentially infectious materials
 - 08 Hepatitis B vaccinations
 - 09 Reporting exposure incidents
 - 10 The procedures will be included in each employee's procedure manual.

11 Performance Evaluation

01 Performance Evaluation

- 01 In order to insure the highest level of conduct achievable, each employee will be evaluated at least once a year by his/her supervisor. The director will be evaluated annually by the Board.

02 Evaluation Recommendations

- 01 By position, each employee's performance will be rated according to a standard format.
- 02 Personnel rated as excellent shall be considered for merit raises if the AppalCART Board approves funding for merit raises in the next fiscal year.
- 03 Anyone being rated unsatisfactory will be given specific objectives by his/her immediate supervisor to achieve satisfactory or better performance
- 04 If this is not accomplished within 30 days termination may occur.
- 05 If progress is made but not enough to change the overall rating, a second 30-day improvement period can be granted.
- 06 If at the end of the second 30-day period, the rating is still unsatisfactory, the employee will be terminated.

12 Discipline

01 Introduction

- 01 When you fail to live up to the standard of conduct expected of you as an AppalCART employee, your supervisor may use one of the following disciplinary actions.

02 Counseling

- 01 An early, oral warning technique to let you know of unacceptable behavior, providing suggestions for improvement, and allowing adequate time for improvements to take place.
- 02 Counseling does not require documentation in your personnel file. However, your supervisor will note the date of counseling and subjects discussed.
- 03 Future violations within six months time will require written documentation of the disciplinary action in your file.

12 Discipline

03 Admonition

- 01 If you repeat the infraction which caused your supervisor to counsel you, or if your situation warrants more severe disciplinary action than counseling, your supervisor will verbally explain the failure in your job performance, and ask you to sign a written acknowledgement of the problem and an understanding by you of the necessary improvements required.

04 Letter of Reprimand

- 01 If you repeat the failure in job performance documented in your counseling, or admonition; or if your situation warrants more severe discipline than an admonition, your supervisor will consult with the director or Board Chairman, and you will be asked to read and sign a formal letter of reprimand which will then be placed in your personnel file.
- 02 Should you refuse to sign or not be present to sign said letter, a copy will be sent to you by certified mail. If you sign for the letter we will put a copy of the receipt in your file. If this letter is not delivered to you we will put a copy of the returned letter in your file to document the instructions.

05 Suspension

- 01 If you repeat the failure in job performance documented in your letter of reprimand, or if your situation warrants more severe disciplinary action than a letter of reprimand, the director or Board may act to suspend you without pay or benefits.
- 02 Normal suspensions will be from three to five days, but you may be suspended longer for purposes of criminal investigation.

06 Demotion

- 01 If you repeat the failure in job performance which caused your suspension, or if your situation warrants more severe disciplinary action than a suspension, your supervisor may demote you to a lower status.

07 Dismissal

- 02 If you repeat the failure in job performance which caused your suspension, or if your situation warrants the most severe disciplinary action, the director or Board will dismiss you as an AppalCART employee.

13 Disciplinary Actions

01 General

- 01 The following are examples of misconduct and appropriate disciplinary actions. They do not include every type of misconduct that might warrant disciplinary action.

02 Absence Without Leave - Minor

- 01 Example * Unauthorized absence of one shift or less or leaving the job without permission.
- 02 1st Offense - Counsel to Reprimand * 2nd Offense - Reprimand * 3rd Offense - Reprimand to Dismissal

03 Absence Without Leave - Major

- 01 Unauthorized absence of more than one shift
- 02 1st Offense - Reprimand * 2nd Offense - Reprimand * 3rd Offense - Dismissal

04 Damage, Loss, Destruction & Unauthorized Use - Minor

- 01 Example * When loss or damage is of small value and was not intentional. Employee may be subject to restitution to AppalCART
- 02 1st Offense - Counsel to Admonition * 2nd Offense - Admonition to Reprimand * 3rd Offense - Reprimand to Dismissal

05 Damage, Loss, Destruction & Unauthorized Use - Major

- 01 Example * When intent, or unauthorized use is involved or when loss or damage is significant Employee may be subject to restitution to AppalCART
- 02 1st Offense - Reprimand to Dismissal * 2nd Offense - Reprimand to Dismissal * 3rd Offense - Dismissal

06 Insubordination - Minor

- 01 Example * Deliberate delay or failure to carry out assigned work or instruction within a reasonable time or disrespect
- 02 1st Offense - Counsel to Reprimand * 2nd Offense - Reprimand * 3rd Offense - Reprimand to Dismissal

07 Disorderly Conduct On Duty - Minor

- 01 Example * Sexual harassment - rude boisterous play which adversely affects production, discipline, or morale
- 02 Example * Use of disrespectful, abusive, or offensive language. Quarreling or inciting to quarrel.
- 03 1st Offense - Counsel to Reprimand * 2nd Offense - Reprimand * 3rd Offense - Reprimand to Dismissal

07 Insubordination - Major

- 01 Example * Refusal to obey legitimate orders, disrespect, insolence, and like behavior
- 02 1st Offense - Reprimand * 2nd Offense - Reprimand to Dismissal * 3rd Offense - Dismissal

08 Disorderly Conduct On Duty - Major

- 01 Example * Sexual harassment - fighting, threatening or inflicting bodily harm. Physical resistance to competent authority.
- 02 Example * Drunkenness, violent acts or language which adversely affects morale, production, or maintenance of discipline
- 03 Example * Derogatory remarks concerning AppalCART. Indecent or immoral conduct.
- 04 1st Offense - Reprimand to Dismissal * 2nd Offense - Dismissal

13 Disciplinary Actions

09 Use Of Intoxicants Or Drugs - Minor

- 01 Disciplinary action for the use of intoxicants may include the employee being enrolled in an approved program for addictions [such as AA] as a condition of employment.
- 02 Example * Consuming intoxicants on duty or using illegal drugs so as to be unable to perform duties.
- 03 1st Offense - Reprimand To Dismissal * 2nd Offense - Dismissal

10 Use Of Intoxicants Or Drugs - Major

- 01 Example * Reporting for duty or being on duty under the influence of intoxicants so as to be unable to perform duties or to be a hazard to self or others; or using illegal drugs.
- 02 1st Offense - Reprimand To Dismissal * 2nd Offense - Dismissal

11 Misconduct Off Duty - Minor

- 01 Example * Overt action constituting minor breaches of legal or social codes
- 02 1st Offense - Admonition to Dismissal * 2nd Offense - Reprimand o Dismissal * 3rd Offense - Dismissal

12 Misconduct Off Duty - Major

- 01 Example * Misconduct which adversely effects the employee's reputation or reflects unfavorably on AppalCART
- 02 Includes convictions for misdemeanors, and arrests, indictments or convictions for felonies.
- 03 1st Offense - Reprimand to Dismissal * 2nd Offense - Dismissal

13 Discrimination - Minor

- 01 Example * Any action or failure to take action based on race, color, creed, religion, national origin, handicap, age, sex, marital status, political affiliation, former employee, or applicant which adversely affects their rights, privileges, benefits, dignity , or quality or economic opportunity.
- 02 1st Offense - Admonition to Dismissal * 2nd Offense - Reprimand to Dismissal * 3rd Offense - Dismissal

14 Discrimination - Major

- 01 Example * Misconduct which adversely affects the employee's reputation or reflects unfavorably on AppalCART.
- 02 Includes convictions for misdemeanors, and arrests, indictments or convictions for felonies.
- 03 1st Offense - Reprimand to Dismissal * 2nd Offense - Dismissal

15 Acceptance

- 01 Example * Violation of regulations or exercise of poor judgment regarding acceptance of gifts or gratuities in a manner which could reflect discredit upon employees or to AppalCART
- 02 1st Offense - Admonition to Reprimand * 2nd Offense - Admonition to Dismissal * 3rd Offense - Dismissal

16 Violation Of Unspecified Rules Or Regulations

- 01 Example * Engaging in prohibited activities and transactions. This may include violations of regulations on trade or barter, writing for publication, or any other prohibited act.
- 02 1st Offense - Admonition to Reprimand * 2nd Offense - Admonition to Dismissal * 3rd Offense - Dismissal

17 Fraud In Securing Employment

- 01 Example * False information in an attempt to secure employment with AppalCART
- 02 1st Offense - Admonition to Dismissal

18 Accident Review

- 01 [1] preventable causing total property value of \$5,000 or more * 1st Offense - Admonition to Dismissal
- 02 [2] 2 preventable within 2 years has total property value of \$3,000 or more * 1st Offense - Admonition to Dismissal
- 03 [3] 3 preventable within 2 years and total property value of \$2,000 or more * 1st Offense - Admonition to Dismissal
- 04 [4] 5 preventable within 2 years regardless of the damage dollar value * 1st Offense - Dismissal
- 05 [5] if an accident is ruled preventable after a pedestrian has been struck by an employee driving an AppalCART vehicle * 1st Offense - Dismissal
- 06 An employee who fails to report an accident and is later proven to be responsible: the accident will automatically be ruled preventable regardless of circumstances surround the accident.

14 Grievances**01 Policy**

- 01 It is AppalCART's policy to encourage employees to freely discuss problems with their supervisors, department heads, or others in positions of authority.
- 02 Supervisors and employees are encouraged to resolve differences and to seek and provide clarification of policies and procedures before initiating the grievance process
- 03 A grievance is defined as a claim or complaint based upon an event or condition allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.
- 04 It is the policy of AppalCART to provide a just procedure for the presentation, consideration, and disposition of employee grievances.
- 05 No attorney or other legal representatives will be allowed to participate in the grievance procedure.
- 06 The purpose of this policy is to assure all employees that their grievances will be answered and decided fairly, quickly, and without threat.

02 Conditions

- 01 A grievance may involve the following issues:
- 02 Alleged safety or health hazards
- 03 Unsatisfactory physical facilities, surrounding, materials or equipment
- 04 Unfair or discriminatory supervisory or disciplinary practices
- 05 Unjust treatment by fellow workers
- 06 Any other inequity relating to conditions of employment

03 Coverage

- 01 All employees who allege unlawful harassment, violence in the workplace or discrimination based on race, color, religion, age sex, national origin, political affiliation or non-disqualifying condition may file a grievance.
- 02 In situations involving separation, disciplinary action, and reinstatement, all AppalCART employees have the right to present a grievance in accordance with the procedures.

04 Procedure

- 01 Step 1. The employee will first present his/her grievance, in writing, to his/her immediate supervisor, who will respond to the aggrieved employee within two [2], complete working days after receipt of the grievance; the supervisor's determination will be in writing and a copy will be given to the director.
- 02 The employee will sign a copy of the determination to acknowledge receipt and the date of the response. The supervisor should consult with the director in order to reach a correct, impartial, and equitable determination concerning the grievance.
- 03 However, if the employee is presenting a grievance concerning demotion, suspension or dismissal, he will present the grievance directly to the director in writing.
- 04 Step 2. If the grievance is not resolved to the satisfaction of the employee by the immediate supervisor, the employee may appeal by contacting the director within five [5] complete working days after receipt of the determination referred to in Step 1.
- 05 Within five [5] complete working days, the director will advise the employee in writing of his determination. The employee will sign and date the determination to show when he/she received a copy.
- 06 Step 3. If the Transportation Director does not address the grievance to the employee's satisfaction, the employee may appeal the decision to the Board within ten [10] complete working days after receipt of the director's decision.
- 07 The notice of intent to appeal should be given to the AppalCART Director in writing. The Director will forward all papers and information used in making his decision to the Board within five [5] complete working days after receipt of the appeal by the employee.
- 08 The Board will schedule the grievance hearing as part of its next scheduled meeting, or as a special meeting.
- 09 The director must produce evidence to justify the employee's suspension, demotion or dismissal. The director cannot rely in the hearing on charges not contained in the notice of suspension, demotion, or dismissal.
- 10 The employee must be given the right at the hearing to examine all of the evidence against him and to cross-examine adverse witnesses.
- 11 The Board will notify the employee of its findings in writing within five [5] working days after the hearing.
- 12 The Board may find the grievance is:
 - 13 [1] without merit
 - 14 [2] that the grievance has merit and that certain administrative actions should be undertaken.
- 15 The Board's written statement must contain the reasons for its decisions and statement of the evidence upon which it relied.
- 16 The employee will sign and date a copy of the Board's decision to show when he/she received it. If the signature cannot be obtained the clerk to the board will make a note in the employee's personnel file stating when the employee was informed or what efforts were made to inform the employee.
- 17 The decision of the Board will end the appeal process for all grievances. No determination of any grievance will in any way conflict with any AppalCART policy, or any state and federal laws applicable thereto.
- 18 Full back pay and related benefits will be awarded to employees fully reinstated in all grievance cases in which the employee was appealing suspension, demotion or involuntary separation.

15 Termination

01 Resignation

- 01 If you decide to leave your job at AppalCART, you should submit a written letter of resignation at least two weeks in advance stating the circumstances and the last day you expect to be available for work.
- 02 The director or your supervisor will schedule a separation interview with you to ask you to review your experiences working at AppalCART and to see if you have any suggestions for improvement within the organization.
- 03 On your last day of work you should turn in any uniforms or other AppalCART equipment in your possession prior to receiving your final paycheck.
- 04 You should provide the finance office with current contact information.

02 Retirement

- 01 Within six months of the date you plan on retiring you should notify your supervisor of your plans.
- 02 Your supervisor should schedule you for an interview with the director.
- 03 You should provide the finance office with current contact information.
- 04 The director will give you a separation interview.

03 Dismissal

- 01 If you are dismissed from employment at AppalCART, you will be expected to turn in any AppalCART equipment before you receive your separation paycheck.

04 Medical Disability

- 01 If you, as a full-time employee, are medically unable, as certified by a licensed physician, to resume your responsibilities [receiving disability payments], you will be listed as on disability.
- 02 At this time, if not before, you will be asked to turn in any AppalCART property still in your possession.

05 Reduction in Force

- 01 In the event a reduction in force becomes necessary, consideration will be given to the quality of each employee's past performance, the need for his/her service and seniority in determining those employees to be retained.
- 02 Full-Time employees who are to be part of a reduction in force will be given as much notice as possible.

06 Death

- 01 Separation from AppalCART will be effective with the date of death. All compensation will be paid to the estate of the deceased employee.

16 Payroll Information

01 Wages

- 01 The director will assign the rate of pay for each position except his/her own, which will be set by the Board.

02 Work Week

- 01 AppalCART's workweek begins on Monday and ends on Sunday.

03 Lunch Breaks

- 01 Each lunch break shall be at least 30 minutes without interruptions for work.

04 Regular Hours

- 01 The actual hours worked not including overtime.

05 Overtime Pay

- 01 In order to qualify for overtime pay, regular hours must exceed 40 hours in a workweek.
- 02 After 40 regular hours of work in one week, the rate of pay will increase to one and one half times the employee's hourly rate.
- 03 Holiday or Leave time [or on rare occasions, Severe Weather Day] will not be counted toward the 40 hours worked in qualifying for overtime pay.
- 04 It is the policy of AppalCART to avoid overtime work whenever possible.

06 Mixed Rates [Overtime]

- 01 When in one pay week an employee works at more than one rate of pay and also works over 40 hours [Overtime] his/her pay rate is calculated as follows:
 - 02 [1] The hours at each rate are multiplied times the rate.
 - 03 [2] The total amount [money] from each rate is added together and divided by the total number of hours worked to arrive at an average rate per hour.
 - 04 [3] The first 40 hours at paid at this average rate.
 - 05 [4] Hours worked in excess of 40 are paid at 1-1/2 times this average rate.

16 Payroll Information

07 Compensatory Time

- 01 [1] In order to qualify for Compensatory time, regular hours must exceed 40.25 hours in a workweek.
- 02 [2] Holiday and Leave time will not be counted toward the 40.25 hours worked in qualifying for compensatory pay.
- 03 [3] It is the policy of AppalCART to avoid work in excess of 40.25 hours whenever possible.
- 04 [4] Accrued Compensatory time shall not exceed 240 hours
- 05 [5] Compensatory time must be used before Annual Leave.
- 06 [6] AppalCART will make every effort to allow employee's to use compensatory time off at the employee's convenience
- 07 [7] Employees are encouraged to exhaust Compensatory time accrued and not have a balance.
- 08 If the time exceeds 40.25, then the Comp time calculation begins at 40.00.

08 Special Rates of Pay

- 01 The Director may recommend to the Board special rates of pay for extraordinary conditions
- 02 Normally, the Board will set these special rates for each fiscal year.
- 03 Special rates may include driving at ski resorts or other special duties
- 04 Special rates may include a differential rate in addition to your regular pay rate for time worked after midnight.
- 05 Incidental time after midnight is at normal rate, time that is scheduled or exceeds 15 minutes is at differential rate.

17 Social Security

01 Social Security

- 01 AppalCART, as your employer, will match dollar for dollar any contribution taken from your check for social security.
- 02 In this way your account with social security will be worth that much more to you when you retire or file for social security benefits.

18 Employee Wellness Benefits

01 Introduction

- 01 As an investment in our employee's health AppalCART will provide an annual physical exam and flu shot at no cost to the employee.
- 02 Employees may choose to receive these services from a private physician or the Watauga Health Department

02 Physical Exams (Required)

- 01 In each calendar year, all employees are required to have a physical exam, which includes a urine, hearing, and vision test.
- 02 If performed locally, employees are allowed to have their physical on AppalCART's time.
- 03 After a physical exam, employees must present the Secretary with a copy of the completed AppalCART Physical/Tests Form for personnel records.

03 Flu Shots (Optional)

- 01 Employees should receive a flu shot each fall to protect themselves and their fellow employees.

04 Payment

- 01 Full-Time employees with AppalCART's medical coverage shall use their Wellness Benefit.
- 02 If no Wellness Benefit is available, AppalCART will pay the lower amount of either the insurance co-pay or an amount up to the cost charged by the Watauga Health Department.
- 03 If the employee is not covered by our medical insurance, AppalCART will pay an amount up to the cost charged by the Watauga Health Department.

19 Leave**01 Maternity Leave**

- 01 Two days of paid maternity leave shall be granted to any AppalCART employee regardless of job classification for the purpose of giving birth, or adopting a child.

02 Paternity Leave

- 01 Two days of paid paternity leave will be granted to any AppalCART employee regardless of job classification for the purpose of being with wife and child at the time of delivery, or adoption.

03 Civil Leave - Jury Duty

- 01 If you are in a Leave-earning position and you are called for jury duty or the Transportation Director informs you that your presence is required in AppalCART litigation, you will be entitled to leave with pay for the time spent during the proceedings.
- 02 For the time you spend in court, you are expected to record your time on a timesheet for approval by your supervisor. It is the responsibility of the employee to inform and provide documentation to his or her supervisor when the duty is scheduled and its expected duration.
- 03 Any court payments to you must be turned in to the Secretary for deposit in AppalCART's checking account.
- 04 Leave-earning employees involved in personal litigation or who serves as witnesses in private litigation must use annual leave to meet the 32 working hour requirement.
- 05 You will be paid at your regular rate of pay. Jury time will not be used in calculating overtime.
- 06 Actual hours worked at AppalCART must exceed 40.0 hours before overtime will be calculated.
- 07 The maximum time a Leave-earning employee will be credited each day is 8.0 hours.
- 08 Employees who are scheduled to report to work before court session begins each day are still expected to report to work at their scheduled time.
- 09 Your supervisor will excuse you before the session begins.
- 10 If you have to report for court session on a scheduled day off, then you will not be credited for any AppalCART time that day.
- 11 At the end of the court session each day, you are expected to report to your supervisor. Failure to report to your supervisor when dismissed for the day will result in disciplinary action.
- 12 If you are not in a Leave-earning position and you are called for jury duty or as a witness in private litigation, you will be excused without pay during the proceedings.
- 13 If you are not in a Leave-earning position and the Transportation Director informs you that your presence is required in AppalCART litigation, you will be entitled to pay for the time spent during the proceedings.
- 14 It is the responsibility of the employee to inform and provide documentation to his or her supervisor when the duty is scheduled and its expected duration.

04 Educational Leave

- 01 You are encouraged to further your education while at AppalCART by taking courses in local institutions of higher learning. If you require time off from work the following guidelines will apply
- 02 [1] No full-time educational leave will be granted
- 03 [2] Educational leave will only be granted if the course[s] are job related
- 04 [3] Educational leave must be approved by the Director [a statement from your supervisor explaining how the job duties will be covered during your absence must accompany the request for educational leave].
- 05 If educational leave is granted you will receive regular compensation for class time, and tuition and fees may be paid upon successful completion of the course, if funds are available.

05 Funeral Leave

- 01 AppalCART will allow 1 day [8 hours] of funeral leave with pay for all employees for the loss of any of the following: mother, father, brother, sister, spouse, child, grandmother, grandfather, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepmother, stepfather, and stepchildren.

19 Leave**06 Adverse Weather Policy & Procedures**

- 01 As part of AppalCART's mission to provide safe reliable transportation service to the public of Boone and Watauga County we believe there is also a responsibility to the public and employees that we consider safety which may on occasion require that service be cancelled or limited due to hazardous weather conditions.
- 02 Decision to close for the day or alter operating hours [open late/close early] as a result of weather conditions to be made by:
- 03 Director [or if unable to contact]
- 04 Operations Manager [or if unable to contact]
- 05 Dispatcher on Duty [in conjunction with supervisory staff available for contact]
- 06 Decisions to close or delay opening will be made in consultation with ASU Police Department prior to announcing the changes in schedule.

07 For Full Day Closing

- 01 Paid weather-related time due to closing will be limited to an amount equal to the hours that employee was scheduled to work or would normally have worked on the day in question.
- 02 If an employee has reported to work prior to the decision to close being made, weather-related time will only bring an employee up to the amount of their scheduled or normal working hours for that day.

08 For Partial Day Closing

- 01 In the event that normal reporting time is delayed, employees working that day will receive paid time for the period between their scheduled or normal reporting time and the rescheduled reporting time.
- 02 In the event of an early closing time those employees working that day will receive paid time between the rescheduled closing time and their scheduled or normal closing time.

09 Exceptions and Limits

- 01 Employees who are on leave, have called in sick, made a decision to take annual leave or in the case of non-leave earning employees, called to advise AppalCART that they will not be reporting to work, prior to a decision to alter operating hours would not be eligible for additional time.
- 02 Weather related time will not extend employees time beyond eight hours on the rescheduled day or 40 hours in the total week, nor is it considered holiday time available to those who were not scheduled to work on the day in question.

10 Eligibility

- 01 This policy applies to all Full-Time, Part-Time Benefits and Part Time Temporary employees.

11 Condition Levels

- 01 Unless closed by the Transportation Director or designee, AppalCART is always open, and the employee decides whether to come to work given the existing weather conditions both in the Boone area and in the employee's home community.
- 02 During weather conditions that do not warrant closing of AppalCART, all staff is responsible for their regularly assigned duties.
- 03 It is recognized that in some individual cases travel may be hazardous even though closing is not warranted.
- 04 In those cases, everyone is advised to take all reasonable precautions in coming to work given his/her personal circumstances.

12 Announcements

- 01 In the event of severe weather, employees should check the company website, listen to local radio stations, or the local cable television channel

13 Other Conditions

- 01 Other conditions hazardous to life or safety that might also warrant the closing of AppalCART include, but are not limited to, hurricanes, ice storms, terrorist acts, or contamination by hazardous agents.
- 02 If the Director closes AppalCART for any of these or for comparable reasons, the guidelines found in this policy will apply.

19 Leave**14 Family Medical Leave Act - FMLA**

- 01 AppalCART will grant up to 12 weeks of family and medical leave during any 12 month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 [FMLA].
- 02 The leave may be paid [coordinated with AppalCART's Vacation and Sick Leave policies], unpaid, or a combination of paid and unpaid.
- 03 Additional time away from the job beyond the 12 week period may be approved in accordance with AppalCART's Leave without Pay policy.
- 04 To qualify for FMLA coverage, the employee must have worked for the employer 52 weeks; these do not have to be consecutive.
- 05 However, the employee must have worked 1,250 hours during the 52 week period immediately before the date when the FMLA time begins.
- 06 Family and medical leave can be used for the following reasons:
- 07 [1] the birth of a child and in order to care for that child;
- 08 [2] the placement of a child for adoption or foster care;
- 09 [3] to care for a spouse, child, or parent with a serious health condition;
- 10 [4] the serious health condition of the employee.
- 11 A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider.
- 12 This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity or more than three days would be considered a serious health condition.
- 13 A benefit earning employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification.
- 14 A benefit earning employee may then use all paid annual leave for the remainder of the 12 week period.
- 15 The request for the use of leave must be made in advance and in writing by the employee and approved by the Director and the Board, unless an emergency situation exists.
- 16 An employee, who takes leave under this policy, will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.
- 17 In order to qualify for leave under this law, AppalCART requires medical certification.
- 18 This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment.
- 19 For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position.
- 20 For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.
- 21 This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one.
- 22 The certification should be furnished as soon as possible [no longer than 15 days from the date of the employee's request].
- 23 The certification and request must be made to the Director and approved by the Board.
- 24 The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under AppalCART's Leave Without Pay policy.
- 25 When an employee is on leave under FMLA [maximum of 12 weeks in a year], AppalCART will continue the employee's medical benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.
- 26 If an employee chooses not to return to work for reasons other than a continued serious health condition, AppalCART will require the reimbursement of the amount paid for the employee's medical insurance premium during the FMLA leave period.
- 27 Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.
- 28 An employee shall retain all unused vacation and sick leave while on FMLA Leave
- 29 An employee ceases to earn leave credits on the date leave without pay begins.
- 30 After the 12 week period the employee may continue to be eligible for benefits under AppalCART's group insurance plans at his/her own expense, subject to any regulation adopted by the Board of Authority and the regulations of the insurance carrier.

19 Leave**16 Annual Leave**

- 01 Each eligible employee will receive annual leave as it is earned. New Accrual rates are effective at the beginning of the next pay period.
- 02 The Leave Accrual rate is based on Seniority and Full or Part-Time Benefit status.
- 03 Accrued hours will appear on the accrual sheet which will be posted each week
- 04 The Leave Accrual date is that date that you began in a Leave-Earning status [you may have been hired as a Leave-Earning employee or you may be promoted later to a Leave-Earning employee].
- 05 At time of promotion from Part-Time Benefits [not Part-Time Temporary] to Full-Time, the employee will be given a 1/2 year seniority credit for each year worked in the Part-Time Benefit position.
- 06 To factor time for Part-Time Benefits [not Part-Time Temporary], divide hours in half. The following times are approximated.
- 08 Full-Time Seniority
- 09 0 through 2 years; Hours Biweekly 3.08; Hours Per Year 80; Days Per Year 10
- 10 Beginning 3rd through 4 years; Hours Biweekly 3.69; Hours Per Year 96; Days Per Year 12
- 11 Beginning 5th through 9 years; Hours Biweekly 4.92; Hours Per Year 128; Days Per Year 16
- 12 Beginning 10th through 14 years; Hours Biweekly 6.15; Hours Per Year 160; Days Per Year 20
- 13 Beginning 15th year plus; Hours Biweekly 6.77; Hours Per Year 176; Days Per Year 22
- 14 No more than 240 annual leave hours may be carried over from one Leave Accrual period to the next.
- 15 Leave in excess of 240 hours must be used prior to the first payroll in the month following the employees leave accrual date.
- 16 Failure to reduce leave time to this amount by this payroll cycle will result in forfeiture of the excess.
- 17 Leave in excess of 240 hours will disappear from the leave accrual sheet on the first payroll of the month following an employee's leave accrual date.
- 18 To use leave time you must submit a Leave Request form to your supervisor. The supervisor will either approve or disapprove the dates you requested based on scheduled work requirements.
- 19 Supervisors will submit signed leave forms to the director for final approval.
- 20 The director may take up to two days of leave without submitting a leave request to the Authority chairperson.
- 21 Any director's leave request requiring more than two consecutive days from the job will require the approval of the chairperson.

17 Sick Leave

- 01 Sick leave is not a right, which an employee may demand, but a privilege granted by AppalCART.
- 02 Full-time staff will receive 3.69 hours biweekly. Part-Time Benefits staff [not Part-Time Temporary] will receive 1.845 hours biweekly.
- 03 Accrued hours, minus hours used, will appear in the weekly posting of accrued leave.
- 04 Sick leave will accrue indefinitely.
- 05 Sick leave, like annual leave should be approved by your supervisor before it is taken; or at least one hour before the scheduled arrival time at work.
- 06 When you know you are too ill to work, you should call into work as soon as possible so that if a replacement is necessary one can be found without interrupting the work schedule.
- 07 Employees claiming sick leave may be required to furnish a certificate from a physician stating the kind and nature of the sickness or injury, and the duration of recommended absence from work.
- 08 Abuse of sick leave privileges shall be cause for dismissal.
- 09 Sick leave may be used for doctor and dental appointments and such appointments should be scheduled well in advance so that they can be arranged for in the work schedule before it goes out. Sick leave may also be granted for care of a sick dependent (spouse, child, or parent).
- 10 Sick leave may be used for bereavement purposes up to three days for the death of a close relative [mother, father, brother, sister, spouse, child, grandmother, grandfather, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepmother, stepfather, and stepchildren].
- 11 Only scheduled work hours are counted in calculating the amount of sick leave taken. Saturdays and/or Sundays are counted if scheduled working days.

18 Military Leave

- 01 Reserves in the armed forces are entitled to leave with differential pay not to exceed 120 working hours in any fiscal year, when ordered to duty for annual training or other purposes.
- 02 You should furnish your supervisor with a copy of your orders when requesting military leave, or as soon as you receive your orders.
- 03 You should furnish the finance officer a copy of your military paycheck upon your return for the purpose of determining your next paycheck.
- 04 AppalCART will pay you the difference, if any, between what you normally would have been paid and your military pay.

19 Leave**19 Leave Without Pay**

- 01 As an AppalCART employee you may be granted up to one year leave of absence by the director with approval by the Board.
- 02 This leave will be used for continuation of education, or special work that will permit AppalCART to benefit by the experience you gain during the leave.
- 03 Leave without pay may also be granted to employees whose absence will come at a time when the work schedule will not be adversely affected by the leave.
- 04 You must apply in writing to your supervisor for leave without pay.
- 05 Your supervisor will forward the request with his/her recommendation to the director who will make a recommendation to the Board.
- 06 You will be obligated to return to work at the date agreed upon; failure to give notice of intent to return will constitute a resignation.
- 07 Upon return to work, you will be returned to a comparable position provided funding is available.
- 08 You must use all annual leave before going on leave without pay. You will retain all sick leave.
- 09 Excluding Worker's Compensation cases, you cease to earn additional leave on the date leave without pay begins.
- 10 While you are using up your annual leave in preparation for leave without pay, you will be eligible for all salary increases and will continue to earn leave, and be entitled to holidays and benefits.
- 11 Once you have depleted your annual leave you will not receive benefits during leave without pay.
- 12 If you are an employee with health insurance and the board approves, you may continue your health insurance if you pay the cost of it.
- 14 A physician must indicate in writing when the period of disability actually begins and ends.
- 15 While you are in the process of using accumulated sick leave you will be entitled to all eligible wages and benefits and holidays.
- 16 Once you have depleted your sick leave you will not receive benefits.

20 Holidays**01 Time Received Per Holiday**

- 01 Full-Time employees will receive 8 hours pay for each holiday
- 02 Part-Time Benefit employees receive 4 hours pay for each holiday.
- 03 Part-Time Temporary employees do not receive holiday benefits.

02 AppalCART observes the following holidays:

- 01 New Year's Day - [does not float] office usually closed
- 02 Easter - [does not float] - Friday before Easter
- 03 July 4th - [does not float] office usually closed
- 04 Labor Day - [does not float] office usually closed
- 05 Thanksgiving and the Friday after - [does not float] office usually closed
- 06 Christmas 4 days - office usually closed Christmas Eve and Christmas Day. Remaining 2 days may float, but should be used during the holiday season.
- 07 Birthday - [floats] - must be used during fiscal year
- 08 Additional holidays may be granted by the Board depending on work schedule requirements.

03 Eligibility Requirements

- 01 To qualify to receive a holiday you must be hired or promoted to Leave-Earning status prior to a cut-off date in advance of the holiday.
- 02 Birthday example As a Holiday/Birthday eligible employee:
- 03 [1] Hired or promoted to Leave-Earning status in March but birthday was in October you are not eligible for an 8.0 hour Birthday in this fiscal year.
- 04 [2] Hired or promoted to Leave-Earning status in October but birthday in March, then 8.0 hour Birthday is available for you must use by last payroll date ending in June.

04 Use It Or Lose It

- 01 All holidays, including birthdays, must be shown on a pay period prior to the end of the fiscal year.

21 Insurance

01 Health Insurance

- 01 This is a benefit which AppalCART provides its Full-Time employees at no cost to them.
- 02 Family health coverage is available at group rates to Full-Time employees.
- 03 AppalCART pays for the employee and the employee pays for any additional coverage desired.
- 04 The AppalCART Secretary is your contact for information on health insurance. S/he will provide you with plan booklets and claim forms.
- 05 Since the type and amount of coverage may change from year to year. Read your insurance booklet or call the toll free number to know exactly what is covered.

02 Dental Insurance

- 01 Dental insurance is no longer available (July 2011).
- 02 Family dental coverage is not available (July 2011).
- 03 AppalCART does not contribute towards dental insurance for employees or their families.
- 04 Dental insurance is no longer available (July 2011).

03 Life Insurance

- 01 Each Full-Time employee has a 2 X's his/her annual salary term life insurance policy. This insurance is paid for by AppalCART as part of your insurance benefit package.
- 02 Term insurance accumulates no cash value other than the stated death benefit. Read your insurance booklet or call the toll free number to know exactly what is covered.

04 Insurance Ends At Termination

- 01 Coverage of all insurance terminates at 12:00 midnight on the last day of employment unless COBRA is elected.

05 Disability Insurance [Short-Term]

- 01 Disability benefits are payable to a maximum of 26 weeks as long as the employee is totally and continuously disabled.
- 02 Benefits begin on the eighth day of total disability. The employee may use available sick or vacation days during the seven-day elimination period.
- 03 Once disability benefits begin, an employee may not collect more than 60% of his/her normal wages [which is the short-term benefit level] until the disability period ends.
- 04 The percentage of wages lost during the disability period may not be compensated by employer paid benefits, i.e., vacation, sick, etc.
- 05 AppalCART will continue pay your Medical Insurance benefits coverage, The employee must continue to pay dependant coverage to AppalCART during this 26-week period [COBRA is available after the 26-week period].
- 06 All other benefits such as retirement contributions and earning sick and annual leave hours or holidays are halted until you resume active status. [Holidays that occur during the time you are out on disability are lost]
- 07 Read your insurance booklet or call the toll free number to know exactly what is covered.

06 Retiree Insurance

- 01 At no cost to AppalCART and as long as this coverage is offered by AppalCART's insurance provider, health and dental insurance coverage will be extended to retirees.
- 02 The eligibility criteria for retiree coverage is:
- 03 The retirees must continue to pay the full cost of the monthly premiums established by the program by the 10th day of each month prior to the next month's coverage.
- 04 Retiree must have 10 years with the AppalCART Retirement system
- 05 Retiree must have 5 years [full-time continued status] with AppalCART
- 06 Retiree must select retiree coverage within 30 days of retirement
- 07 Dependents must have been covered for 1 year or longer as a dependent of the retiree immediately prior to the date of retirement.

21 Insurance**07 Workers' Compensation**

- 01 AppalCART employees are fully covered under the Worker's Compensation Law, which provides payment for lost time, and medical attention at AppalCART's expense if an employee has a work-related illness or injury.
- 02 The employee must immediately report it to his/her supervisor whether or not medical attention is needed.
- 03 If his/her supervisor is unavailable, then the illness/injury is to be reported to the Trainer.
- 04 If the Trainer is unavailable, then the illness/injury is to be reported to the Finance Officer.
- 05 Also, an employee working alone who has illness/injury is to call his/her supervisor or the Trainer or the Finance Officer at home.
- 06 Any employee making a claim for worker's compensation will be required to have a drug and alcohol test.
- 07 The employee should complete the Report of Injury detailing in his/her own words, the events, which the supervisor will review and complete as quickly as possible.
- 08 The employee will contribute to the completion of the NC Industrial Commission Form 19 if time is lost from work and/or medical attention is sought.
- 09 AppalCART will pay all remaining hours of the day; the illness/injury occurs as if a full work schedule had been completed with no leave time required.
- 10 If after seeking medical attention, the doctor releases the employee to return to work, then the employee will do so promptly.
- 11 All invoices for doctors' services, prescriptions, x-rays, etc., must be forwarded to AppalCART's worker's compensation provider for payment and should be qualified as workers' compensation coverage.
- 12 The date of disability begins the day following injury. During this time, medical benefits due under the Workers' Compensation Act may be received.
- 13 General statute (G.S. 97-28) requires a seven-day waiting period before worker's compensation payments begin.
- 14 Should any injury/illness result in disability of more than 21 days, and then Workers' Compensation will pay for lost time and medical benefits from date of disability.
- 15 When the employee has a compensation work-related illness/injury, the employee must select one of the following options

08 Employee Option I

- 01 Take accumulated sick/vacation leave or compensatory leave during the required seven (7) day waiting period and then go on Workers' Compensation leave and begin drawing worker's compensation salary benefits.
- 02 In the event your disability exceeds the required seven [7] day waiting period and you are reimbursed for the period where sick leave, annual leave or compensatory time was used you will submit your payment for that period to AppalCART and your leave time will be restored to its original status
- 03 The 2/3 compensation will require the same adjustment on leave used. An employee out of work for 5 days - 40 hours would receive workers' compensation for 26.66 hours and would have 26.66 hours restored to leave time and the check amount plus taxes deducted from the following payroll check.

09 Employee Option II

- 01 Go on Workers' Compensation leave with no pay for the required seven [7] day waiting period and then begin drawing Workers' Compensation salary payments on the eighth day.
- 02 Worker's compensation salary payments and AppalCART wages shall not be duplicated for the same work time lost. When on workers' compensation leave, however, salary payments made may be supplemented by AppalCART leave time - 1/3 of a workday or 2.67 hours per day.

10 Workers' Compensation

- 01 Temporary part-time employees will be considered on leave without pay from AppalCART while receiving Workers' Compensation.
- 02 Leave-earning employees continue to earn sick and vacation leave when placed on Workers' Compensation leave.
- 03 All supervisors are to keep accurate records of days/hours an employee considers eligible for workers' compensation reimbursement.
- 04 AppalCART requires any absence of work to be verified by the treating physician that the illness/injury is work related.

22 Travel Policy**01 Insurance**

- 01 AppalCART's insurance does not cover the use of your personal vehicle, nor will AppalCART pay your traffic violations should you receive them while on AppalCART business.

02 Travel

- 01 If traveling outside the county for AppalCART and food or lodging is required, and your request for reimbursement is approved by your supervisor, you will be reimbursed at the Board approved rates for mileage, meals and lodging.
- 02 Any travel outside of North Carolina beyond 325 miles will require prior approval by the Board.
- 03 The AppalCART Board adopted the NCDOT guidelines for travel and will reimburse for travel at the NCDOT per diem rates. The following guidelines summarize the 20 page state document.

03 Guidelines

- 01 Employees may be reimbursed for meals including lunches when traveling overnight to a destination at least 50 miles distant from the regularly assigned duty station.
- 02 Employees may be reimbursed for meals for partial days of travel when in overnight status if the partial day is the day of departure or the day of return.
- 03 The following guidelines apply:
 - 04 [1] Breakfast - depart duty station prior to 6:00 am.
 - 05 [2] Lunch - depart duty station prior to 12:00 noon [day of departure] or return to duty station after 2:00 pm [day of return].
 - 06 [3] Supper - depart duty station prior to 5:00 pm [day of departure] or return to duty station after 8:00 pm [day of return].
- 07 Must be off clock for 30 minutes during meal periods.
- 09 When traveling using public transportation you will be expected to travel by the least expensive means unless you agree to pay the difference.
- 10 If your expenses will exceed the allowance scheduled for your travel you must return with receipts backing up any reimbursement claims.
- 11 If your supervisor judges the additions as necessary and prudent for your mission, AppalCART will pay you for them.
- 12 All non-meal expenses require receipts, which should be submitted to the finance office upon return.

04 Mileage

- 01 Mileage = current IRS approved rate

23 Retirement System**01 Retirement System**

- 01 When AppalCART became an independent agency on July 1, 1986, management sought to establish a retirement system, which would reward dedicated staff without reducing, take home pay.
- 02 The AppalCART Retirement Plan is a money purchase plan.
- 03 Each employee, who works 1,000 hours in the fiscal year and was hired prior to January 1, will be eligible for an 8.25% of gross pay contribution in the retirement system.
- 04 This rate of contribution is subject to change due to funding constraints.

02 Qualifying Hours

- 01 Each employee who qualifies by working 1,000 hours will be given a statement reflecting their contribution for the plan year in which they qualified.

03 Vesting

- 01 The vesting schedule rewards seniority. If you leave the authority after having only worked one year your contribution would not belong to you when you left.
- 02 After two years of having worked 1,000 hours in each plan year, you would be 40% vested.
- 03 Vesting increases 20% for each additional plan year that you work 1,000 hours.
- 04 If you left after five qualified years everything in your account would be yours.

04 Distribution [Termination]

- 01 If you should terminate your employment at AppalCART, it will be necessary for you to wait until the annual allocation of benefits is made at the end of the plan year before you can claim your retirement share.
- 02 It may be as much as 180 days after the ending of the plan year on June 30th before you would receive payment.

05 Distribution [Retirement]

- 01 If you retire at age 65, or greater, AppalCART will begin the process to withdraw your retirement at your request.
- 02 Employees must be removed from AppalCART's payroll before calculations begin.
- 03 To issue a payment we must go through the following process:
- 04 [A] We send a request to the pension management company
- 05 [B] They send the employee paperwork to complete and return to them
- 06 [C] They calculate your retirement benefit from the information you returned and send payout instructions to AppalCART
- 07 [D] AppalCART requests a payout of funds from the local agent of the retirement fund.
- 08 [E] Retirement fund sends payment to AppalCART and that payment is deposited in the AppalCART account
- 09 [F] AppalCART processes the paperwork to request a check on an upcoming cycle of vendor checks

24 Substance Abuse Policy

01 A - Purpose

- 01 1) AppalCART provides public transit and paratransit services for the residents of Boone/Watauga County North Carolina. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, AppalCART declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 02 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates 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 (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 03 3) Any provisions set forth in this policy that are included under the sole authority of AppalCART and are not provided under the authority of the above named Federal regulations are underlined.

02 B - Applicability

- 01 This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. A safety-sensitive function is operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. All positions at AppalCART are safety-sensitive.

03 C - Definitions Part One

- 01 Accident: An occurrence associated with the operation of a revenue service vehicle even when not in revenue service, if as a result:
 - 02 a. An individual dies;
 - 03 b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
 - 04 c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, disabling damage means damage which precludes 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, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.
- 05 Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
- 06 Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.
- 07 Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.
- 08 Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.
- 09 Canceled Test: A drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither positive nor negative.
- 10 Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.
- 11 Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.
- 12 Covered Employee: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function, and other employees, applicants, or transferee that will not perform a safety-sensitive function but falls under the policy of the company's own authority.
- 13 Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing – Director, Operations Manager, Trainer, and Route Supervisor.
- 14 Department of Transportation (DOT): Department of the federal government which includes the, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carriers' Safety Administration, Research and Special Programs, and the Office of the Secretary of Transportation.
- 15 Dilute specimen: A urine specimen with creatine and specific gravity values that are lower than expected for human urine.
- 16 Disabling damage: Damage which precludes 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, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.
- 17 Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.
- 18 Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

24 Substance Abuse Policy**04 C - Definitions Part Two**

- 19a Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid
- 19b Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.
- 20a Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.
- 20b Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.
- 20c Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.
- 21 Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.
- 22 Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.
- 23 Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.
- 24 Non-negative test result: A urine specimen that is reported as adulterated, substitute, invalid, or positive for drug/drug metabolites.
- 25a Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.
- 25b Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.
- 26 Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.
- 27a Prohibited drug: Identified as marijuana, cocaine, opiates, amphetamines (including ecstasy), or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.
- 27b Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.
- 27c Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.
- 28 Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service or that require a CDL to operate. Include all ancillary vehicles used in support of the transit system.
- 29 Safety-sensitive functions: Employee duties identified as:
- 30 (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- 31 (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- 32 (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- 33 (4) Controlling the movement of a revenue service vehicle and
- 34 (5) Carrying a firearm for security purposes.
- 35a Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).
- 35b Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist, 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) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.
- 36 Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.
- 37 Test Refusal: The following are considered a refusal to test if the employee:
- 38 (1) 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
- 39 (2) Fails to remain at the testing site until the testing process is complete
- 40 (3) Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
- 41 (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- 42 (5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- 43 (6) Fails or declines to take a second test the employer or collector has directed you to take
- 44 (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
- 45 (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
- 46 (9) If the MRO reports that there is verified adulterated or substituted test result

24 Substance Abuse Policy**05 C - Definitions Part Three**

- 47 (10) Failure or refusal to sign Step 2 of the alcohol testing form
- 48 (11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- 49 (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- 50 (13) Admit to the collector or MRO that you adulterated or substituted the specimen.
- 51 Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).
- 52 Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.
- 53 Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

06 D - Education And Training

- 01 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered 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 also includes manifestations and behavioral cues that may indicate prohibited drug use.

Links from AppalCART's webpage index

<http://www.appalcart.com/media/policy.pdf>

http://www.dot.gov/odapc/NEW_DOCS/part40.html

<http://transit-safety.volpe.dot.gov/drugandalcohol/>

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<http://transit-safety.volpe.dot.gov/drugandalcohol/>

- 02 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will 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.

07 E - Prohibited Substances

- 01 1) Prohibited substances addressed by this policy include the following.
- 02 a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule 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 in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy
- 03 Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.
- 04 a. 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 AppalCART supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- 05 b. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under AppalCART authority, an alcohol test can be performed any time a covered employee is on duty.

24 Substance Abuse Policy**08 F - Prohibited Conduct**

- 01 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- 02 2) Each covered employee is 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. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 03 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 04 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- 05 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 06 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 07 7) AppalCART, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 08 8) Consistent with the Drug-free Workplace Act of 1988, all AppalCART employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

09 G - Drug Statute Conviction

- 01 Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify AppalCART management 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 as defined in Section Q of this policy.

10 H - Testing Requirements

- 01 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49CFR part 40 as amended. All covered employees shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 02 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion and random alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. Under AppalCART authority, an alcohol test can be performed any time a covered employee is on duty.
- 03 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with AppalCART. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

24 Substance Abuse Policy

11 I - Drug Testing Procedures

- 01 1) 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 Service (HHS). All testing will be conducted consistent with the procedures set 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.
- 02 2) The drugs that will be tested for include marijuana, cocaine, opiates (including heroin), amphetamines (including methamphetamine and ecstasy), and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. 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. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test 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 of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 03 3) The test results from the HHS certified 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, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the AppalCART Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken.
- 04 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 05 5) Any covered employee who questions the results of a required drug 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 HHS-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. AppalCART will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however AppalCART will seek reimbursement for the split sample test from the employee.
- 06 6) 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. If the split specimen is not available to analyze the MRO will direct [GRANTEE/] to retest the employee under direct observation.
- 07 7) 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.
- 08 8) Observed collections
- 09 a. Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
- 10 i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to AppalCART that there was not an adequate medical explanation for the result;
- 11 ii. The MRO reports to AppalCART that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- 12 iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/Dl but less than or equal to 5 mg/Dl, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- 13 iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- 14a v. The temperature on the original specimen was out of range;
- 14b vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- 15 vii. All follow-up-tests; or
- 16 viii. All return-to-duty tests

24 Substance Abuse Policy

12 J - Alcohol Testing Procedures

- 01 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. 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 must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained 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.
- 02 2) An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. Of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 03 3) AppalCART affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 04 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

13 K - Pre-employment Testing

- 01 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
- 02 b. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
- 03 c. A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test with verified negative results.
- 04 d. If an applicant fails a pre employment drug test, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- 05 e. When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
- 06 f. If a pre-employment/pre-transfer test is canceled, AppalCART will require the applicant to take and pass another pre-employment drug test.
- 07 g. In instances where a covered employee is on extended leave for a period of 90 consecutive days or more regardless of reason, and is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- 08 h. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 09 i. Applicants are required (even if ultimately not hired) to provide their consent to AppalCART to request FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. AppalCART is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide AppalCART proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

24 Substance Abuse Policy

14 L - Reasonable Suspicion Testing

- 01 1) All AppalCART covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are 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. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under AppalCART's authority, a reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 02 2) AppalCART shall be responsible for transporting the employee to the Collector. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 03 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the AppalCART
- 04 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred to the SAP for an assessment. AppalCART shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the AppalCART. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

24 Substance Abuse Policy

15 M - Post-accident Testing

- 01 1) All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident.
- 02 2) 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 operators performance can be completely discounted as a contributing factor to the accident.
- 03 a. As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
- 04 b. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
- 05 c. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.
- 06 d. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- 07 e. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an 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.
- 08 f. In the rare event that AppalCART is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), AppalCART may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law

16 N - Random Testing

- 01 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
- 02 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 03 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.
- 04 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 05 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of employees that are included solely under AppalCART authority.
- 06 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 07 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

17 O - Return-to-duty-testing

- 01 AppalCART will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must completed the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undo concerns for public safety.

18 P - Follow-up Testing

- 01 Covered employees that have returned to duty following a positive or refused a test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. 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 minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

24 Substance Abuse Policy**19 Q - Result Of Drug / Alcohol Test**

- 01 1) Any covered employee that has a verified positive drug or alcohol test will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to a Substance Abuse Professional (SAP) for assessment, and will be terminated.
- 02 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 03 3) A positive drug and/or alcohol test will also result in disciplinary action as specified herein.
- 04 a. After receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the AppalCART Drug and Alcohol Program Manager will contact the employee's supervisor to have the employee cease performing any safety-sensitive function.
- 05 b. The employee shall be referred to a Substance Abuse Professional and will be terminated.
- 06 4) Refusal to submit to a drug/alcohol test shall be considered a positive test result and shall result in termination. A test refusal includes the following circumstances:
 - 07 (1) A covered employee who consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to post-accident drug/alcohol tests.
 - 08 (2) A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.
 - 09 (3) A covered employee who provides an insufficient volume of urine specimen or breath sample without a valid medical explanation. The medical evaluation shall take place within 5 days of the initial test attempt
 - 10 (4) A verbal or written declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test within the specified time frame.
 - 11 (5) A covered employee whose urine sample has been verified by the MRO as substitute or adulterated.
 - 12 (6) A covered employee fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer
 - 13 (7) A covered employee fails to remain at the testing site until the testing process is complete;
 - 14 (8) A covered employee fails to provide a urine specimen for any drug test required by Part 40 or DOT agency regulations;
 - 15 (9) A covered employee fails to permit the observation or monitoring of a specimen collection
 - 16 (10) A covered employee fails or declines to take a second test the employer or collector has directed you to take;
 - 17 (11) A covered employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
 - 18 (12) A covered employee fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
 - 19 (13) Failure to sign Step 2 of the Alcohol Testing form
 - 20 (14) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
 - 21 (15) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
 - 22 (16) Admit to the collector or MRO that you adulterated or substituted the specimen.
- 23 5) An alcohol test result of $\cdot 0.02$ to $\cdot 0.039$ BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of $\cdot 0.02$ to $\cdot 0.039$ two or more times within a six month period, the employee will be removed from duty and referred to the SAP for assessment and treatment consistent with Section Q of this policy.
- 24 6) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - 25 a. Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - 26 b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from AppalCART _employment.
 - 27 i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
 - 27 c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - 28 d. A self-referral or management referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - 29 e. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - 30 f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with AppalCART.
 - 31 g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 32 7) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

24 Substance Abuse Policy

21 R - Grievance And Appeal

- 01 The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

22 S - Proper Application Of The Policy

- 01 AppalCART 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.

Tolerance

24 Substance Abuse Policy**23 T - Information Disclosure**

- 01 1) Drug/alcohol testing records shall be maintained by the AppalCART Drug and Alcohol Program Manager [DAPM] and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 02 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
- 03 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 04 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 05 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 06 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 07 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 08 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 09 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over AppalCART or the employee.
- 10 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.
- 12 This Policy was adopted by the AppalCART Board of Authority on October 24, 2011.
- 13 Jerry C. Moretz, Board Chair
- 14 Christopher D. Turner, Director

24 Attachment - A

- 01 All positions at AppalCART are safety-sensitive.

25 Attachment - B - 1

- 01 Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).
- 02 Medical Review Officer (MRO)
Name: Dr. Carlton Owensby
Title: Wolfe Inc MRO
MRO Assistant – Marsha Kennedy
Address: 681 Cabarrus W, Concord, NC 28027
Telephone Number: 704-743-1049
Fax: 704-743-2016
Email: marshak@wolferealitycheck.com
- 03 Medical Review Officer BACKUP (MRO) (will be appointed soon)
Name: Dr.
Title: Wolfe Inc BACKUP MRO
MRO Assistant – Marsha Kennedy
Address: 681 Cabarrus W, Concord, NC 28027
Telephone Number: 704-743-1049
Fax: 704-743-2016
Email: marshak@wolferealitycheck.com
- 04 Substance Abuse Professional (SAP)
Name: Phillip L. Cole
Title: Substance Abuse Professional (SAP)/ DOT Certified Alcohol and Drug Counselor
Address: 368 Clint Norris Rd, Boone, NC 28607
Telephone Number: 828-406-0590
Email: pcole@yahoo.com
- 05 HHS Certified Laboratory Primary Specimen
Name: Advanced Toxicology Network
Address: 3560 Air Center Cove, Suite 101, Memphis, TN 38118
Telephone Number: 901-794-5770
Telephone Number: 888-290-1150
- 06 HHS Certified Laboratory Split Specimen
ATN has accounts with several SAMHSA labs, the employee has a choice. Substance Abuse and Mental Health Services Administration

24 Substance Abuse Policy**26 Attachment - B - 2**

- 07 Collection Facility
AppalCART
Name: Joanna Wilcox
POB 2357, Boone, NC 28607
Telephone: 828-264-0080
DOT Certified-Collect Tech Name: Ted Clevenger - 828.773.2560 cell /828.262.0847
DOT Certified-Collect Tech Name: Sandy Henderson – 859.388.4370 cell
Operates Mon-Sun 6AM – 10PM
- 08 AppalCART Drug and Alcohol Program Manager (DAPM)
Name:Joanna Wilcox
Title:Secretary/ Drug and Alcohol Program Manager
Address: POB 2357, Boone, NC 28607
Telephone Number: 828.264.2280
Email: appalcart@appalcart.com
- 09 AppalCART Designated Employee Representative (DER)
Name: Tim Townsend
Title: Operations Manager
Address: POB 2357, Boone, NC 28607
Telephone Number: 828.264.2280
Email: operationsmanager@appalcart.com
- 10 AppalCART Designated Employee Representative (DER)
Name: Michelle Brewer
Title: Trainer
Address: POB 2357, Boone, NC 28607
Telephone Number: 828.264.2280
Email: trainer@appalcart.com
- 11 AppalCART Designated Employee Representative (DER)
Name: Chris Shook
Title: Route Supervisor
Address: POB 2357, Boone, NC 28607
Email: routesupervisor@appalcart.com
- 12 AppalCART Designated Employee Representative (DER)
Name: Chris Turner
Title: Director
Address: POB 2357, Boone, NC 28607
Email: director@appalcart.com
- 13 AppalCART Breath-Alcohol Technician and Urine Collector
Name: Ted Clevenger
Title: Collect Tech/Driver
Address: POB 2357, Boone, NC 28607
Contact: hothead@cyberdude.com 828.773.2560
- 14 AppalCART Breath-Alcohol Technician and Urine Collector
Name: Sandy Henderson
Title: Collect Tech/Driver
Address: POB 2357, Boone, NC 28607
Contact: springlakefarmga@gmail.com 859.388.4370

24 Substance Abuse Policy**27 Alcohol Information**

- 01 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 a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.
- 02 Signs and Symptoms of Use
- 03 Dulled mental processes
- 04 Lack of coordination
- 05 Odor of alcohol on breath
- 06 Possible constricted pupils
- 07 Sleepy or stuporous condition
- 08 Slowed reaction rate
- 09 Slurred speech
- 10 Health Effects
- 10 (Note: Except for the odor, these are general signs and symptoms of any depressant substance.)
- 11 The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:
- 12 Kidney disease
- 13 Pancreatitis
- 14 Spontaneous abortion and neonatal mortality
- 15 Ulcers
- 16 Birth defects (up to 54 percent of all birth defects are alcohol related).
- 17 Social Issues
- 18 Two-thirds of all homicides are committed by people who drink prior to the crime.
- 19 Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- 20 Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- 21 The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- 22 Forty percent of family court cases are alcohol problem related.
- 23 Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- 24 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.
- 25 The Annual Toll
- 26 24,000 people will die on the highway due to the legally impaired driver.
- 27 12,000 more will die on the highway due to the alcohol-affected driver.
- 28 15,800 will die in non-highway accidents.
- 29 30,000 will die due to alcohol-caused liver disease.
- 30 10,000 will die due to alcohol-induced brain disease or suicide.
- 31 Up to another 125,000 will die due to alcohol-related conditions or accidents.
- 32 Workplace Issues
- 33 It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- 34 Impairment in coordination and judgement can be objectively measured with as little as two drinks in the body.
- 35 A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

24 Substance Abuse Policy**28 Drug Information**

- 01 Minimum Thresholds
- 02 INITIAL LEVELS
- 03 Marijuana metabolites(1) 50 (ng/ml)
- 04 Cocaine metabolites(2) 300 (ng/ml)
- 05 Opiate metabolites(4) 2,000 (ng/ml)
- 06 Phencyclidine 25 (ng/ml)
- 07 Amphetamines 1,000 (ng/ml)
- 08 CONFIRMATORY TEST CUT/OFF LEVELS
- 09 Marijuana metabolites(1) 15 (ng/ml)
- 10 Cocaine metabolites(2) 150 (ng/ml)
- 11 Opiates: (4)
- 12 Morphine 2,000 (ng/ml)
- 13 Codeine 2,000 (ng/ml)
- 14 Phencyclidine 25 (ng/ml)
- 15 Amphetamines:
- 16 Amphetamines 500 (ng/ml)
- 17 Methamphetamine(3) 500 (ng/ml)
- 18 (1) Delta 9-tetrahydrocannabinol-9 carboxylic acid
- 19 (2) Benzoylcegonine
- 20 (3) Specimen must also include amphetamine at a concentration greater than or equal to 200 ng/ML
- 21 (4) Laboratories must report quantitative values for morphine or codeine at 15,000ng/mL or above.