



DATE: April 29, 2021

TIME: 12:00PM

PLACE: Zoom Meeting

PURPOSE: April Meeting

ORDER OF BUSINESS

1. Call to Order
2. Public Comment-Due to COVID-19, all public comment must be submitted in writing prior to the meeting
3. Approval of Minutes
 - A. Meeting Minutes of March 25, 2021 (Pages 2-4)
4. Communications
5. Treasurer's Report
 - A. March 2021 CAT Financial Report (Pages 5-10)
6. Old Business
7. New Business
 - A. Servicing of military bases
8. Future Procurements
9. Resolutions
 - A. RESOLUTION NO. 2112 – RENEWAL OF TRIPARTITE AGREEMENT WITH SHIPPENSBURG UNIVERSITY, SHIPPENSBURG UNIVERSITY STUDENT SERVICES, INC. AND CAT (Page 11)
 - B. RESOLUTION NO. 2113 – APPROVING THE REVISING OF THE AUTHORITY EMPLOYEE HANDBOOK (Pages 12)
 - C. RESOLUTION NO. 2114 – HONORING MAINTENANCE MANAGER MARK MITCHELL FOR HIS YEARS OF SERVICE TO THE AUTHORITY (PAGES 13)
 - D. RESOLUTION NO. 2115 – AUTHORIZING ADVANCING THE SERVICE PLAN TO THE PUBLIC COMMENT PHASE (PAGES 14-15)
 - E. RESOLUTION NO. 2116 – AMENDING EMPLOYEE SUBSTANCE ABUSE POLICY (PAGES 16-40)
10. Staff Report
 - A. Update on Board meeting format polling
11. Adjournment

Next Meeting: Thursday, May 27, 2021

Received from David Clouser 4/28/2021

For public comment at CAT Board meeting 4/29/2021

Proposal for CAT Service

The present service of CAT fixed routes is causing issues in the Middletown area. As a former Middletown Borough Manager, I would like to offer some ideas to address these issues. The present buses starting at 5 am are traveling empty or perhaps with 1 passenger. The second issue is the heavy weight of the buses, which has caused pot holes on the Borough streets. The third issue is the noise and pollution which the buses cause to otherwise quiet neighborhoods.

The concept which I am advancing is a hybrid system which would benefit CAT in bringing in more business and higher ridership than the current system. I call it the Hybrid Bus/Van GPS system. For example, the current large buses would only travel on PennDot roads mainly Rt 230. The vans would respond to a centralized GPS, with vans (6 passengers) as riders phone giving their preferred time and place to be picked up. Once picked up, another passenger enroute could be picked up as well. That would leave a second van available for the next pickup.

Possible locations for the vans for the Middletown area include: Giant shopping center; the new train station area; Penn State Campus; Airport area (HIA). CAT could add more locations as needed. This would enable riders to be picked up near their homes or businesses and transported to their desired locations.

The fees would be based on distance and frequency. CAT would save on bus upkeep of the large buses, space for parking, training of drivers,

more riders going to non serviced areas, and increased flexibility for CAT and the riders. Large buses would continue on RT 230.

The details could be worked out and the community and CAT would benefit with Hybrid Bus/Van GPS system.

David L. Clouser

402 Conewago St. Middletown

717-944-5064

dlclouser@hotmail.com

April 28th, 2021

CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY
901 N. Cameron Street, Harrisburg, PA 17101

MINUTES OF BOARD MEETING

March 25, 2021

The regular meeting of the Authority's Board of Directors convened on this date at 12:00pm, of Capital Area Transit held by Zoom, Chairman Eric Bugaile presiding. Present were board members: LaToya Bellamy, Al Bienstock, Bruce Weber, Scott Wyland, Richard Kotz and Chad Saylor. Jill Nagy, Counsel, was also present.

Administrative Staff Members present were Richard Farr, Angela Bednar, Christopher Zdanis, Jenna Reedy, Brian Gillette, Brianna Holmes, Chris Becker, DeRon Jordan, Jamie Leonard, Stephen Baldwin, Abby Davis and Mark Mitchell.

ATTENDANCE

All members of the Board of Directors were present.

PUBLIC COMMENT

No public comment received.

APPROVAL OF MINUTES

Ms. LaToya Bellamy moved to accept the February 25, 2021 meeting minutes, seconded by Mr. Al Bienstock. Motion approved.

COMMUNICATIONS

The Wall Street Journal article "COVID-19 VACCINE ACCESS: HOW RURAL TRANSIT AGENCIES ARE HELPING GET THE SHOTS IN ARMS" was presented to the Board by Mr. Richard Farr. Mr. Richard Farr noted that currently 663 vaccination trips have been completed and 289 are scheduled and still to be completed.

TREASURER'S REPORT

Mr. Al Bienstock deferred to Mr. Stephen Baldwin to present the unaudited financial statements for the month of February 2021 and the year-to-date period ending February 28, 2021. Highlights of the report follows:

- CAT has spent the last \$85,000 of the CARES funding in February 2021. \$500,000 of the CARES funding is being held to pay for driver barriers.
- Fixed Route 2021/2020 YTD revenues down 41% and expenses up 0.9%. Paratransit 2021/2020 YTD revenues down 37% and expenses down 15%

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901 N. Cameron Street, Harrisburg, PA 17101

- YTD Overtime is down \$460K over the prior year; \$311K of which has been since the new contract rules have been applied.

Mr. Richard Farr stressed that sustainability continues to be an issue and it is hoped that CAT will receive additional funding in the 3rd round of CARES funds.

Mr. Al Bienstock moved to accept the February 2021 CAT Financial Report, seconded by Mr. Richard Kotz, motion approved.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Discussed returning to in person meetings for the April Board meeting. Public comment would still be requested in writing and Zoom would remain for anyone who is not comfortable with returning to in person meetings.

FUTURE PROCUREMENTS

There are no future procurements.

RESOLUTIONS

RESOLUTION 2110 – APPROVING ADMINISTRATORS FOR M&T BANK CREDIT CARD

Motion to approve was raised by Mr. Chad Saylor, seconded by Mr. Al Bienstock, and passed unanimously.

Ms. LaToya Bellamy asked Ms. Jill Nagy, if when listing administrators of accounts, if it is better to list full names or use a title/position. Ms. Jill Nagy responded that full names are best to use at this time.

**RESOLUTION 2111 – LOCAL TRANSPORTATION ORGANIZATION RESOLUTION
CERTIFYING THE LOCAL MATCH FOR STATE OPERATING FINANCIAL ASSISTANCE**

Motion to approve was made by Mr. Scott Wyland conditioned upon receiving resolutions from the funding partners, seconded by Mr. Al Bienstock.

Ms. LaToya Bellamy recommended amending the resolution to read that “said Board would endeavor to secure the required local match funds.”

CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY
901 N. Cameron Street, Harrisburg, PA 17101

Ms. LaToya Bellamy made a motion to amend Resolution 2111, seconded by Mr. Richard Kotz, and passed unanimously.

STAFF REPORT

Mr. Chad Saylor discussed the bridge owned by CAT and the liability which this puts on CAT. Mr. Richard Farr responded PennDOT reports there are no concerns with this bridge and there is possible potential for this in the future as a pedestrian bridge adding it's important to maintain for public right away. Mr. Richard Farr will request that Michael Baker International go out and survey the site for any further liability concerns.

Further staff updates provided by Mr. Richard Farr. Updates include:

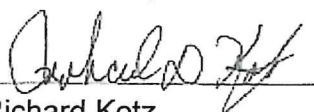
- I-81 Transit Study
- Vaccine Transportation
- Market Square renovations and possible ribbon cutting event
- New facilities: No updates on new transfer center. New CAT facility was approved for lot 14 on former old hospital grounds on Elmerton Avenue and Sycamore Street.
- Middletown train station and parking lot management.
- SRTA resolutions by all counties including the City of Harrisburg have been passed and received except for Cumberland County.

ADJOURNMENT

The next scheduled Board meeting will take place on April 29, 2021 at 12:00pm.

A motion was made by Mr. Scott Wyland to adjourn the regularly scheduled meeting. An Executive Session will be held directly following to discuss personnel matters. The meeting adjourned at 12:42pm.

Respectfully Submitted,


Richard Kotz
Secretary



MEMO

To: Capital Area Transit Board Members
From: Brian Gillette, Accounting Manager
Date: April 22, 2021
Re: March 2021 CAT Financial Report (Unaudited)

Attached are Capital Area Transit's (CAT) unaudited financial statements for the month of March 2021 and the year-to-date period ending March 31, 2021.

Items of Interests:

- CAT's CARES funding total award is \$ 14,630,648, of which we have received \$14.2M.
- Fixed Route 2021/2020 YTD: Revenues: down 39%, Expenses: up 0.7%.
- Paratransit 2021/2020 YTD: Revenues: down 34%, Expenses: down 13%
- YTD Overtime is down \$534K over the prior year
- March MTD/YTD Health Insurance Expenses

	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>YTD Budget</u>
Gross Health Insurance	\$ 210,310	\$ 1,865,063	\$ 1,995,084
Employee Premium Copay	\$ 20,307	\$ 193,174	\$ 277,668
Net Health Insurance	\$ 190,003	\$ 1,671,889	\$ 1,717,416

- Overtime for March 2021 and YTD Period Ending March 31, 2021.

	March 2021		YTD	
	<u>Actual</u>	<u>Budget</u>	<u>Actual</u>	<u>Budget</u>
Operators	\$ 39,459	\$ 102,623	\$ 513,794	\$ 958,167
Operations	\$ 1,628	\$ 0	\$ 11,965	\$ 0
Maintenance	\$ 10,039	\$ 34,221	\$ 116,715	\$ 326,280
Admin.	\$ 139	\$ 0	\$ 864	\$ 0
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	\$ 51,264	\$ 136,844	\$ 643,338	\$ 1,284,447

Fixed Route Division – March 2021

YTD Passengers Served: Passengers/Vehicle Hour

	<u>Passengers</u>	<u>Revenue Vehicle Hours</u>	<u>Passengers Per Rev. Vehicle Hours</u>	<u>Change</u>
2021	709,139	114,794	6.18	-63.02%
2020	1,521,636	91,089	<u>16.70</u>	unfavorable
2023 Goal			19.01	

YTD Operating Expenditures: Operating Cost / Revenue Vehicle Hour

	<u>Operating Expense</u>	<u>Revenue Vehicle Hours</u>	<u>Operating Cost Per Rev. Vehicle Hours</u>	<u>Change</u>
2021	\$ 12,385,770	114,794	\$ 107.90	20.09%
2020	\$ 12,298,374	91,089	<u>\$ 135.01</u>	favorable
2023 Goal		Not to Exceed	\$ 154.61	

YTD Operating Revenue: Operating Revenue // Revenue Vehicle Hour

	<u>Operating Revenue</u>	<u>Revenue Vehicle Hours</u>	<u>Operating Rev. Per Rev. Vehicle Hours</u>	<u>Change</u>
2021	\$ 1,386,893	114,794	\$ 12.08	-51.72%
2020	\$ 2,279,459	91,089	<u>\$ 25.02</u>	unfavorable
2023 Goal			\$ 27.25	

YTD Operating Expense: Operating Cost / Passenger

	<u>Operating Expense</u>	<u>Passengers</u>	<u>Operating Cost Per Passenger</u>	<u>Change</u>
2020	\$ 12,385,770	709,139	\$ 17.47	-116.10%
2019	\$ 12,298,374	1,521,636	<u>\$ 8.08</u>	unfavorable
2023 Goal		Not to Exceed	\$ 8.13	

Paratransit Division – March 2021

Revenue

	<u>MTD</u>	<u>YTD</u>	<u>Change</u>
2021	\$ 237,439	\$ 1,834,337	-33.79%
2020	\$ 245,001	\$ 2,770,558	unfavorable

Expenses

	<u>MTD</u>	<u>YTD</u>	<u>Change</u>
2021	\$ 407,946	\$ 3,350,163	12.73%
2020	\$ 359,979	\$ 3,838,648	favorable

YTD Expenses are 21% favorable to budget by \$922K

Capital Area Transit
Balance Sheet - Summary
As of March 31, 2021

	2021	2020
Assets		
Current Assets		
Cash	9,933,164	308,512
Investments	15,266	15,204
Accounts Receivable	432,780	647,484
Capital Grants Receivable	3,081,144	1,441,790
Op. Assist. & Planning Grants Receivable	-	86,143
Inventory	411,175	394,729
Prepays	453,661	542,204
Total Current Assets	14,327,189	3,436,067
Capital Assets		
Fixed Assets	60,415,622	60,847,478
Accumulated Depreciation	(35,291,234)	(37,383,362)
Net Capital Assets	25,124,388	23,464,116
Other Assets		
	75,915	75,915
Total Assets	39,527,492	26,976,098
Liabilities		
Current Liabilities		
Accounts Payable	2,410,046	1,043,683
Accrued Wages & Payroll-Related Accruals	923,353	780,993
Payroll Withholdings - Taxes	12,753	11,444
Short-Term Debt & Accrued Interest	0	30,186
Accrued Expenses	579,287	579,526
Advances for Working Capital	635,802	667,314
Deferred Operating & Capital Grants	9,735,356	747,406
Total Current Liabilities	14,296,598	3,860,552
Long-Term Liabilities	438,017	324,051
Total Liabilities	14,734,614	4,184,604
Net Position	24,792,878	22,791,494
Total Liab, Total Def Inflow & Net Position	39,527,492	26,976,098

Capital Area Transit
Income Statement - Combined
For the Period Ending March 31, 2021

	Fiscal Year 2021				Fiscal Year 2020	
	PTD		YTD		PTD	YTD
	Actual	Budget	Actual	Budget	Actual	Actual
Revenue						
Passenger Revenue	134,215	189,083	1,130,372	1,610,999	172,665	2,140,036
Other Revenue	242,727	172,219	2,090,856	2,061,862	243,960	2,909,983
Total Revenue	376,942	361,302	3,221,228	3,672,861	416,625	5,050,019
Expenses						
Labor						
Labor - Operators	510,977	588,211	4,421,814	5,050,567	481,376	4,457,308
Labor - Operations Support	81,308	88,250	734,831	757,254	75,674	708,722
Labor - Maintenance	138,115	164,948	1,206,912	1,416,321	147,888	1,307,777
Labor - Administrative	49,153	52,377	390,341	449,628	42,134	352,962
Labor - Health Insurance	190,003	243,843	1,671,889	1,928,583	168,405	1,581,804
Labor - Other Fringes	220,629	233,230	3,093,806	3,275,003	230,238	2,979,608
Total Labor	1,190,185	1,370,859	11,519,593	12,877,356	1,145,715	11,388,181
Services	83,068	83,967	813,668	755,717	120,124	775,738
Fuel	97,629	123,596	833,568	1,064,005	98,542	961,839
Tires & Tubes	5,342	13,231	61,337	113,896	6,123	86,964
Materials & Supplies	104,220	79,113	547,447	684,604	77,538	586,801
Utilities	32,724	29,931	251,824	265,470	31,299	253,697
Casualty & Liability	44,768	48,003	408,547	432,032	44,822	411,218
Taxes	88	124	818	1,065	87	1,095
Purchase of Service	157,925	186,749	1,260,721	1,787,670	141,774	1,580,798
Miscellaneous	1,106	7,631	19,978	68,679	2,009	21,359
Marketing & Promotion	450	4,584	14,607	41,248	1,250	7,580
Interest	-	834	75	7,498	7,359	58,030
Leases & Rentals	-	425	3,749	3,825	413	3,713
Total Expenses	1,717,504	1,949,047	15,735,931	18,103,065	1,677,053	16,137,011
Surplus (Deficit)	(1,340,562)	(1,587,745)	(12,514,703)	(14,430,204)	(1,260,428)	(11,086,993)
Subsidy						
Local Subsidy	89,892	96,730	844,040	815,866	85,714	804,855
State Subsidy	842,359	1,087,308	1,673,544	3,715,564	762,598	6,803,865
Federal Subsidy	408,313	403,707	9,997,120	9,898,774	354,214	3,239,949
Total Subsidy	1,340,563	1,587,745	12,514,703	14,430,204	1,202,526	10,848,668
Difference	0	-	0	-	(57,902)	(238,324)

Capital Area Transit
Income Statement Summary - Fixed Route
For the Period Ending March 31, 2021

	Fiscal Year 2021				Fiscal Year 2020	
	PTD		YTD		PTD	YTD
	Actual	Budget	Actual	Budget	Actual	Actual
Revenue						
Passenger Fares	122,135	168,844	1,039,028	1,437,974	160,556	1,975,959
Other Revenue	17,368	12,151	347,863	104,406	11,067	303,501
Total Revenue	139,503	180,995	1,386,891	1,542,380	171,623	2,279,460
Expenses						
Labor						
Labor - Operators	462,489	506,811	3,995,263	4,354,701	436,183	3,927,330
Labor - Operations Support	57,425	64,800	507,342	556,786	53,725	508,558
Labor - Maintenance	116,011	142,880	1,017,242	1,227,672	122,338	1,077,599
Labor - Administrative	40,365	42,872	320,555	368,373	34,601	289,858
Labor - Health Insurance	152,852	185,520	1,329,125	1,467,294	129,330	1,214,531
Labor - Other Fringes	184,420	194,162	2,607,179	2,738,030	190,942	2,478,360
Total Labor	1,013,561	1,137,045	9,776,707	10,712,856	967,119	9,496,235
Services	77,167	72,738	704,340	654,648	104,861	685,116
Fuel	84,020	102,178	709,619	879,602	86,194	797,391
Tires & Tubes	5,342	10,547	51,894	90,790	6,123	66,581
Materials & Supplies	45,006	67,646	427,458	585,131	66,161	502,411
Utilities	23,062	20,871	175,559	184,932	22,058	177,594
Casualty & Liability	30,626	32,736	279,729	294,616	30,679	279,729
Taxes	-	-	8	-	-	-
Purchase of Service	29,500	36,623	225,990	325,995	24,148	214,107
Miscellaneous	824	5,588	16,040	50,292	1,409	15,383
Marketing & Promotion	450	4,584	14,607	41,248	1,250	7,580
Interest	-	753	68	6,769	6,661	52,523
Leases & Rentals	-	425	3,749	3,825	413	3,713
Total Expenses	1,309,558	1,491,734	12,385,768	13,830,704	1,317,074	12,298,362
Surplus (Deficit)	(1,170,055)	(1,310,739)	(10,998,877)	(12,288,324)	(1,145,451)	(10,018,903)
Subsidy						
Local Subsidy	89,892	96,730	844,040	815,866	85,714	804,855
State Subsidy	842,359	1,087,308	1,673,544	3,715,564	762,598	6,803,865
Federal Subsidy	237,806	126,701	8,481,294	7,756,894	239,236	2,171,859
Total Subsidy	1,170,056	1,310,739	10,998,877	12,288,324	1,087,548	9,780,578
Difference	0	-	0	-	(57,902)	(238,324)

Capital Area Transit
Income Statement Summary - Paratransit
For the Period Ending March 31, 2021

	Fiscal Year 2021				Fiscal Year 2020	
	PTD		YTD		PTD	YTD
	Actual	Budget	Actual	Budget	Actual	Actual
Revenue						
Passenger Fares	12,080	20,239	91,345	173,025	12,109	164,077
Other Revenue	225,359	160,068	1,742,992	1,957,456	232,893	2,606,482
Total Revenue	237,439	180,307	1,834,337	2,130,481	245,001	2,770,559
Expenses						
Labor						
Labor - Operators	48,488	81,400	426,550	695,866	45,193	529,978
Labor - Operations Support	23,883	23,450	227,488	200,468	21,950	200,164
Labor - Maintenance	22,105	22,068	189,670	188,649	25,550	230,178
Labor - Administrative	8,788	9,505	69,787	81,255	7,533	63,104
Labor - Health Insurance	37,152	58,323	342,763	461,289	39,074	367,273
Labor - Other Fringes	36,209	39,068	486,627	536,973	39,296	501,248
Total Labor	176,624	233,814	1,742,886	2,164,500	178,596	1,891,946
Services	5,901	11,229	109,327	101,069	15,263	90,621
Fuel	13,608	21,418	123,948	184,403	12,348	164,447
Tires & Tubes	-	2,684	9,443	23,106	-	20,383
Materials & Supplies	59,215	11,467	119,990	99,473	11,377	84,390
Utilities	9,662	9,060	76,265	80,538	9,242	76,104
Casualty & Liability	14,142	15,267	128,818	137,416	14,143	131,489
Taxes	88	124	809	1,065	87	1,095
Purchase of Service	128,425	150,126	1,034,731	1,461,675	117,626	1,366,691
Miscellaneous	282	2,043	3,938	18,387	600	5,976
Interest	-	81	7	729	698	5,507
Leases & Rentals	-	-	-	-	-	-
Total Expenses	407,946	457,313	3,350,163	4,272,361	359,979	3,838,649
Surplus (Deficit)	(170,507)	(277,006)	(1,515,826)	(2,141,880)	(114,978)	(1,068,090)
Subsidy						
Local Subsidy	-	-	-	-	-	-
State Subsidy	-	-	-	-	-	-
Federal Subsidy	170,507	277,006	1,515,826	2,141,880	114,978	1,068,090
Total Subsidy	170,507	277,006	1,515,826	2,141,880	114,978	1,068,090
Difference	-	-	-	-	-	-

RESOLUTION NO. 2112

**RENEWAL OF TRIPARTITE AGREEMENT WITH SHIPPENSBURG UNIVERSITY,
SHIPPENSBURG UNIVERSITY STUDENT SERVICES, INC. AND CAT**

WHEREAS, CAT wishes to maintain the working agreement with Shippensburg University and the University's Student Services for the Raider Regional Transit (RRT) bus service on and around the University Campus, and

WHEREAS, the service will operate 52 weeks a year not to exceed 5,000 hours of service, and

WHEREAS, the public fare for this service is \$1.30 per boarding and free for all Shippensburg University ID cards, and

WHEREAS, the University will provide up to \$17,500 per year and the Student Service will pay four payments of \$32,682.75 for a total of \$130,731 for 2021-2022 academic year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director be authorized to execute the Shippensburg Raider Regional Transit agreement for the period of July 1, 2021 to June 30, 2022.

CERTIFICATION OF OFFICERS

OF

CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland-Dauphin-Harrisburg Transit Authority Board Members held on April 29, 2021.

Richard Kotz

Secretary

attest: _____

Eric Bugaile

Chairman

RESOLUTION NO. 2113

APPROVING THE REVISING OF THE AUTHORITY ADMINISTRATIVE EMPLOYEE HANDBOOK

WHEREAS, the Authority wishes to update established guidelines in order to maintain a work environment that outlines the policies and procedures for managers and employees; and

WHEREAS, the Authority is committed to equal opportunity with respect to all aspects of its employment practices; and

WHEREAS, the Authority is committed to conducting business which presents an actual or potential conflict of interest (Code of Conduct); and

WHEREAS, the Authority is committed to maintaining a work environment that is consistent and free of discrimination. In keeping with this commitment, the Authority will include employment policies in one booklet to serve as a guideline for employees and managers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cumberland-Dauphin-Harrisburg Transit Authority, that the revision of the Authority Administrative Employee Handbook be adopted and instituted.

CERTIFICATION OF OFFICERS

OF

CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland-Dauphin-Harrisburg Transit Authority Board Members held on April 29, 2021.

Rich Kotz
Secretary

Attest: _____
Eric Bugaile
Chairman

RESOLUTION NO. 2114

**HONORING MAINTENANCE MANAGER MARK MITCHELL
FOR HIS YEARS OF SERVICE TO THE AUTHORITY
MAY 18, 1982 – JUNE 30, 2021**

WHEREAS, Mark Mitchell began his public service as a mechanic in Dauphin County in 1982 before advancing to various leadership positions; and

WHEREAS, during his tenure at the Authority, Mark has overseen and been an integral part of vehicle and facility maintenance; and

WHEREAS, Mark has been invaluable with the advancement of countless projects and most recently the pursuit of modernization with the assistance of the implementation of the new fare technologies for the Authority; and

WHEREAS, Mark's exceptional quality of work and commitment to the organization to help achieve its mission did not go unnoticed; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cumberland-Dauphin-Harrisburg Transit Authority that it formally acknowledges the truly outstanding performance and years of service of Mark Mitchell in his role as Maintenance Manager of the Transportation Authority.

CERTIFICATION OF OFFICERS

OF

CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland-Dauphin-Harrisburg Transit Authority Board Members held on April 29, 2021.

Richard Kotz
Secretary

attest: _____

Eric Bugaile
Chairman

RESOLUTION NO. 2115

**AUTHORIZING ADVANCING THE SERVICE PLAN TO THE PUBLIC COMMENT
PHASE**

WHEREAS, the Cumberland-Dauphin-Harrisburg Transit Authority (CAT) was facing a \$1.8 million unfunded budget; and

WHEREAS, CAT has been working toward fiscal stability by focusing on several areas, including operational efficiencies, collective bargaining contract modifications and service modifications; and

WHEREAS, CAT has been working for over eighteen months on evaluating and retooling the service, including routing and time tables; and

WHEREAS, this effort has a focus on reducing deadhead miles and hours, to improve the predictability of the schedules, to reduce the number of peak service hours and to modify overall service hours and miles; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors that staff be authorized to advance the service plan to the public comment phase.

CERTIFICATION OF OFFICERS

OF

CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland-Dauphin-Harrisburg Transit Authority Board Members held on April 29, 2021.

Richard Kotz

Secretary

attest: _____

Eric Bugaile

Chairman

RESOLUTION NO. 2115

FACT SHEET

Staff used the new scheduling software to evaluate and model the changes being proposed. The goal is to produce efficient route schedules & optimization of revenue hours per bus.

- Results:
 - a.) Better experience for passengers
 - 1. More standardized schedules resulting in easier to follow
 - 2. More predictable frequencies- built around 30, 45, 60 and 90-minute standards
 - b.) Reduces Operating Cost- \$355K to 600K
 - c.) Reduces full-time Operators from 95 to 86
 - d.) Reduces busses at Peak from 61 to 52
 - e.) Reduces weekly Paid Hours from 3,384 to 3,160
 - f.) Implementation of street reliefs

The total structural deficit at the present time with the present ridership is \$1.8M.

This change saves between \$355K and \$600K in direct driver cost. That equates to between \$620K and \$950K cost reduction with benefits, fuel and related overhead.

There was a \$1.2M fare reduction from the Covid-19 restrictions so whatever amount is recovered will reduce the deficit farther. Other identified areas to examine for cost reductions include maintenance department improvements and fare increases.

- Additional needed improvements include:
 - a.) Shared Ride Fare increase
 - b.) Partial recovery of lost fares and ridership (from Covid-19)
 - c.) Vehicle maintenance efficiency improvements
 - d.) Other operational efficiencies

Within the peak hour commuter subgroup, riders that work as employees within the Capitol Complex areas and other government facilities will most likely be affected by the following route-specific changes:

- Route 2 – Removal of midday service through Capitol Complex
- Route 9 – Removal of PA State Police stop due to low ridership
- Route 23X – Service to Millersburg and Elizabethville combined into a single trip, using a larger transit vehicle for added capacity
- Route 81X – Low ridership trips removed; local service through Carlisle on most trips
- Route 82X – Route is proposed for elimination due to low ridership

Timeline:

May 3:	Release of public materials / Public Comment Period Begins
June 1:	Last Day of Public Comment
June 24:	Board Approval for Finalized CAT 2020 Plan
September 7:	Implementation

RESOLUTION NO. 2116

AMENDING EMPLOYEE SUBSTANCE ABUSE POLICY

WHEREAS, in order to promote safe operations and to comply with the requirements of Federal Law, 49 CFR Part 40, 49 CFR Part 49 and 49 CFR Part 655, the Authority had previously adopted an Employee Substance Abuse Policy, with specific attention to its "Safety Sensitive" employees; and,

WHEREAS, US Department of Transportation has published their Final Rule to the 'Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Addition of Certain Schedule II Drugs to the Department of Transportation's Drug-Testing Panel and Certain Minor Amendments'; and,

WHEREAS, the Authority must modify its existing Employee Substance Abuse Policy to reflect those changes; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cumberland-Dauphin-Harrisburg Transit Authority that the existing Employee Substance Abuse Policy be amended in order to comply with current regulations and become effective on April 29, 2021.

CERTIFICATION OF OFFICERS

OF

CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY

I certify that the foregoing is a sound and true copy of a Resolution adopted at a legally convened meeting of the Cumberland-Dauphin-Harrisburg Transit Authority Board Members held on April 29, 2021.

Rich Kotz
Secretary

attest: _____

Eric Bugaile
Chairman

CAPITAL AREA TRANSIT

SUBSTANCE ABUSE POLICY FOR SAFETY SENSITIVE EMPLOYEES Updated April 29, 2021

Capital Area Transit
901 N. Cameron Street
Harrisburg, PA 17101
Phone: 717-233-5657
Fax: 717-674-5977

Revised: April 29, 2021

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I PURPOSE

The purpose of Capital Area Transit's Substance Abuse Policy is to create a safe working environment free from the effects of drugs & alcohol by establishing guidelines in implementing a drug and alcohol-testing program that meets the requirements of the Federal Transit Administration (FTA). The ultimate goal of the policy is to achieve a drug and alcohol-free work force in the interest of the health and safety of employees and the public. Each Capital Area Transit employee will receive at least one hour training in the requirements contained within this policy. Employees must notify Capital Area Transit of any criminal drug stature conviction for a violation occurring while on duty no later than 5 days after conviction. In turn, Capital Area Transit must notify the Federal Transit Administration (FTA) within 10 days after receiving notice of such conviction whether it is from the employee or other sources (e.g. the police or the courts).

Participation in the prohibited substance-testing program is a requirement of each Safety sensitive employee and, therefore, is a condition of employment.

Capital Area Transit will strictly adhere to all standards of confidentiality and assures all employees that testing records and results will be released only to those authorized by FTA rules to receive such information.

In accordance with 49CFR Part 40 and Part 655 this (revised) substance abuse policy was adopted by the Board of Directors of Capital Area Transit on April 29, 2021 as Resolution number [insert]. This policy supersedes all previous Capital Area Transit policies prior to April 29, 2021.

All testing under the FTA requirements are conducted in accordance with 49CFR Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs. Capital Area Transit requires all safety-sensitive employees to submit to a post-accident drug and alcohol test required under Section 655.44, a random drug and/or alcohol test required under Section 655.45, a reasonable suspicion drug and/or alcohol test required under Section 655.43, a Return to duty drug and/or breath alcohol test under Section 655.46, or a follow-up drug and/or alcohol test required under Section 655.47. Any employee who refuses to submit to such a test will be removed for their safety-sensitive position.

Contact Person/Designated Employer Representative (DER)

The person designated by Capital Area Transit to address questions relevant to the anti-drug and alcohol misuse prevention program is:

Human Resources Manager and Designee
Capital Area Transit
901 N. Cameron Street
Harrisburg, PA 17101
Phone: 717-233-5657 ext. 5119
Fax: 717-674-5977

Any policy element that is not mandated through FTA regulations or DOT is indicated in italics throughout as company policy.

DEFINITION OF TERMS

Accident An occurrences associated with the operation of a vehicle if, as a result:

An individual dies;

An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;

An occurrence where a public transportation vehicle is involved, revenue or non-revenue, and one or more other vehicles incurs disabling damage or makes them inoperative;

An occurrence where a public transportation vehicle is removed from revenue service.

Adulterated specimen. A specimen that has been altered, as evidenced 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.

Affiliate Persons are affiliates of one another if, directly or indirectly, one controls or has the power to control the other, or a third party controls or has the power to control both. Indicia of control include, but are not limited to: interlocking management or ownership, identity of shared interest among family members, shared facilities or equipment, common use of employees, or a business entity organization following the issuance of a public interest exclusion which has the same or similar management, ownership, or principal employees as the service agent concerning whom a public interest exclusion is in effect.

Air blank A reading by an evidential breath testing device of ambient air containing no alcohol. (In evidential breath testing devices using gas chromatography technology, a reading of the device's internal standard.)

Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

Alcohol concentration. The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

Alcohol screening device (ASD) A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.

Alcohol use The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Blind specimen or blind performance test specimen. A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

Breath Alcohol Technician (BAT) A trained and certified individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

Canceled test In drug testing, a drug test that has been declared invalid by an MRO. A canceled test is neither a positive nor a negative test. For purposes of this part, a specimen that has been rejected for testing by a laboratory is treated the same as a canceled test. In alcohol testing, a test that is deemed to have a problem identified which cannot be or has not been corrected.

Chain of custody The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Collection container An authorized container into which the employee urinates to provide the specimen for a drug test.

Collection site. A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test and/or a breath or saliva specimen for an alcohol test.

Collector A trained individual who instructs and assists employees at a collection site, who receives and makes an initial inspection of the urine specimen provided by those employees, and who initiates and completes the CCF.

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 drug metabolite.

Confirmation (or confirmatory) test In drug testing: the test conducted by gas chromatography/mass spectrometry (GC/MS) to confirm the presence of drug(s) or drug metabolite(s) detected by the screening test at concentrations at or above cutoff concentrations established by the Department of Health and Human Services. In alcohol testing: a second test using an evidential breath testing device, following a screening test with a result of 0.02 or greater, that provides quantitative data of the alcohol concentration.

Confirmed drug test A confirmation test result received by an MRO from a laboratory.

Designated employer representative (DER) An employer or individual(s) identified by the employer as able to receive communications and test results directly from medical review officers, BATs, screening test technicians, collectors, and substance abuse professionals, and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. Service agents cannot serve as DERs, except where a DOT agency has issued regulations permitting them to do so.

Dilute specimen A urine specimen whose creatinine and specific gravity values are diminished by the employee through the introduction of fluid (usually water) into the specimen either directly or through excessive consumption of fluids.

DOT, The Department, DOT Agency These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST).

Drugs The drugs for which tests are required under this part and DOT agency regulations are marijuana, cocaine, amphetamines, Phencyclidine (PCP), and opioids.

Employee An individual who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently occupying safety-sensitive positions designated in DOT agency regulations and applicants for employment subject to pre-employment testing.

Employer An entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this part. The term includes an employer's officers, representatives, and management personnel. The term, as used in this document, references the entity responsible for overall implementation of DOT drug and alcohol program requirements, as well as those individuals employed by the entity who take personnel actions resulting from violations of this part and any applicable DOT agency regulations. Service agents are not regarded as employers, except where a DOT agency has issued regulations so designating them.

Evidential Breath Testing Device (EBT) A device that is approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations, and appears on ODAPC's Web page for Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

- HHS** The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.
- 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.
- Initial Specimen Validity Test** The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.
- Invalid Drug Test** The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.
- Laboratory** Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum 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.
- Limit of Detection (LOD)** The lowest concentration at which a measured and can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.
- Limit of Quantification** For quantitative assays, the lowest concentration at which the identity and concentration of the measure and can be accurately established.
- Medical Review Officer (MRO)** A licensed physician (doctor of medicine or osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate training to interpret and evaluate an individual's confirmed positive or unsuitable drug test results together with his or her medical history and any other relevant biomedical information. The MRO is also required to have a working knowledge of this part and the DOT agency regulations applicable to the employer(s) for which he or she evaluates drug test results.
- 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.
- Notice** In the context of a public interest exclusion proceeding, a written communication served in person or sent by certified mail, return receipt requested, or its equivalent, to the last known address of a service agent, its identified counsel, or agent for the service of process, or any partner, officer, director, owner, or joint venture of the service agent. Notice, if undeliverable, shall be considered to have been received by the addressee five days after being properly sent to the last address known by the Department.
- Positive 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.
- Primary specimen** In drug testing: the urine specimen that is opened and tested by a first laboratory to determine whether the employee has drug(s) or drug metabolite(s) in his or her system. The primary specimen is distinguished from the split specimen, defined in this section.
- Reconfirmed** The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.
- Rejected for Testing** The result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.
- Screening test (or initial test)** In drug testing: an immunoassay screen to eliminate 'negative' urine specimens from further analysis. In alcohol testing: an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Screening Test Technician (STT). A trained individual who instructs and assists individuals in the alcohol testing process and operates an alcohol screening device.

Secretary The Secretary of Transportation or the Secretary's designee.

Service agents All parties who provide services to employers in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collection site personnel, BATs and STTs, laboratories, MROs, substance abuse professionals, consortia, and third-party administrators.

Shipping container A container that is used for transporting and protecting one or more urine specimen bottle(s) and associated documents from the collection site to the laboratory.

Specimen bottle. The bottle that, after being sealed and labeled according to the procedures in this part, is used to hold the urine specimen during transportation to the laboratory.

Split specimen. A part of the urine specimen that is sent to the first laboratory and retained unopened, and which will be transported to a second laboratory in the event that the employee requests it be tested following a verified positive test of the primary specimen.

Split Specimen Collection A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP) A licensed physician (doctor of medicine or osteopathy); a licensed or certified psychologist, social worker; a licensed or certified employee assistance professional; a state-licensed or certified marriage and family therapist or a drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium / Alcohol & Other Drug Abuse (ICRC), or by the National Board for Certified Counselors, Inc. and Affiliated/Master Addictions Councilor (NBCC)). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders; must be knowledgeable about the SAP function as it relates to employer interests in safety-sensitive duties; and must be knowledgeable about 49 CFR Part 40, the DOT agency regulations applicable to the employers for whom you evaluate employees, and the DOT SAP Guidelines, and you keep current on any changes to these materials. The SAP is also required to have a working knowledge of this part and the DOT agency regulation applicable to the employer(s) for which he or she evaluates employees who have engaged in a DOT drug and alcohol regulation violation.

Substituted specimen. A specimen, not consistent with human urine, that has been submitted by the employee in place of his or her own urine.

Verified drug test. A certified laboratory drug test result that has undergone review and final determination by the MRO.

II SCOPE

In accordance with the Drug Free Work Place Act of 1988, an employee who is convicted of any criminal drug statute for a violation occurring in the work place shall notify the Human Resources Manager no later than five (5) days after such conviction.

A. COVERED EMPLOYEES

All full and part-time employees who perform safety-sensitive functions are subject to drug and alcohol testing under this policy. Additionally, all full and part-time employees of any company or organization who perform safety-sensitive functions on behalf of or under contract with Capital Area Transit are subject to drug and alcohol testing under this policy.

Currently the FTA has defined safety-sensitive job functions as follows:

1. Employees operating revenue service vehicle, including when not in service.
2. Employees operating a non-revenue service vehicle, when required to be the holder of a CDL.
3. Employees controlling dispatch or movement of a revenue service vehicle.
4. Employees maintaining a revenue service vehicle or equipment used in revenue service.*
5. Employees carrying a firearm for security purposes.

*Recipients of Section 5311 funding who contract with an outside vendor for vehicle maintenance are not required to include those mechanics in a drug and alcohol testing program

Capital Area Transit has reviewed all the actual duties performed by employees to determine who performs safety-sensitive functions, and has determined the below listed job titles as performing safety-sensitive duties:

Chief Operations Officer
Operations Manager
Safety and Training Supervisor
Training and Dispatch Supervisor
Maintenance Manager
Assistant Maintenance Manager

Fixed Route Operator
Fixed Route Supervisor
Paratransit Dispatcher
Paratransit Operators (with and without CDL)
Paratransit Supervisor

All Classes of Maintenance Mechanics

- Specialist
- Class A Mechanic
- 1st Class Mechanic
- 2nd Class Mechanic
- 3rd Class Mechanic
- Helper
- Service Man
- Detail Vehicle Cleaner
- Transfer Center Maintenance
- Bus Hostler

All Classes of Paint & Body Repair

- Specialist
- Class A Body Repairman
- 1st Class Body Repairman
- 2nd Class Body Repairman
- 3rd Class Body Repairman
- Helper
- Building Maintenance/Body Repair (with and without CDL)

All other positions to include Managers and Supervisors are subject to the provisions of this policy only if they perform, or have the opportunity to perform a safety-sensitive function.

B. PROHIBITED SUBSTANCES

Federal requirements provide authorization for testing only five drugs. Procedures used to test for the presence of drugs are in accordance with 49CFR Part 40 and Part 655, which requires conducting of urine specimens for five types of drugs or their metabolites; marijuana, cocaine, opioids, phencyclidine, amphetamines, and, conducting breath alcohol tests for the presence of alcohol.

Time of testing while on duty

Covered employees are subject to testing for five prohibited drugs at anytime while on duty.

C. PRESCRIPTION DRUG USE

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. It is, however, the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or other functions. It is the responsibility of the employee to remove themselves from service if they are unfit for duty.

Employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician.

Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

D. REFUSAL TO SUBMIT TO A TEST.

A Refusal to test is defined as: Any employee or applicant who;

- 1) Fails to appear or appear within a reasonable time (except for pre-employment) for drug and/or alcohol tests is a refusal;

- 2) Fails to remain at the testing site until the testing process is complete, except in pre-employment situations where leaving before the testing process begins is not deemed to be a test refusal;
- 3) Fails to provide a urine specimen, breath, or saliva specimen as required by U.S. DOT Part 40;
- 4) Fails to permit the observation or monitoring of specimen collection when it is required;
- 5) Fails to provide a sufficient amount of urine or breath specimen without a valid medical reason;
- 6) Fails or refusal to take a second test when required;
- 7) Fails to undergo a medical examination when required;
- 8) Fails to cooperate with any part of the collection process (Example: refuse to empty pockets or wash hands after being directed to do so by the collector, or behaving in a confrontational manner that disrupts the collection process);
- 9) Verification from the MRO stating the test was adulterated or substituted;
- 10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- 11) Admit to the collector or MRO that you adulterated or substituted a specimen;
- 12) For an observed collection, failure to follow an observer's instructions to raise your clothing above the waste, lower clothing and underpants, and to turn around to permit the observer to determine if individual is wearing any type of prosthetic device that could be used to interfere with the collection process;
- 13) In Alcohol testing, refusal to sign Step 2 of the Alcohol Testing Form (ATF);
- 14) Leaving the scene of the accident without just cause prior to submitting to post-accident tests.

If the MRO reports that you have a verified adulterated or substituted test result that test is considered a positive test.

A refusal to be drug tested is considered a positive test.

The Authority reserves the right to terminate any employee who refuses to submit to a drug or alcohol test under conditions contained in this policy.

E. FAIL A SUBSTANCE ABUSE TEST (TEST POSITIVE)

As stated earlier, a refusal to submit to a drug test is considered a positive test result for that test.

If the confirmation test result shows positive evidence of the presence, under 49CFR Part 40 procedures, of a prohibited drug the MRO will make a reasonable effort, as outlined in 49CFR Part 40, to contact the tested employee to inform him/her that a verified positive drug test or refusal to test because of adulteration or substitution has been returned.

At that time the MRO must interview the employee, either face-to-face or over the telephone, to determine a valid medical reason for the presence of the prohibited

substance. The tested employee will have 72 hours to request a test of the split-specimen. If the tested employee does not request this test it will not be conducted.

If the split specimen test result is the same (reconfirmed) as the original test, it is a positive test. If the split specimen test result failed to reconfirm, the test is cancelled.

As a result of a cancelled test the tested employee will be required to provide another specimen under direct supervision.

If the MRO reports to the DER that an employee tested positive for drugs, that employee will be immediately removed from safety sensitive functions and is subject to disciplinary action outlined in Section H of this policy. In addition, the employee will be referred to a Substance Abuse Professional (SAP).

The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

F. PASS (TEST NEGATIVE) / FAIL (TEST POSITIVE) AN ALCOHOL TEST

As stated earlier a refusal to submit to an alcohol test is considered a positive test result for that test.

If the screening test result indicates an alcohol concentration above 0.02 the tested employee will be required to submit to a confirmation test. If the confirmation test result is above 0.02 and below 0.04 the employee will not be permitted to perform safety sensitive functions for a period of 8 hours.

If the confirmation test result is 0.04 or greater it is a positive test. The employee will immediately be removed from safety sensitive functions and is subject to disciplinary action outlined in Section H of this policy. Additionally, the employee will be referred to a SAP. However, should the confirmation test result in an alcohol concentration below 0.02 it is a negative test and no further action is required.

The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

G. DISCIPLINARY ACTION AS A RESULT OF A POSITIVE TEST

The consequences for an employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements will be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40. Before returning to their safety-sensitive position the employee must complete the program as set by the SAP, Have a negative return to duty test, and complete follow up testing as prescribed by the SAP following the procedures outlined in 49 CFR Part 40.

All follow up testing will be paid by the employee.

Any employee who has a second positive test under any testing circumstances within five years will be discharged.

H. PASS A SUBSTANCE ABUSE TEST (TEST NEGATIVE)

If the initial testing or confirmation testing, under 49CFR Part 40 procedures, does not show evidence of the presence of a prohibited drug in the employee's or applicant's system, it will be classified as passing a substance abuse test or having tests rated as negative.

I. NEGATIVE-DILUTE URINE SPECIMEN

Any employee having a negative-dilute urine specimen result will be treated as a negative test and will not be required to re-test, however any Pre-employment applicant having a negative-dilute will be required to re-test. A negative test result is required for any pre-employment test. Negative-dilute results with creatinine concentration greater than or equal to mg/dL but less than or equal to 5 mg/dL will require an immediate recollection under direct observation (see §40.155(c)).

III QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT

An employee must not consume alcohol while performing a safety-sensitive function or up to four (4) hours prior to performing a safety-sensitive function, and up to eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first. *All employees who perform safety-sensitive functions for Capital Area Transit either in a part time or full time capacity will be subject to the provisions of this policy for the entirety of their shift.*

Capital Area Transit prohibits the use, sale, possession, or distribution of prohibited drugs by its employees at any time. Further, no employee will work while under the influence of prohibited drugs and/or alcohol, or any drug or derivative from any of the prohibited drugs mentioned previously in Section III, B).

The consumption of alcohol 4 hours prior to and during the specific hours Capital Area Transit employees are on duty is prohibited.

Should an on-call employee be called to report to duty and has consumed alcohol within the immediate 4 hour period preceding the call, he/she must inform the caller about that consumption. The on-call employee will not be permitted to perform safety sensitive functions. If the on-call employee claims ability to perform the duties of his or her safety sensitive function an alcohol test must be administered, with a negative result, first. However, regardless of the test results the employee will be subject to disciplinary actions outlined in Section II of this policy.

IV TESTS REQUIRED

Testing For Presence of Alcohol

All procedures used to test for the presence of alcohol are in accordance with 49CFR Part 40, which requires alcohol concentration testing for safety-sensitive employees. At this time the alcohol concentration specimen is collected through the use of an NHTSA approved Alcohol Screening Device (ASD) listed on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" and/or an NHTSA approved Evidential Breath Testing device (EBT) listed on ODAPC's Web page for "Approved Evidential Breath

Measurement Devices". An ASD may only be used for screening test and cannot be used for confirmatory tests. An EBT can be used for both screening and confirmatory alcohol testing. A Screening Test Technician (STT) or certified Breath Alcohol Technician (BAT) who have met their respective requirements of Part 40, Subpart J, will conduct all tests. An STT can only conduct screening testing; and a BAT can conduct both screening and confirmatory alcohol testing.

Capital Area Transit will test covered employees for alcohol just before, during, or, just after performing a safety sensitive function.

Use of Alcohol

Alcohol use is not permitted four (4) hours prior to performing a safety-sensitive function, while performing a safety-sensitive function and, for a period up to eight (8) hours following an accident.

Life Consequences of Alcohol Misuse

The chronic consumption of alcohol (average of three servings per day of beer, whiskey, or wine) over time may result in the following life consequences;

Health: decreased sexual functioning, dependency on alcohol, fatal liver disease, increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma, kidney disease, pancreatitis, spontaneous abortion and neonatal mortality, ulcers, and birth defects.

Work: the effects of alcohol misuse on an individual's work include impairment in coordination and judgment, and increased likelihood of having an accident than that of a sober person.

Personal Life: the effects of alcohol misuse on an individual's personal life include increased exposure to committing homicides, vehicle accidents, family problems including separation and divorce, increased likelihood of committing suicide, and greater exposure to other forms of accidents.

Signs and Symptoms: dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or stuporous condition, slowed reaction rate, and slurred speech.

When an alcohol problem is suspected, the available methods of intervention include the availability of a crisis response/employee assistance service offered by Substance Abuse Professionals that address family problems as well as substance abuse.

A. PRE-EMPLOYMENT TESTING

Capital Area Transit will only conduct pre-employment drug testing.

In accordance with 49CFR Part 40 each safety sensitive function applicant must consent in writing for Capital Area Transit to obtain the applicants drug and alcohol testing records from each previous employer of the applicant for a two year period preceding the date of application for employment with Capital Area Transit. If an applicant or transfer employee fails to consent, that person will not be hired into a safety sensitive function position. Should a previous employer indicate the applicant or transfer failed or refused a drug and/or alcohol test he/she must provide Capital Area Transit with proof of having successfully completed a referral, evaluation and treatment plan designed by a SAP.

All applicants for a safety sensitive position will be notified at the time they complete a job application that they will be required to submit to a substance abuse test if they are considered otherwise qualified for employment and that they must agree to abide to the terms and conditions of this policy if they are ultimately hired. *Failure of a pre-employment drug test will disqualify an applicant for employment.*

All current employees transferring or being transferred from a non-safety sensitive position to a safety sensitive position must successfully pass a pre-employment substance abuse test prior to assuming a safety sensitive position.

No applicant or transferring employee will be permitted to perform the duties of a safety sensitive position with Capital Area Transit until the DER or designee has received verification of a negative pre-employment test.

All safety sensitive employees who have been off for a period of 90 consecutive calendar days and removed from the testing pool must successfully pass a pre-employment drug test prior to returning to work. An applicant, or transferred employee, who has not commenced performing a safety sensitive function within 90 consecutive calendar days of Capital Area Transit's receipt of a negative test result for that individual, must successfully pass another pre-employment test before performing such safety sensitive functions.

B. POST-ACCIDENT TESTING

Accident definition located on page 4 of this policy.

Post-Accident testing for drugs and alcohol is mandatory following a fatality, an individual suffers Bodily injury requiring immediate medical attention away from the scene of the accident, or if the mass-transit vehicle is a rubber-tire vehicle and any of the involved vehicles incurs disabling damage and is towed away. Capital Area Transit shall also drug and alcohol test any other safety sensitive employee whose performance could have contributed to the accident, as determined by Capital Area Transit using the best information available at the time of the decision.

In the event of a non-fatal accident Capital Area Transit shall drug and alcohol test the vehicle operator at the time of the accident, and any other employee whose performance could have contributed to the accident, unless Capital Area Transit determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident.

As soon as possible, but no later than 32 hours after an accident, Capital Area Transit will test for drugs. Additionally, if an alcohol test is not administered within two (2) hours following an accident Capital Area Transit shall prepare and maintain on file a record stating the reason for delay. If an alcohol test is not conducted within eight (8) hours, Capital Area Transit shall prepare and maintain on file a report explaining why a test was not conducted and shall cease attempts to administer an alcohol test.

The requirement to test for drugs and alcohol following an accident will not delay necessary medical attention for injured people or prohibit a safety sensitive employee from leaving the scene of an accident to obtain assistance or necessary emergency medical care. However, the covered employee must remain readily available for testing and notify the employer or the employer representative of his or her location if he or she leaves the scene of the accident prior to submission to such test.

Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test *and their employment terminated.*

C. RANDOM TESTING

An employee testing under random testing will be given notification of test and have the option of transporting themselves immediately to the testing site, or being transported to the testing site by a supervisor.

In accordance with FTA requirements Capital Area Transit will test a minimum number of safety sensitive employees for drugs and alcohol as published annually in the *Federal Register* by the FTA Administrator. As provided in 49CFR Part 655.45 this rate is subject to annual review and revision by FTA.

The selection of a safety sensitive employee to be randomly tested for the presence of prohibited drugs or alcohol will be made by a scientifically valid method.

Random tests are unannounced and may occur anytime during operating hours and will be spread throughout the year, testing period and, weekday. Once the employee has been notified that he/she has been selected for testing, he/she shall report immediately to the collection site.

Safety sensitive employees may be randomly tested for alcohol misuse while performing safety sensitive functions, just before performing safety sensitive functions or, just after performing safety sensitive functions. All safety sensitive employees may be randomly tested for drugs anytime while on duty. Testing will be performed during all hours safety sensitive duties are performed.

The Authority reserves the right to terminate any employee who refuses to submit to a drug or alcohol test under conditions contained in this policy

D. REASONABLE SUSPICION TESTING

In accordance with 49CFR 655.43 Capital Area Transit requires safety sensitive employees to submit to a drug and alcohol test when a trained supervisor, or other trained company official has, based on contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of a safety sensitive employee, reasonable suspicion that said employee has used a prohibited drug and/or engaged in alcohol misuse.

Safety sensitive employees are subjected to reasonable suspicion testing for alcohol misuse while performing safety sensitive functions, just before performing safety sensitive functions or, just after performing safety sensitive functions. All safety sensitive employees are subjected to reasonable suspicion testing for drugs anytime while on duty.

It is the policy of Capital Area Transit to have a supervisor transport the employee under reasonable suspicion to an appropriate collection site facility and wait for the completion of the collection procedure. If the employee refuses to be transported and attempts to operate his/her personal vehicle Capital Area Transit will make appropriated efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with this procedure will be subject to disciplinary action up to and including termination of employment.

The employee will be placed on an administrative suspension pending the results of the reasonable suspicion tests. Employees placed on an administrative suspension must be

in a position to be easily contacted by Capital Area Transit once the results of the drug and alcohol tests are received. Employees who cannot be easily contacted within 72 hours will be considered to have abandoned their job and are subject to termination. If the employee tests negative, the employee may return to work in their safety sensitive position and will be reimbursed for any regularly assigned work missed.

E. RETURN TO DUTY TESTING

Where a safety sensitive employee refuses to submit to a test, has a verified positive drug test result, and/or has a confirmed alcohol test result of 0.04 or greater will be removed from their safety-sensitive position and referred to a SAP. Capital Area Transit before returning the employee to a safety sensitive position will follow the procedures outlined in 49CFR Part 40.

F. FOLLOW-UP TESTING (AFTER RETURNING TO DUTY)

Capital Area Transit will conduct follow-up testing of each employee who returns to duty, as specified in 49CFR Part 40.

Safety-Sensitive employees will be required to undergo frequent unannounced urine and/or breath alcohol testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed during the first year.

The frequency of testing will be determined by the SAP. The SAP may decide to test for drugs, alcohol or both. All follow-up testing will comply with Direct Observation Collections Procedures for DOT Drug Tests Effective August 31, 2009. A direct observer must be the same gender as the employee. An employee who is required to submit to an observed test must raise his or her shirt, blouse, or dress/skirt, as applicable, above the waist; and lower clothing and underpants to show the collector, by turning around, that the employee does not have a prosthetic device. The observer must then watch the urine go from the employee's body into the collection container.

All costs associated with any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick and or vacation leave to participate in a prescribed rehabilitation program.

G. FOLLOW-UP TESTING PAYMENT:

Employees participating in the second chance program will have the option of making payment in full to Capital Area Transit within 5 business days from taking a follow-up test, or by having a payroll deduction taken in the next payroll cycle. This deduction agreement is part of Capital Area Transit's return to duty program.

V DRUG AND ALCOHOL TESTING PROCEDURES

A. COMPLIANCE WITH TESTING PROCEDURES

All drug and alcohol testing procedures in 49CFR Part 40 apply to all safety sensitive employees of Capital Area Transit. This document is available for review at:

Capital Area Transit
901 N. Cameron St.
Harrisburg, PA 17101

B. BREATH ALCOHOL TECHNICIAN

The BAT will perform the functions, and meet all the requirements outlined in 49CFR

Part 40. Capital Area Transit has a formal agreement with collection sites to perform BAT services; please refer to appendix for a list of these locations.

C. SUBSTANCE ABUSE PROFESSIONAL (SAP)

The SAP will perform the functions and meet all the requirements outlined in 49CFR Part 40. Capital Area Transit has a formal agreement with individuals to perform SAP services; please refer to appendix for a list of these professionals.

D. MEDICAL REVIEW OFFICER (MRO)

The MRO will perform the functions and meet all the requirements outlined in 49CFR Part 40. Capital Area Transit has a formal agreement with a professional to perform MRO services; please refer to appendix for a list of our Medical Review Officer.

E. COLLECTION SITE

Capital Area Transit has a formal contract with collection agencies to provide a clean and compliant location staffed with trained collection site personnel, for the collection of urine to be drug tested in accordance with 49CFR Part 40. Please refer to the appendix for a list of these locations.

F. TESTING LABORATORY

In accordance with 49CFR Part 40 all laboratory testing of urine specimens for prohibited drugs will be conducted at HHS approved labs. .

VI ADMINISTRATIVE REQUIREMENTS

A. EMPLOYEE EDUCATION AND TRAINING

All safety sensitive employees of Capital Area Transit will receive a copy of this policy and shall be required to sign and date a receipt for it.

Capital Area Transit will provide an education program, which will include the display and distribution to all safety sensitive employees, information material and a community service hot-line telephone number for assistance.

Additionally, Capital Area Transit will conduct a two part-training program for employees as described below;

- 1) Safety sensitive employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
- 2) Supervisors and other officials authorized by Capital Area Transit to make reasonable suspicion determinations will receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

B. RETENTION OF RECORDS

Records of drug and alcohol tests shall be kept in a confidential file which is separate and distinct from the employee's personnel file.

C. ACCESS TO FACILITIES AND RECORDS

Capital Area Transit in accordance with 49CFR Part 40 Subpart P. will provide limited access and release of drug and alcohol testing records. In accordance with 49CFR Part 655.73(l) Capital Area Transit grants access to facilities and records to the appropriate representative for the purpose of determining compliance with FTA drug and alcohol testing regulations.

VII COMPLIANCE

CERTIFICATION OF COMPLIANCE

Capital Area Transit will annually certify compliance as directed in 49CFR Part 655.82 to:

Federal Transit Administration
1760 Market Street, Suite 500
Philadelphia, PA 19103-4124

Certification will be authorized by Capital Area Transit's governing board, or other authorizing official, and will be signed by an individual authorized to do so.

Accepted for the Authority

[Name]
[Title]

Reviewed by the Authority

[Name]
[Title]

VIII CONTRACTOR'S / VENDORS COMPLIANCE

Capital Area Transit will maintain that all contractors/vendors that are used performing safety-sensitive functions for Capital Area Transit will be in compliance with FTA drug testing. The contractor/vendor will be held to the same standards for random selection process, testing services, training and record keeping as Capital Area Transit.

All contractors/vendors in contract with Capital Area Transit must have a Substance Abuse Policy. Capital Area Transit will provide copies of regulations, and all FTA Drug and Alcohol Regulation updates to their contractors. Contractors/vendors for Capital Area Transit will provide assistance in establishing a valid random selection process, and assistance in record keeping procedures. All contractors/vendors must submit to Capital Area Transit sufficient documentation on their training, record keeping and testing.

Capital Area Transit will monitor and enforce contractor compliance by the following to verify that they are complying with the drug testing. We will keep on file all our contractors/vendors records pertaining to:

- Employee and supervisor training documentation.
- The name and location of their collection site, laboratory, MRO, BAT, and SAP.
- A description of their random selection process.
- Quarterly management reports summarizing testing
- The annual MIS report.

If any or all contractors/vendors are unwilling to establish or maintain a program meeting our requirements, their contract with Capital Area Transit will be terminated.

VIII CONDITIONS FOR CONTINUED EMPLOYMENT, INFORMATION AND CONSENT FORM

I acknowledge that the company has determined that I have violated the company Drug and Alcohol testing Policy. I understand that I must agree to fully comply with the conditions described below, in order to retain my employment with the company. Further, I understand that if, at any time, I fail to meet any of the conditions set forth, my supervisor and/or other management staff will be notified and further disciplinary action up to and including termination may be imposed.

- A. I hereby request and give my consent to be evaluated by the Substance Abuse Professional (SAP). Further, this evaluation will be scheduled promptly and the results will be forwarded to the program manager. I understand that the SAP notify the program manager as to the date and time of my evaluation, whether I keep the appointment or not, and the type of treatment recommendations made by the SAP. I also agree to accept the recommendations made and will cooperate fully with the SAP.
- B. I hereby accept the preferred recommendation made by the SAP, and if continued treatment is deemed appropriate, I will cooperate fully with the treatment program. I understand that if I do not successfully complete treatment or abide by the rules of the program, further discipline including termination can be imposed. I also give my consent to allow the treatment program to communicate on the ongoing basis with the SAP. Further, I give my consent to the SAP to communicate on an ongoing basis with the program manager concerning my involvement in treatment, more specifically my attendance, progress, prognosis, date and type of discharge, and my other information deemed relevant.
- C. I understand that additional service, treatment, or participation in self-help groups may be recommended by the evaluator or treatment program, and as a condition of continued employment, I hereby consent to fully participate in those services. Further, I agree to provide verification of my participation, and allow for ongoing communication between the SAP and the service provider.
- D. I hereby consent to participate in follow-up as a condition of my continued employment. Follow-up contacts will be made with the SAP, treatment programs, aftercare service providers, and the program manager. Follow-up will consist of phone calls or personal contacts for the purpose of assessing progress, determining if additional services are needed, and to monitor compliance with the conditions for continued employment. Follow-up will begin at the time of referral and will continue for one year after the date of discharge from treatment.
- E. I hereby consent, for information between the SAP and program manager to be given, I understand that the information will be limited to only on a need to know basis. The information is considered confidential and will not be shared beyond those identified above. Further, if additional consent/release forms are required by a service provider or other entities, I will provide the necessary consents.

.....
Having read the above conditions, I understand that my continued employment is based on my participation in the evaluation and treatment process, successful

completion of treatment and my full cooperation with the responsible parties, as cited above. Further, I understand that I must meet the existing requirements of my job and that another violation, or, if other problems develop, further disciplinary action, including termination, can be imposed.

Employee Signature

Date

Program Manager Signature

Date

IX. APPENDIX

SUBSTANCE ABUSE PROFESSIONAL (SAP)

Marsha Quinlan	Dr. Teni Osundeko
2331 Market Street	4601 Locust Lane
Suite 13	Suite 102 (lower level)
Camp Hill, PA 17011	Harrisburg, PA 17109
717-614-0299	717-919-4564

MEDICAL REVIEW OFFICER (MRO)

Dr. Randy Barnett D.O.
FSSolutions
100 Highpoint Dr., Ste. 102
Chalfont, PA 18914
215-396-5500
FAX: 215-396-5610

THIRD PARTY ADMINISTRATOR

FSSolutions
100 Highpoint Drive, Suite 102
Chalfont, PA 18914
1-800-732-3784