

33. DRUG-FREE WORKPLACE

It is the policy of SF to maintain a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and customers to unacceptable safety risks, and undermines our ability to operate effectively and efficiently.

In order to enhance job productivity and promote the health and safety of employees, SF has adopted a substance abuse policy, the terms of which are set forth as follows:

Policy and Objective

Compliance with this policy is a condition of employment and continued employment. SF substance abuse policy is applicable to all employees, except for those whose job duties are under Federal Transit Administration (FTA) requirements. See Transportation Section for FTA Drug and Alcohol policy. SF will pay for any drug and alcohol test that is requested or required.

The illegal use, sale or possession of narcotics, drugs, alcohol or controlled substances while on the job or on SF property is prohibited and is a discharge offense. Any illegal substance will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

Employees are prohibited from bringing drug paraphernalia on to SF's property or any work site at any time. An employee who possesses or distributes such paraphernalia while on SF or any work site or while on the job shall be subject to disciplinary action, up to and including discharge.

Off-the-job illegal drug use which could adversely affect an employee's job performance or which could jeopardize the safety of others, the public or SF equipment, is proper cause for administrative or disciplinary action up to and including termination of employment.

Employees who are arrested for off-the-job drug activity may be considered to be in violation of this policy. In deciding what action to take, management will take into consideration the nature of the charges, the employee's present job assignment, and the employee's record with SF and other factors relating to the impact and circumstances of the employee's arrest.

It is each employee's responsibility to immediately report unsafe working conditions or hazardous activities that may jeopardize his or her safety or the safety of fellow employees. This responsibility includes immediately reporting any violation of the Drug Free Workplace policy. An employee who fails to report such a violation is subject to disciplinary action, up to and including discharge.

Drug and Alcohol Testing Acknowledgement

- Reasonable Suspicion Testing: Each employee, as a condition for continued urine drug screen, at the determination of a responsible supervisor/manager and concurrence of SF administration, providing the following conditions are met:
 1. If the employee's supervisor has reasonable cause to suspect that the employee is in violation of this policy; or
 2. If the employee's job performance is deficient in a manner, which suggests a possible violation of this policy.
- Post-Accident Testing (Including Job-Related Injury or Accident): SF reserves the right to require a drug and alcohol screening test immediately after an on-the-job accident or incident to either confirm or refute drug or alcohol use as a possible cause.
- Over the Counter and Prescribed Drugs: Over-the-counter drugs and drugs prescribed by a physician for an employees' personal use, and quantities not exceeding reasonable or specified dosage requirements, are not subject to the policy. Any employee who is taking medication prescribed by a physician must be able to provide a record of the prescription, including the name of the medication, the prescribing physicians' name, the reason it was prescribed, and any limitations the prescription may place on the employee's ability to perform assigned duties. Further, employees taking prescription or no-prescription medication are responsible for being aware of any potential effect such drugs may have on their reactions, judgment, or ability to perform their duties, and if impairment is possible, to report such use to their Supervisor prior to reporting to work.
- Refusal: Employees and applicants may refuse to undergo drug and alcohol testing. However, employees who refuse to undergo testing or who fail to cooperate with the testing procedures or who fail to provide an adequate sample, or provide an adulterated sample (e.g., diluted, altered, etc.), will be subject to discipline, up to and including immediate discharge.
- Test Subject Privacy: Appropriated professional personnel will supervise the collection of urine and breath specimens for testing. In the absence of a reasonable suspicion that the subject will alter or substitute a urine specimen, the collection personnel will not directly observe the collection of the urine specimen.

- Chain of Custody Procedures: SF will take steps to preserve the chain of custody of specimens in order to ensure testing accuracy.

Specimen Testing Procedures

Specimens will be tested only by laboratories or clinics that are properly approved to conduct drug and alcohol testing by the National Institute on Drug Abuse, the Department of Health and Human Services or the College of American Pathologists.

Specimens will be tested only for the presence of alcohol, illegal drugs, tier metabolites and the misuse of illegal drugs. SF may test for the following substances and for any other substance as may be required by state law, federal law, regulations or contractual agreement.

- Alcohol
- Amphetamines / Methamphetamines
- Marijuana (cannabinoid metabolites)
- Barbiturates
- Benzodiazepines
- Opiate derivatives (heroin, morphine, codeine)
- Cocaine metabolites
- Phencyclidine (PCP)

SF reserves the right to conduct a periodic review of the foregoing list and to add additional drugs to the list, with or without notice. A positive drug/alcohol test result shall mean test results that demonstrate any measure of above substance.

SF will rely only on positive initial screening test result that also have been confirmed by gas chromatography/mass spectrometry or other methods of confirmatory analysis provided for by the National Institute on Drug Abuse, the Department of Health and Human Services or the College of American Pathologist (“confirmatory test”)

Suspension Pending Test Results

Pending receipt of test results and written explanations and requests for re-tests of positive confirmatory test results, employees may be temporarily suspended without pay. If an employee is suspended and the final confirmatory test result is negative, the employee will be reinstated immediately with full back pay.

Right to Explain Test Results

Any test subject who tests positive on a confirmatory test on any drug and alcohol test required by SF may:

1. Submit additional information to SF (in a confidential setting) to try to explain the confirmed positive test result.
2. Request in writing a confirmatory re-test of the original sample at the expense of SF, provided that SF must receive the request with five (5) working days after the test subject has been informed of the confirmed positive test result. Confirmatory re-test of the original specimen must be requested and paid for by the test subject and may be conducted only by laboratories that are properly approved to conduct drug and alcohol testing by the National Institute on Drug Abuse, the Department of Health and Human Services or the college of American Pathologists.

Consequences of Confirmed Positive Test Results

Any employee who tests positive on a confirmatory test on any drug and alcohol test required by SF and who does not timely and successfully refute the test results by explanation or re-testing will be subject to discipline, up to and including immediate discharge. At its discretion, SF may require employees who violate this policy to successfully complete a drug and/or alcohol abuse assistance or rehabilitation program as a condition of continued employment.

Confidentiality of Test Results

SF will not disclose test results except as authorized by the test subject in writing or as authorized, permitted or required by applicable law. Employees are entitled, upon request, to their written test results.

SF reserves the right to amend any or all of this drug and alcohol policy, or to terminate it in its entirety should either action be deemed necessary. Any questions concerning this policy should be directed to Human Resources.