

AGENDA ITEM 1 H  
Consent Item

**MEMORANDUM**

**DATE:** September 3, 2026

**TO:** El Dorado County Transit Authority

**FROM:** Ryan Robinson, Safety & Training Manager

**SUBJECT:** Updated Drug and Alcohol Policy

**REQUESTED ACTION:**  
**BY MOTION,**

**Adopt Resolution No. 26-27 approving updates to the El Dorado  
County Transit Authority Drug and Alcohol Policy**

**BACKGROUND**

The Federal Transit Administration (FTA) requires recipients of federal transit funding to maintain a drug and alcohol testing program that complies with 49 CFR Parts 40 and 655. El Dorado County Transit Authority maintains a Drug and Alcohol Policy governing federally mandated drug and alcohol testing for employees performing safety-sensitive functions, as well as Agency-authority testing applicable to non-safety-sensitive employees.

The Board previously received a comprehensively updated draft of the Drug and Alcohol Policy in December 2025. Following that update, staff conducted additional reviews and made targeted revisions to improve clarity, distinguish FTA/DOT requirements from Agency-authority requirements, and incorporate additional regulatory and administrative updates.

The revised Drug and Alcohol Policy was submitted to the Federal Transit Administration for review. FTA reviewed the policy in its entirety, including the revisions reflected in the attached redline, and confirmed that the policy complies with applicable FTA drug and alcohol regulatory requirements. Staff subsequently incorporated the changes resulting from the FTA review into the policy presented for Board consideration. Unlike the comprehensive rewrite previously presented to the Board, the current revisions consist of targeted updates to the policy and are shown in the attached redline version.

**DISCUSSION**

The revisions clarify which provisions apply to FTA/DOT safety-sensitive employees and which provisions are established solely under El Dorado County Transit Authority policy for non-safety-sensitive employees. The policy more clearly identifies safety-sensitive and non-safety-sensitive employees, specifies the applicable testing categories for each group, and reinforces

that Agency-authority non-DOT testing does not alter or expand federally mandated FTA/DOT testing requirements. That distinction is expressly established in the revised policy.

Additional revisions identify the Safety & Training Manager as the Designated Employer Representative (DER) and the Safety & Training Supervisor as the Backup DER; clarify non-DOT reasonable-suspicion and vehicle post-accident testing provisions; clarify the Agency's zero-tolerance consequences for positive drug tests, alcohol test results at or above 0.04, and test refusals; and state the Agency's responsibility for ensuring timely split-specimen testing without conditioning the test on direct employee payment or reimbursement. The revised policy specifically contains the split-specimen payment requirement. The policy also updates covered position titles, adds a separate attachment identifying non-safety-sensitive positions, and makes related administrative and organizational revisions throughout the document.

The revised attachments separately identify safety-sensitive and non-safety-sensitive positions. These changes provide greater clarity for administration of the Agency's Drug and Alcohol Program and clearly distinguish federally mandated requirements from provisions established under Agency authority. The policy presented for adoption has undergone review by the Federal Transit Administration, and FTA has confirmed its compliance with applicable federal drug and alcohol testing requirements.

A blueline version showing the revisions is included with the agenda packet. Upon Board approval, the updated Drug and Alcohol Policy will replace the currently adopted policy.

**EL DORADO COUNTY TRANSIT AUTHORITY  
RESOLUTION NO. 26-27**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
EL DORADO COUNTY TRANSIT AUTHORITY  
ADOPTION OF WORKPLACE VIOLENCE PREVENTION PLAN**

**WHEREAS**, the Federal Transit Administration (FTA) requires public transportation agencies receiving applicable federal transit funding to establish, implement, and maintain a Drug and Alcohol Testing Program in compliance with 49 Code of Federal Regulations (CFR) Parts 40 and 655, as amended; and

**WHEREAS**, the El Dorado County Transit Authority (“El Dorado Transit”) maintains a Drug and Alcohol Policy governing federally mandated drug and alcohol testing for employees performing safety-sensitive functions and Agency-authority drug and alcohol testing applicable to non-safety-sensitive employees; and

**WHEREAS**, the Board of Directors previously adopted an updated El Dorado County Transit Authority Drug and Alcohol Policy by Resolution No. 26-04 on February 5, 2026; and

**WHEREAS**, staff has subsequently reviewed and revised the Drug and Alcohol Policy to improve clarity, distinguish FTA/DOT requirements applicable to safety-sensitive employees from Agency-authority requirements applicable to non-safety-sensitive employees, and incorporate additional regulatory and administrative updates; and

**WHEREAS**, the revisions further clarify covered safety-sensitive and non-safety-sensitive positions, applicable testing requirements, Designated Employer Representative (DER) responsibilities, non-DOT reasonable-suspicion and vehicle post-accident testing, consequences under the Agency’s zero-tolerance policy, and split-specimen testing requirements; and

**WHEREAS**, the updated policy identifies the Safety & Training Manager as the Designated Employer Representative (DER) and the Safety & Training Supervisor as the Backup DER, and further distinguishes federally mandated FTA/DOT testing from testing conducted solely under El Dorado County Transit Authority policy; and

**WHEREAS**, the updated Drug and Alcohol Policy was submitted to the Federal Transit Administration (FTA) for review, and the FTA reviewed the entire policy and approved it for compliance; and

**WHEREAS**, adoption of the updated Drug and Alcohol Policy will provide greater clarity in the administration of the Agency’s Drug and Alcohol Program, maintain compliance with applicable federal requirements, support public and employee safety, and reinforce El Dorado Transit’s commitment to a safe and drug-free workplace.

**NOW, THEREFORE**, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY TRANSIT AUTHORITY: The Board hereby adopts the updated

Drug and Alcohol Policy of the El Dorado County Transit Authority, which shall supersede and replace the Drug and Alcohol Policy previously adopted by Resolution No. 26-04.

**PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE EL DORADO COUNTY TRANSIT AUTHORITY** at a regular meeting of the Board held on the 3<sup>rd</sup> day of September 2026, by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Brian Veerkamp, Chairperson

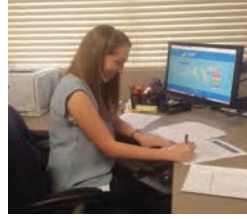
ATTEST:

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Megan Wilcher, Secretary to the Board



# **EL DORADO TRANSIT**



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# **Drug and Alcohol Policy**

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**DRAFT February 5, 2026**

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# 1. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Certain portions of this policy are not FTA-mandated but reflect El Dorado County Transit Authority's policy. These additional provisions are identified by **bold text**.

This policy contains two separate drug and alcohol testing programs. Employees performing FTA/DOT safety-sensitive functions are subject to all applicable requirements of 49 CFR Parts 40 and 655. **Employees who do not perform FTA/DOT safety-sensitive functions are not subject to those federal testing requirements but are subject to non-DOT drug and alcohol testing under El Dorado County Transit Authority policy as specifically identified within this document.**

Whenever this policy references requirements imposed by FTA or DOT regulations, those provisions apply only to employees performing safety-sensitive functions as defined by 49 CFR Part 655.

**Agency-specific provisions appearing in bold apply only as described and do not alter or expand federally mandated testing requirements.**

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

**All El Dorado County Transit Authority employees are subject to the provisions of the Drug-Free Workplace Act of 1988.**

**The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Safety & ~~Training Program~~ Manager in writing no later than five days after such conviction.**

**Employees must abide by the terms of this policy as a condition of employment.**

## 2. Covered Employees

~~This policy applies to every person, including an applicant or transferee, who performs or will perform a “safety-sensitive function” as defined in Part 655, Section 655.4.~~

~~You are a covered employee if you perform any of the following:~~

- ~~• Operating a revenue service vehicle, in or out of revenue service~~
- ~~• Operating a non-revenue vehicle requiring a commercial driver’s license~~
- ~~• Controlling movement or dispatch of a revenue service vehicle~~
- ~~• Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service~~
- ~~• Carrying a firearm for security purposes~~

~~See Attachment A for a list of covered positions by job title.~~

This policy applies to every applicant, employee, volunteer, contractor, or transferee who performs or may perform a safety-sensitive function as defined by 49 CFR §655.4.

Employees performing safety-sensitive functions are subject to all applicable Federal Transit Administration (FTA) and U.S. Department of Transportation (DOT) drug and alcohol testing requirements.

Safety-sensitive functions include:

- Operating a revenue service vehicle whether or not the vehicle is in revenue service
- Operating a non-revenue service vehicle requiring a Commercial Driver License
- Controlling the movement or dispatch of a revenue service vehicle
- Maintaining, repairing, overhauling, rebuilding, or servicing a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

Employees who do not perform safety-sensitive functions are not subject to FTA/DOT drug and alcohol testing requirements under 49 CFR Part 655.

As an El Dorado County Transit Authority policy, non-safety-sensitive employees are subject to non-DOT drug and alcohol testing under the circumstances identified in this policy. Non-DOT testing is conducted solely under Agency policy and is not performed pursuant to FTA or DOT regulations.

See Attachment A for covered safety-sensitive positions and Attachment B for non-safety-sensitive positions.

## **Definitions**

### **Safety-Sensitive Employee (FTA/DOT)**

A Safety-Sensitive Employee is any employee who performs one or more safety-sensitive functions identified in 49 CFR §655.4.

Employees in these positions are subject to all applicable FTA and DOT drug and alcohol testing requirements including:

- Pre-employment
- Random
- Reasonable Suspicion
- Post-Accident
- Return-to-Duty
- Follow-Up

The El Dorado County Transit Authority Designated Employer Representative (DER) is the Safety & Training Manager. The Safety & Training Supervisor serves as the designated Backup DER and is authorized to perform DER responsibilities when acting on behalf of the DER or when the DER is unavailable.

### **Non-Safety-Sensitive Employee (Agency Policy)**

A Non-Safety-Sensitive Employee is an employee whose assigned job duties do not include the performance of any safety-sensitive function defined by 49 CFR Part 655.

These employees are not subject to federally mandated FTA/DOT drug and alcohol testing.

However, El Dorado County Transit Authority requires certain non-DOT testing under Agency policy to promote workplace safety and maintain a drug-free workplace.

Non-DOT testing may include:

- Pre-Employment
- Reasonable Suspicion
- Post-Accident

### 3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- Marijuana
- Cocaine
- Phencyclidine (PCP)
- Opioids
- Amphetamines
- ~~Fentanyl~~

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

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

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

### 5. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs). In addition to these federally required consequences, and in accordance with the Zero Tolerance provisions of this policy, the employee will be terminated from employment with El Dorado County Transit Authority.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

#### Zero Tolerance

Per El Dorado County Transit Authority policy, any employee who tests positive for drugs

**or alcohol (BAC at or above 0.04) or refuses to test will be terminated from employment.**

## 4. Circumstances for Testing

### Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

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

A covered employee or applicant who has previously failed or refused a DOT drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements. All El Dorado County Transit Authority employees are subject to this category of testing as part of the agency's Drug and Alcohol Program. Safety-sensitive employees are subject to this testing in accordance with 49 CFR Part 655. Non-safety-sensitive employees may be subject to Non-DOT testing under El Dorado County Transit Authority policy as specifically identified within this policy.

### Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when El Dorado County Transit Authority has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. All El Dorado County Transit Authority employees are subject to this category of testing as part of the agency's Drug and Alcohol Program.

#### Non-DOT Reasonable Suspicion

Non-safety-sensitive employees may be required to submit to Non-DOT reasonable suspicion drug and/or alcohol testing whenever a trained supervisor or manager has reasonable suspicion to believe the employee is under the influence of drugs or alcohol

while performing work duties.

Reasonable suspicion shall be based upon specific, contemporaneous, articulable observations concerning appearance, behavior, speech, body odors, performance, or other objective indicators of impairment.

This testing is conducted solely under El Dorado County Transit Authority policy and is not required by FTA or DOT regulations.

## **Post-Accident Testing**

### **DOT Post-Accident Testing**

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances.

#### **Fatal Accidents**

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by El Dorado County Transit Authority using the best information available at the time of the decision, will be tested.

#### **Non-fatal Accidents**

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by El Dorado County Transit Authority using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered

employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. ~~All El Dorado County Transit Authority employees are subject to this category of testing as part of the agency's Drug and Alcohol Program.~~

### Non-DOT Post-Accident Testing

Non-safety-sensitive employees may be required to submit to non-DOT drug and/or alcohol testing following a vehicle accident whenever management determines testing is appropriate based upon the facts and circumstances of the incident.

Factors considered may include:

- Injury requiring medical treatment
- Property damage
- Unsafe acts
- Reasonable possibility employee impairment contributed

This testing is conducted solely under Agency policy and is not required by FTA or DOT regulations.

## Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at [www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates).

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

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

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

## 6. Testing Procedures

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

### Dilute Urine Specimen

If there is a negative dilute test result, El Dorado County Transit Authority will conduct one additional retest. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

### Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. El Dorado County Transit Authority guarantees that the split specimen test will be conducted in a timely fashion. [El Dorado County Transit Authority will pay all costs necessary to ensure that the split specimen test is conducted in a timely manner and will not condition the testing upon the employee's direct payment or agreement to reimburse the Agency.](#)

## 7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by El Dorado County Transit Authority.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to provide a specimen for a drug or alcohol test. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or El Dorado County Transit Authority.
- (7) Fail to undergo a medical evaluation as required by the Medical Review Officer (MRO) or El Dorado County Transit Authority's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine drug test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

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

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and provided with contact information for SAPs.

## 8. Voluntary Self-Referral

**Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Safety**

**Program Manager who will refer the individual to a substance abuse counselor for evaluation and treatment.**

**The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.**

**Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.**

## **9. Prescription Drug Use**

**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 the Safety & Training Program Manager. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.**

## **10. Contact Person**

~~For questions about El Dorado County Transit Authority's anti-drug and alcohol misuse program, contact the Safety Program Manager.~~

For questions regarding El Dorado County Transit Authority's Drug and Alcohol Program, employees should contact the Safety & Training Manager, who serves as the Designated Employer Representative (DER).

In the absence of the Safety & Training Manager, employees may contact the Safety & Training Supervisor, who serves as the Agency's designated Backup Designated Employer Representative (Backup DER) and is authorized to perform DER responsibilities when acting on behalf of the DER or when the DER is unavailable.

## **Attachment A: Covered Positions - Safety-Sensitive Positions**

- **Operations Manager**
- **Safety & TrainingProgram Manager**
- **Safety & Training Supervisor**
- **Planning & Marketing Manager**
- **Executive Director**
- **Fleet~~Maintenance~~ & Facilities Supervisor**
- **Fleet & Facilities Lead**
- **Fleet Mechanic I~~Equipment Technician I~~**
- **Fleet Mechanic II~~Equipment Technician II~~**
- **Parts & Maintenance Specialist~~Maintenance Technician~~**
- **Fleet & Facilities Custodian**
- **~~Transit~~ Operations Supervisor**
- **~~Transit~~ Dispatcher**
- **Transit Operator (Bus Operator)**

## **Attachment B: Non-Safety-Sensitive Positions**

**The following positions are not considered safety-sensitive under 49 CFR Part 655.**

**Employees in these positions are not subject to FTA/DOT random, pre-employment, return-to-duty, or follow-up testing.**

**However, these employees remain subject to El Dorado County Transit Authority Non-DOT Drug and Alcohol Testing as described in this policy.**

- **Executive Assistant / Clerk of the Board**
- **Human Resources Manager**
- **Administrative Assistant**
- **Fiscal Manager**
- **Fiscal & Grants Analyst**
- **Payroll Specialist**
- **Fiscal Specialist**