

# **NANTUCKET REGIONAL TRANSIT AUTHORITY**

20 R South Water Street

Nantucket, MA 02554

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## AGENDA FOR THE MEETING OF THE NRTA ADVISORY BOARD

December 21, 2016

6:00 P.M.

COMMUNITY ROOM, NANTUCKET POLICE STATION  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS

- I. Public Comment.
- II. Adoption of NRTA Drug and Alcohol Testing Policy FTA USDOT Regulation 49 CFR Part 655 as Amended.
- III. Approval of Contract for Operation and Management of Fixed Route Service to VTS of MA, Inc.
- IV. Approval of Supply and Delivery of Fuel.
- V. Other Business.

## **NANTUCKET REGIONAL TRANSIT AUTHORITY**

20 R South Water Street

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TO: NRTA ADVISORY BOARD

FROM: PAULA LEARY, NRTA ADMINISTRATOR

RE: ADOPTION OF NRTA DRUG AND ALCOHOL TESTING POLICY FTA  
USDOT REGULATION 49 CFR PART 655 AS AMENDED

DATE: DECEMBER 15, 2016

Attached for the Boards adoption is the amended, as required by FTA and USDOT, is the NRTA's Drug and Alcohol Testing Policy and relates to the dispatching of revenue service vehicles for the NRTA's seasonal paratransit service.

The applicability of this policy is for NRTA Administrations dispatching function of the paratransit service as it is deemed a safety sensitive function.

The NRTA has worked with FTA consultants and Para Med Plus, a third party management company of drug testing programs to ensure the policy meets the federal and state regulations and amendments, supervisor training, employee training, program monitoring and compliance.

I recommend the Board adopt the NRTA's Drug and Alcohol Testing Policy.

Please do not hesitate to contact me if you have any questions.

Thank you.

**NANTUCKET REGIONAL TRANSIT AUTHORITY**  
**DRUG AND ALCOHOL TESTING POLICY**  
**Effective November 10, 2016**

Any provisions set forth in this policy that are included under the sole authority of **NRTA** and are not provided under the authority of the Federal regulations are underlined. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation (USDOT) 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. USDOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

A. PURPOSE

**NANTUCKET REGIONAL TRANSIT AUTHORITY (NRTA)** provides public transit and para-transit services. Any random testing of para-transit safety-sensitive employees during our off-season (October-April) which are non-fixed routes will be performed as non-federal tests and consistent with applicable state laws. 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.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with 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.

B. APPLICABILITY

This drug and alcohol testing policy applies to all safety-sensitive employees (full- or part-time) when performing a safety-sensitive function. A safety-sensitive function is any duty related to the safe operation of mass transit service, including:

- 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
- dispatchers or person(s) controlling the movement of revenue service vehicles
- any other transit employee who is required to hold a Commercial Driver's License
- security personnel who carry firearms

Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above mentioned duties are provided in Attachment A. Supervisors are only safety-sensitive if they perform one of the above functions.

## C. DEFINITIONS

*Accident* means an occurrence associated with the operation of a revenue service vehicle, even when not in revenue service or which requires a Commercial Drivers License to operate, if as a result:

- (1) An individual dies
- (2) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident
- (3) One or more vehicles incur(s) disabling damage as the result of the occurrence and are transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage that 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.

*Adulterated specimen.* A specimen that has been altered, as evidenced by test results showing either a substance that is not normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

*Alcohol* means 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.

*Alcohol concentration* is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

*Canceled test* is a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither positive nor negative.

*Covered employee* means an employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function. (See Attachment A for a list of covered employees).

*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. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

*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.

*Evidentiary breath testing device (EBT)* is 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 NHSTA conforming products list.

*Initial specimen validity test.* The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

*Medical review officer (MRO)* means 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.

*Negative dilute drug test* is a specimen showing creatinine level of greater than 5mg/dl and less than 20 mg/dl, the employer may require the donor to submit to another specimen collection. The re-collection cannot be done under direct observation. If the employer adopts a policy of re-collection for negative-dilute results, all employees must be treated the same. However, the employer may elect to treat different types of tests differently (e.g. re-collect for pre-employment tests, but not for random tests). If the second test is also negative-dilute, the employer must accept that result and cannot continue re-collections. The second test is the test of record. An applicant/employee's refusal to submit to a re-collection for a negative-dilute result is a refusal to test.

*Negative result* is 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. An alcohol concentration of less than 0.02 BAC is a negative test result.

*Performing a safety-sensitive function* means 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.

*Positive test result* the result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

*Prohibited drug* means marijuana, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

*Revenue service vehicles* include 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.

*Substance abuse professional (SAP)* means a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, 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.

*Test Refusal.* The following are considered a refusal to test if the 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;
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
- 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;
- 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;
- Fails or declines to take a second test the employer or collector has directed you to take;
- 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.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- Admit to the collector or MRO that you adulterated or substituted the specimen.
- Failure or refusal to sign Step 2 of the alcohol testing form
- 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;
- 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);
- If the MRO reports that there is verified adulterated or substituted test result;
- Failure or refusal to sign Step 2 of the alcohol testing form.

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. Under NRTA'S own authority, supervisory personnel will also be trained on how to intervene constructively.

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

#### D. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following:

- (1) 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, opiates, 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, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section H of this policy. Illegal use of these drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- (2) Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to an NRTA 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.
- (3) 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.

#### E. PROHIBITED CONDUCT

- (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.
- (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.
- (3) **NRTA** 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.
- (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.

- (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.
- (6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- (7) NRTA, under its own authority, also prohibits the consumption of alcohol all times the employee is on duty.

#### F. TESTING REQUIREMENTS

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

**NRTA** will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample. However, NRTA will seek reimbursement for the split sample test from the employee. The minimum charge for a split specimen test is \$175.00.

#### *Negative Dilute Test Results*

When the results for a drug test give for any testing circumstance are reported as **negative dilute** NRTA will require the donor to undergo another test. The second test result will be the test of record and no further testing will be conducted. If the result of the second test is verified positive the consequences will be as outlined in this policy in section Q of this policy.

#### G. ALCOHOL TESTING PROCEDURE

All alcohol testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended.

#### H. PRE-EMPLOYMENT TESTING

All applicants and seasonal employees for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function at the onset of each operating season.

- (1) All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative results.
- (2) If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. The applicant will be provided a list of substance abuse professionals. Failure of a pre-employment drug will disqualify an applicant for employment for a period of at least one year. Evidence of the absence of drug dependency from a substance abuse professional and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.



- (3) 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 this policy.
- (4) If a pre-employment/pre-transfer test is canceled, NRTA will require the applicant to take and pass another pre-employment drug test.
- (5) In instances where a covered employee is on extended leave and is out of the random pool for a period of 90 days or more, the employee will be required to take a pre-employment drug test and have negative test results prior to the conduct of safety-sensitive job functions.
- (6) Applicants are required to report previous DOT covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded.

#### I. REASONABLE SUSPICION TESTING

All **NRTA** covered employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. 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 a supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. A reasonable suspicion drug test can be performed any time the covered employee is on duty. Alcohol tests not performed within 2 hours will require documentation as to why and alcohol tests not performed within 8 hours will require documentation as to why and no further attempts will be made to perform the test.

NRTA shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation that might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in 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 this policy.

A written record of the observations that led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the **NRTA** management and shall be attached to the forms reporting the test results.

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 and has not been notified of random testing requirement) 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. NRTA shall place the employee on administrative leave in accordance

with the provisions set forth in this policy. Testing in this circumstance would be performed under the direct authority of the NRTA. 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 this policy.

#### J. POST-ACCIDENT TESTING

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit 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.

- (1) 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.
- (2) 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 within 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) In the rare event that **NRTA** is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), **NRTA** 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.

#### K. RANDOM TESTING

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.

- (1) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- (2) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by FTA.
- (3) 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 and notification of the individuals who are to be tested.
- (4) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool.
- (5) Random drug tests can be conducted at any time during an employee's shift. Random alcohol tests can only 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.
- (6) Employees are required to proceed immediately to the collection site upon notification of their random selection.

#### L. RETURN TO DUTY TESTING

Return to duty testing will be conducted in accordance with 49 CFR Part 40.

#### M. FOLLOW UP TESTING

Follow up testing will be conducted in accordance with 49 CFR Part 40.

#### N. RESULT OF DRUG/ALCOHOL TEST

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 and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP.

A positive drug and/or alcohol test will also result in disciplinary action as specified herein.

- (1) As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the NRTA Drug and Alcohol Program Manager will contact the employee's supervisor to have the employee cease performing any safety-sensitive function.
- (2) The employee shall be referred to a Substance Abuse Professional for an assessment. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.
- (3) Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination.
- (4) For the first instance of a verified positive test from a sample submitted as the result of a random drug and/or alcohol test ( $\geq 0.04$  BAC), disciplinary action against the employee shall include mandatory referral to Substance Abuse Professional for assessment and will result in disciplinary action up to and including immediate termination of employment.
- (5) A verified positive post-accident, or reasonable suspicion drug and/or alcohol ( $\geq 0.04$ ) test shall result in termination.
- (6) An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder of the workday whichever is longer and may be grounds for dismissal, in which the employee would be referred to the SAP for assessment and treatment consistent with this policy.
- (7) The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.
- (8) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
  - (a) Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
  - (b) Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from NRTA employment.
    - 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;

- (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.
- (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 this policy.
- (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 and immediate termination of employment.
- (f) A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with NRTA.
- (g) A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

O. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 655 for a positive test or test refusal is not subject to arbitration.

P. PROPER APPLICATION OF THE POLICY

NRTA 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.

Q. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s):

NRTA Drug and Alcohol Program Manager:

Name: PAULA LEARY

Title: NRTA Administrator

Address: 20 R. South Water Street, Nantucket, MA 02554

Telephone Number: 508 325-9571

Fax Number:

Medical Review Officer

Name: Dr. Richard Brody  
Title: Certified MRO  
Address: 200 North Main St., E. Longmeadow, MA 01028  
Telephone Number: 413 525-6003

Substance Abuse Professional

Name: John C. Austin  
Addiction Counselor, LADC1, CEAP, SAP, DOT  
Address: 290 W. Main St, Hyannis, Massachusetts  
Telephone Number: 774-487-0824

DHHS Certified Laboratory Primary Specimen

Name: Clinical Reference Laboratory  
Address: 8433 Quivira, Lenexa, KS  
Telephone Number: 800-445-6917

**This Policy was adopted by NRTA Advisory Board on:**

Attachment A

**Administration Covered Classifications**

Administrator

**Job Classifications**

Dispatcher/Scheduler

All employees above are considered “safety sensitive employees” and they are considered to be such as they are all required to dispatch or schedule when needed.

***NANTUCKET REGIONAL TRANSIT AUTHORITY  
Controlled Substance  
& Alcohol Misuse  
Policy***

***Employee Acknowledgement of Receipt***

I, \_\_\_\_\_ hereby acknowledge receipt of  
Employee's printed name

**NANTUCKET REGIONAL TRANSIT AUTHORITY  
Controlled Substance & Alcohol Misuse Policy and understand my rights and  
responsibilities under statutes provided by the Department of Transportation and Federal  
Transit Administration.**

\_\_\_\_\_  
*Employee's printed name*                      *Employee's signature*

\_\_\_\_\_  
**NRTA REPRESENTATIVE**                      \_\_\_\_\_  
Printed name                                      Title

\_\_\_\_\_  
**NRTA REPRESENTATIVE**  
Signature

\_\_\_\_\_  
Date



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TO: NRTA ADVISORY BOARD

FROM: PAULA LEARY, NRTA ADMINISTRATOR

RE: CONTRACT AWARD FOR THE OPERATION AND MANAGEMENT OF FIXED ROUTE SERVICE

DATE: DECEMBER 15, 2016

Two proposals were received and evaluated based on established criteria and Federal procurement guidelines. The evaluation committee evaluated the proposals and VTS of MA, Inc. was the most advantageous proposer based on ranking and price.

I recommend the Board vote to award the contract for management and operation of the NRTA's fixed route bus service to VTS of MA, Inc. at the price per operating hour per vehicle below and authorize the Chairman to sign the contract.

2017	\$57.92/hr
2018	\$58.78/hr
2019	\$59.67/hr
2020 (option year 1)	\$60.86/hr
2021 (option year 2)	\$62.08/hr

The RFP will be incorporated as part of the contract. The RFP and proposals are available for your review at the NRTA office.

Please feel free to contact me if you have any questions. Thank you.

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TO: NRTA ADVISORY BOARD

FROM: PAULA LEARY, NRTA ADMINISTRATOR

RE: CONTRACT AWARD FOR SUPPLY AND DELIVERY OF ULTRA LOW SULFUR DIESEL FUEL – Sun Island Fuel, Inc.

DATE: December 19, 2016

The NRTA received one bid for the supply and delivery of diesel fuel for NRTA fixed route vehicles. The price is based on The Journal of Commerce daily petroleum prices for Boston plus the cost per gallon listed below.

Below are the submitted prices, are above the Journal of Commerce daily price, for ultra low sulfur diesel fuel:

YEAR	SUN ISLAND FUEL
2017	\$.70/gallon
2018	\$.73/gallon
2019	\$.76/gallon
OPTION YEARS	
2020	\$.79/gallon
2021	\$.82/gallon

I recommend the Board vote to award the contract for three years with two one year renewal options to Sun Island Fuel, Inc. Corporation for the supply and delivery of ultra low sulfur diesel fuel for NRTA fixed route vehicles and authorize the chair to sign.

Please do not hesitate to contact me if you have any questions or comments. I can be reached at (508) 325-9571 or [nrta@nantucket-ma.gov](mailto:nrta@nantucket-ma.gov). Thank you.