

## Warwick Town Clerk

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**From:** Michael Sweeton  
**Sent:** Tuesday, January 30, 2018 1:31 PM  
**To:** Warwick Town Clerk  
**Subject:** Fwd: Justin Tuck

So will have to revise his hiring resolution to take effect after the feb 16 date. I will look at dates

Sent from my iPhone

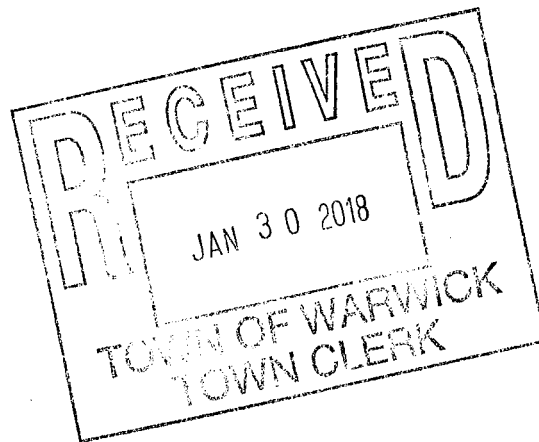
Begin forwarded message:

**From:** Warwick Dial A Bus <[dialabus@warwick.net](mailto:dialabus@warwick.net)>  
**Date:** January 30, 2018 at 11:12:23 AM EST  
**To:** Ana Kanz- Warwick Comptroller <[comptroller@townofwarwick.org](mailto:comptroller@townofwarwick.org)>, 'Michael Sweeton' <[msweeton@townofwarwick.org](mailto:msweeton@townofwarwick.org)>  
**Subject:** Justin Tuck

Justin Tuck is going for his road test to get his passenger endorsement on February 16<sup>th</sup>, 2018. At that time he will have to receive the endorsement to complete the hiring process. According to Seely/Durland he is permitted to drive our bus for the training/ test.

*Jen*

Jennifer L. Crover  
Supervisor of Transportation  
Town of Warwick Dial-A-Bus  
Cell- 845-774-6313  
Office 845-986-4174  
[dialabus@warwick.net](mailto:dialabus@warwick.net)



X

**Warwick Town Clerk**

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**From:** Warwick Dial A Bus <dialabus@warwick.net>  
**Sent:** Wednesday, January 31, 2018 11:09 AM  
**To:** Michael Sweeton  
**Cc:** Warwick Town Comptroller; Warwick Town Clerk  
**Subject:** Part Time Hire

Mike,

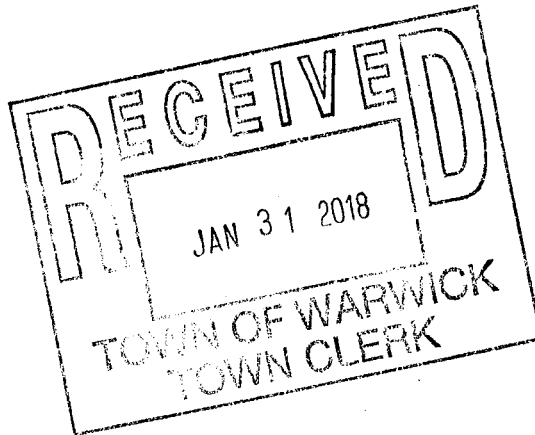
I have interviewed Teresa Gillian for one of our openings for part time bus driver. I would like approval to hire her. She has a CDL with Passenger endorsement. Upon approval at the next Board Meeting on 2/8/18, she would begin pre-employment testing and training Monday 2/12/18.

Starting salary will be \$17.00/ hour.

Thank you.

*Jen*

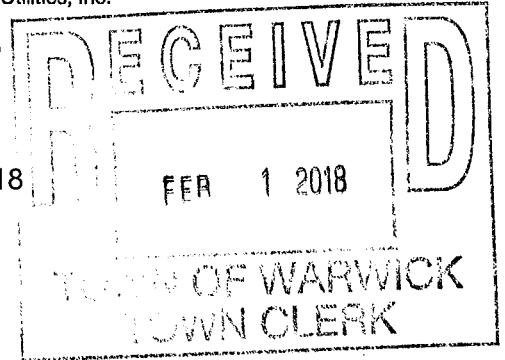
Jennifer L. Crover  
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Orange and Rockland Utilities, Inc.  
One Blue Hill Plaza  
Pearl River NY 10965  
www.oru.com

January 30, 2018



Dear Municipal Official:

We strive to work more efficiently and safely to complete our projects with the least possible inconvenience to our customers and your residents. Therefore, we're once again asking you to share your paving and road improvement schedules with us so we can coordinate our underground gas and electric projects. When these schedules align, we'll minimize disruption to our communities and their infrastructure. In addition, by working together, we can effectively prevent damage to underground facilities, especially our gas mains.

Therefore, please continue to share with us your schedules regarding:

- Road excavations that involve installing, upgrading or repairing drainage, water and sewer lines
- Road construction improvement work other than paving (i.e., that affects road elevations, or current traffic pattern)
- Sidewalk and curb replacement projects
- Paving

The schedules can be sent either by email or fax to:

Aileen Sullivan at [sullivanai@oru.com](mailto:sullivanai@oru.com)  
Fax: 718-923-7048

As you begin your projects, we remind you to call 811 at least two full working days before digging on public or private property to avoid damaging underground infrastructure.

Thank you in advance for your cooperation. Please contact Aileen Sullivan if you should have any questions. She can be reached at the email address above or by phone at (845) 858-6109.

Sincerely,

Neil L. Winter, Jr.  
Director – Regional & Community Affairs

## Warwick Town Clerk

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**From:** Warwick Dial A Bus <dialabus@warwick.net>  
**Sent:** Thursday, February 01, 2018 11:22 AM  
**To:** Michael Sweeton; Warwick Town Clerk  
**Subject:** WARWICK Drug and Alcohol Testing Policy- adopted 2-8-18.pdf  
**Attachments:** WARWICK Drug and Alcohol Testing Policy- adopted 2-8-18.pdf

Attached is the Town of Warwick Dial-A-Bus Drug and Alcohol Testing Program Policy. I need a resolution to have this policy adopted by the Town Board.

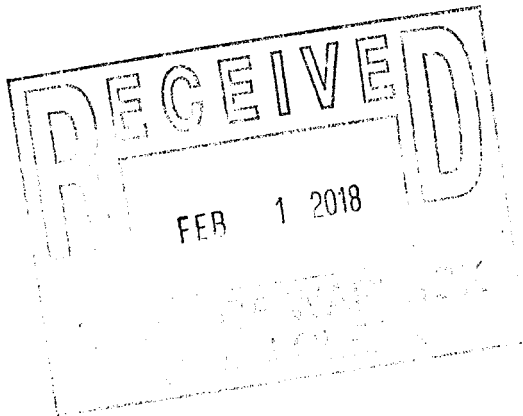
In December I was notified by DOT that new regulations were being implemented starting January 1<sup>st</sup>, 2018. At the time we were to issue an addendum to the previous policy, with the understanding that the entire policy was to be updated as soon as possible. This is that new policy. The template was provided to me by RLS and Associates who is under contract by DOT to ensure our compliance.

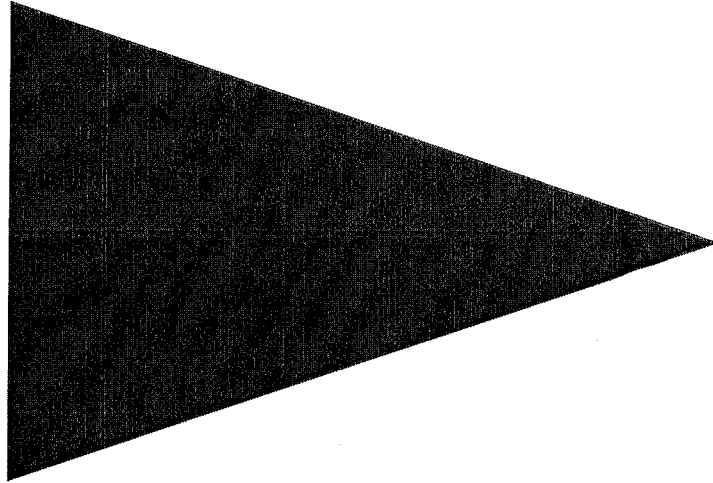
This policy has all new updates and is ready to be adopted on 2/8/18. After adoption, I supply to all employees and provide training. The training is scheduled for 2/13/18.

Thank you.

*Jen*

Jennifer L. Crover  
Supervisor of Transportation  
Town of Warwick Dial-A-Bus  
Cell- 845-774-6313  
Office 845-986-4174  
[dialabus@warwick.net](mailto:dialabus@warwick.net)





TOWN OF WARWICK  
DIAL-A-BUS  
DRUG AND ALCOHOL  
TESTING PROGRAM POLICY

Adopted on February 8<sup>th</sup>, 2018 by resolution by the Town Board of Warwick

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Important websites:

Office of Drug and Alcohol Policy and Compliance- [www.transportation.gov/odapc](http://www.transportation.gov/odapc)

49CFR part 40- [www.transportation.gov/odapc/part40](http://www.transportation.gov/odapc/part40)

FTA/ TRANSIT SAFETY/ Part 655- [www.transit-safety.fta.dot.gov/drugandalcohol](http://www.transit-safety.fta.dot.gov/drugandalcohol)

## **POLICY STATEMENT**

The Town of Warwick Dial-A-Bus is committed in protecting the health, safety, and welfare of all employees, passengers, and the public, assuring workers fitness for duty, eliminating accidents that are resulted from the use of alcohol and illegal drugs, and preserving high performance standards. As such, the use of alcohol and/ or illegal drugs in the workplace, or as it affects the workplace, is prohibited and will not be tolerated. The Town of Warwick Dial-A-Bus expects all covered employees to strictly adhere to this Policy.

## **PROGRAM MANAGER**

The Supervisor of Transportation, or Supervisor's designee, in their absence, will serve as the Drug and Alcohol Program Manager (DAPM) and Designated Employer Representative (DER) for the Town of Warwick Dial-A-Bus.

Responsibilities include, but are not limited to, the following:

- Documentation of procedures and reporting requirements.
- Liaison between the laboratory, collection site, MRO, and Town of Warwick Dial-A-Bus.
- Notifying employees who are to be tested based on random selection or any required testing
- Policy establishment and revisions/ updates as necessary

## **COVERAGE**

This policy applies to all employees who perform safety- sensitive functions. This includes, but is not limited to, full- time, part- time, casual, intermittent, or occasional employees; leased employees, seasonal employees, etc. This policy applies to covered employees during all working time as well as off-site lunch periods, breaks etc., when scheduled to return to work. This policy also covers non- mandated employees who are not considered safety- sensitive and are covered under Town of Warwick authority.

**DRUG AND ALCOHOL TESTING POLICY  
TOWN OF WARWICK DIAL-A-BUS  
Adopted February 8<sup>th</sup>, 2018**

**A. PURPOSE**

- 1) The TOWN OF WARWICK DIAL-A-BUS provides public transit and paratransit services for the residents of the Town of Warwick and surrounding areas. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, TOWN OF WARWICK DIAL-A-BUS declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
  
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
  
- 3) Any provisions set forth in this policy that are included under the sole authority of TOWN OF WARWICK DIAL-A-BUS and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of TOWN OF WARWICK DIAL-A-BUS will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

**B. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.



A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

### **C. DEFINITIONS**

*Accident:* An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

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

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

*Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

*Aliquot:* A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

*Applicant:* An individual applying for a safety- sensitive position at the Town of Warwick Dial-A-Bus. An applicant also includes an employee of the Town of Warwick in a non- covered position applying or transferring to a covered position.

*Breath Alcohol Technician (BAT):* An individual who instructs and assists with the alcohol testing process and who operates an Evidential Breath Testing Device (EBT). A BAT must complete a course of instruction for operation of an EBT as developed by the Department of Transportation.

*Canceled Test:* A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

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

*Collection Site:* A place designated by the Town of Warwick Dial-A-Bus where employees must report for the purpose of providing urine specimen to be analyzed for the presence of drugs and/ or a breath test to be analyzed for the presence of alcohol.

*Confirmatory Drug Test:* A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

*Confirmatory Validity Test:* A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

*Consortium/ Third Party Administrator (C/ TPA):* A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/ TPA's typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing program. TPA's can perform random selection process and notify employers of selections.

*Covered Employee Under FTA Authority:* 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.

*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). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

*Dilute specimen:* A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Disabling damage:* Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Evidentiary Breath Testing Device (EBT):* A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" [www.transportation.gov/odapc/Approved-Evidential-Breath-Measurement-Devices](http://www.transportation.gov/odapc/Approved-Evidential-Breath-Measurement-Devices) because it conforms with the model specifications available from NHTSA.

*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 Result:* The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

*Laboratory:* Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

*Limit of Detection (LOD):* The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

*Limit of Quantitation:* For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

*Medical Review Officer (MRO):* A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

*Negative Dilute:* A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

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

*Non-negative test result:* A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

*Oxidizing Adulterant:* A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

*Performing (a safety-sensitive function):* A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she

is actually performing, ready to perform, or immediately available to perform such functions.

*Positive result:* The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

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

*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 specimen because of a fatal flaw or a correctable flaw that has not been corrected.

*Revenue Service Vehicles:* All transit vehicles that are used for passenger transportation service.

*Safety-sensitive functions:* Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

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

*Substance Abuse Professional (SAP):* A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap> ) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

*Substituted specimen:* A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

*Test Refusal:* The following are considered a refusal to test if the employee:

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

*Vehicle:* A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

*Verified negative test:* A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

*Verified positive test:* A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

*Validity testing:* The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### **D. EDUCATION AND TRAINING**

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

#### **E. PROHIBITED SUBSTANCES**

- 1) Prohibited substances addressed by this policy include the following.
  - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related

products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

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

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a TOWN OF WARWICK DIAL-A-BUS 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.
- c. 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.

#### **F. 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 and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 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 0.04 or greater regardless of when the alcohol was consumed.

- a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
  - i. The employee's alcohol concentration measures less than 0.02; or
  - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 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) TOWN OF WARWICK DIAL-A-BUS, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all TOWN OF WARWICK DIAL-A-BUS employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.
- 9) An employee cannot acknowledge use of drugs and/or alcohol AFTER they have reported to work, or AFTER they have been notified to go for a drug/ alcohol test. Self-referral and acknowledgement of the inability to perform safety- sensitive functions can be made prior to reporting, but employee will be subsequently relieved of responsibilities and subject to discipline.

## **G. DRUG STATUTE CONVICTION**

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the TOWN OF WARWICK DIAL-A-BUS management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

## **H. TESTING REQUIREMENTS**

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

## **I. DRUG TESTING PROCEDURES**

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is

checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the TOWN OF WARWICK DIAL-A-BUS. If a legitimate explanation is found, the MRO will report the test result as negative.
- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. TOWN OF WARWICK

DIAL-A-BUS will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however the TOWN OF WARWICK DIAL-A-BUS will seek reimbursement for the split sample test from the employee.

- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
  - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
    - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to TOWN OF WARWICK DIAL-A-BUS that there was not an adequate medical explanation for the result;
    - ii. The MRO reports to TOWN OF WARWICK DIAL-A-BUS that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
    - iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
    - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;

- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

## **J. ALCOHOL TESTING PROCEDURES**

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q

of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

- 3) TOWN OF WARWICK DIAL-A-BUS affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

#### **K. PRE-EMPLOYMENT TESTING**

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
  - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
  - b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
  - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
  - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result,

the employee shall be subject to disciplinary action in accordance with Section Q herein.

- e. If a pre-employment test is canceled, TOWN OF WARWICK DIAL-A-BUS will require the applicant to take and pass another pre-employment drug test.
- f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide *TOWN OF WARWICK DIAL-A-BUS* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. *TOWN OF WARWICK DIAL-A-BUS* is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide *TOWN OF WARWICK DIAL-A-BUS* proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

#### **L. REASONABLE SUSPICION TESTING**

- 1) All TOWN OF WARWICK DIAL-A-BUS FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable

suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under TOWN OF WARWICK DIAL-A-BUS' authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

- 2) TOWN OF WARWICK DIAL-A-BUS shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Town of Warwick Dial-A-Bus Supervisor of Transportation.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. TOWN OF WARWICK DIAL-A-BUS shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the TOWN OF WARWICK DIAL-A-BUS. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.



## **M. POST-ACCIDENT TESTING**

- 1) **FATAL ACCIDENTS** – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, 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 could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
  
- 2) **NON-FATAL ACCIDENTS** - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
  - a. The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
  - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed to the accident

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

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.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

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.

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.

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.

In the rare event that TOWN OF WARWICK DIAL-A-BUS is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), TOWN OF WARWICK DIAL-A-BUS 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.

#### **N. RANDOM TESTING**

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the

employee has been previously tested. There is no discretion on the part of management in the selection.

- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under TOWN OF WARWICK DIAL-A-BUS authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under TOWN OF WARWICK DIAL-A-BUS' authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

#### **O. RETURN-TO-DUTY TESTING**

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

#### **P. FOLLOW-UP TESTING**

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate

and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

#### **Q. RESULT OF DRUG/ALCOHOL TEST**

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the employer.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to list of USDOT qualified SAPs. A test refusal includes the following circumstances:
  - a) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
  - b) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
  - c) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
  - d) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
  - e) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.

- f) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- g) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- h) Fail to cooperate with any part of the testing process.
- i) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- j) Possess or wear a prosthetic or other device used to tamper with the collection process.
- k) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- l) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- m) Fail to remain readily available following an accident.

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

- 4) For the first instance of a verified positive test from a sample submitted as the result of a random drug/alcohol test, disciplinary action against the employee shall include:
  - a. Mandatory referral to Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to duty agreement;
  - b. Failure to execute, or remain compliant with the return-to-duty agreement shall result in termination from TOWN OF WARWICK DIAL-A-BUS employment.
    - i. Compliance with the return-to-duty 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 periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from TOWN OF WARWICK DIAL-A-BUS employment.
- 5) The first instance of a verified positive post-accident or reasonable suspicion drug and/or alcohol test shall result in termination.

- 6) The second instance of a verified positive drug or alcohol test result for any category of testing shall result in termination from TOWN OF WARWICK DIAL-A-BUS employment.
- 7) 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 work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NON-DOT alcohol test with a result of less than 0.02 BAC.
- 8) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
  - a. Mandatory referral for an assessment by an employer approved counseling 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 TOWN OF WARWICK DIAL-A-BUS employment.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of TOWN OF WARWICK DIAL-A-BUS and will be performed using non-DOT testing forms.
  - 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. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
  - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**
  - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.

- f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with TOWN OF WARWICK DIAL-A-BUS.
  - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 9) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.
- 10) 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 prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the employee has successfully completed the required treatment program and has been released to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.

#### **R. GRIEVANCE AND APPEAL**

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

#### **S. PROPER APPLICATION OF THE POLICY**

TOWN OF WARWICK DIAL-A-BUS 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.

#### **T. INFORMATION DISCLOSURE**

- 1) Drug/alcohol testing records shall be maintained by the TOWN OF WARWICK DIAL-A-BUS Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over TOWN OF WARWICK DIAL-A-BUS or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.



## Attachment B Contacts

**\*\*\*Contacts and Facilities on this page are subject to change without notice \*\*\*  
See your DAPM for current contact information**

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

### TOWN OF WARWICK DIAL-A-BUS Drug and Alcohol Program Manager/ DER

Name: JENNIFER CROVER

Title: SUPERVISOR OF TRANSPORTATION

Address: 63 Public Works Dr, Warwick, NY 10990

Phone Number: Cell- (845)-774-6313 Office: (845)-986-4174

### Medical Review Officer

Name: Dr. Russell Kamer

Title: Partners in Safety

Address: 800 Rt. 17M, Middletown, NY 10940

Telephone Number: (845)-341-0515 Fax: (845)-341-0355

### Substance Abuse Professional

(1)

Name: Raymond Griffen

Title: Substance Abuse Professional, Addictions Counselor

Office: 5 Waller Ave. Suite 103, White Plains, NY 10601

Phone: Office: (914)-328-1171 Cell: (203)-249-7678

Email- ragsail@verizon.net

(2)

Name : Samantha Rys

Title: Substance Abuse Professional, Addictions Counselor

Office: Middletown, NY or Pine Bush, NY

Phone: (845) 258-9483

Email: samantharys@frontiernet.net

### HHS Certified Laboratory Primary Specimen

Name: LabCorp of America

Address: 69 First Ave Raritan, NJ 08869

Telephone Number: 1-800-223-0631

### C/ TPA/ Collection Site

Name: Partners in Safety

Address: 800 Rt. 17M, Middletown, NY 10940

Telephone Number: (845)-341-0515

After Hours: 1-800-214-7924

TOWN OF WARWICK DIAL-A-BUS  
DRUG AND ALCOHOL TESTING PROGRAM POLICY  
POLICY ACKNOWLEDGEMENT FORM

I hereby acknowledge that I received a copy of the adopted TOWN OF WARWICK DIAL-A-BUS DRUG AND ALOCOHOL TESTING PROGRAM POLICY outlining FTA and Town of Warwick objectives, procedures and regulations regarding the use of controlled substances and alcohol. I further acknowledge that I have read or will read the contents of this policy and will contact the Drug and Alcohol Program Manager if I have any questions.

I understand that the objectives, procedures and regulations in this policy will remain in effect for the duration of my employment.

I understand the Town of Warwick Dial-A-Bus reserves the right to interpret, add to, or revise any part of this policy. Moreover, these policies may be subject to alteration by changes in federal or state regulations, rules or legislation.

I understand the failure to comply with any aspect of these policies may lead to disciplinary action, up to and including termination of employment.

I agree to abide by the Town of Warwick Dial-A-Bus's policies and testing requirements. This signed receipt will be maintained in the employees work file.

\_\_\_\_\_  
Employee Name (Please Print)

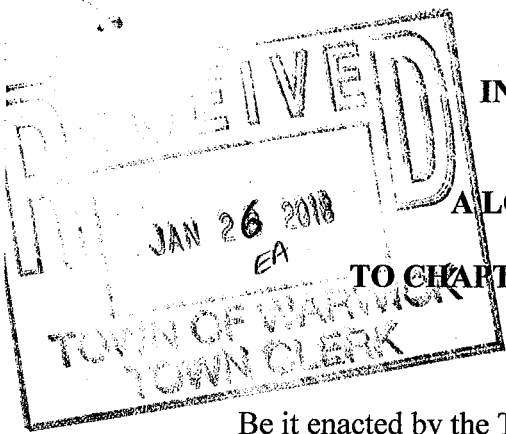
\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Department Head Name (Please Print)

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date Received



**INTRODUCTORY LOCAL LAW NO. 2 OF 2018**

**A LOCAL LAW ADDING ARTICLE X ENTITLED  
"FLOOR AREA RATIO"  
TO CHAPTER 98 OF THE CODE OF THE TOWN OF CHESTER**

Be it enacted by the Town of Chester in the County of Orange, as follows:

**Section 1. Title**

This Local Law shall be referred to as "A Local Law Adding Article X, Entitled "Floor Area Ratio", to Chapter 98, entitled "Zoning", of the Code of the Town of Chester.

**Section 2. Floor Area Ratio**

A new Article X entitled "Floor Area Ratio" is hereby added to Chapter 98 entitled "Zoning" of the Town of Chester Municipal Code, to read as follows:

**98-41. Purpose and Applicability**

- A. The unique character of residential neighborhoods in the Town of Chester rests on the diversity in the style and design of houses, as well as the general uniformity in the scale of houses located on similarly sized lots in neighborhoods throughout the community. The recent trend of tearing down existing houses and replacing them with larger houses or building large additions to existing houses threatens the appearance and impacts the health, safety, welfare and quality of life in the Town of Chester.
- B. It is the intent of this local law to establish a maximum floor area ratio (FAR) for all homes and in the Town of Chester. It responds to the desire of residents to enlarge their homes to meet the needs of their families and to preserve the neighborhood character by requiring houses to appear to be of the same or similar scale to others in the neighborhood. It is the further intent of this local law to encourage both new houses and expansions or alterations to existing houses to have a consistent scale with the nearby residences on both sides of the street. The FAR provisions are intended to be applied together with other provisions of the Town of Chester Zoning Code, including the provisions for lot coverage and resource protection.

**98-42. Definitions**

As used in this Article, the following terms shall have the meanings indicated, unless the context or subject matter requires otherwise. The definitions contained in Section 98 shall also apply.

**DECK** – An outdoor platform attached to the principal structure of a building and built above the natural grade. A deck does not have a roof and is exposed to the elements.

**FOUNDATION** – The supporting structure of a building or structure, including, but not limited to, basements, cellars, basement garages, slabs, sills, posts or frost walls, inclusive of any windows.

**GROSS RESIDENTIAL FLOOR AREA** – The sum of the gross floor area of all floors of a residence, measured to the exterior of the outside walls. In calculating the gross floor area of houses for the purpose of calculating floor area ratio (FAR), all floor areas of each floor of all principal and accessory structures on the lot shall be included, except for the portion which may be exempted as provided for in §98-44. Any interior space with a floor-to-ceiling height in excess of 12 feet shall be counted twice.

**HEIGHT, FLOOR-TO-CEILING** – The distance between the finished floor and the finished ceiling of an interior space. The distance shall be equal to the length of a theoretical line drawn from the floor to a point of the highest portion of the ceiling directly above it and is perpendicular to the horizontal plane of the floor.

**OUT-OF-SCALE** – With regard to a building or any part thereof, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the other buildings in the surrounding neighborhood (particularly, but not limited to, the buildings on contiguous tax lots) and/or relative to the size of the tax lot upon which the building is situated; also, with regard to any one part of a building (or an addition to a preexisting building), the condition of being or appearing to be disproportionately large, bulky, or massive relative to any other part of the same building (or, in the case of an addition, relative to the preexisting building); with regard to an accessory structure, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the principal structure, the other buildings in the surrounding neighborhood, and/or the size of the tax lot upon which the accessory structure is situated.

**PORCH, ENCLOSED** - A structure attached to a building, with a floor, roof, and structural supports, and permanently, seasonally, or temporarily enclosed with solid materials, such as glass or lexan (a clear, durable, hard plastic material). Screens, curtains, or latticework made of wire-mesh, cloth, paper, strips of wood or metal, or other similar material, shall not be considered "solid" for the purpose of this definition. A porch does not need to be heated or insulated to be considered enclosed.

- B. Any house which exceeds 15,000 square feet of gross floor area shall be required to obtain a variance from the Zoning Board of Appeals.

**98-44. Exemptions from Calculation of FAR in Residential Zones**

A. Decks, Patios, Unenclosed Porches and Porticoes

- (1) All space in unroofed structures, such as decks and patios, shall be excluded from the calculation of FAR.
- (2) All space in unenclosed porches and porticoes shall be excluded from the calculation of FAR. For the purpose of FAR calculation, "unenclosed" shall mean those porches or porticoes that are open and not permanently, seasonally or temporarily enclosed.

- B. Basements, Cellars and Basement Garages. Where exposed exterior wall or walls of basement, cellar or basement garage(s) facing the front yard(s) is less than three feet (measured from the lower of existing grade prior to construction or grade after construction to the bottom of the floor above the basement), the proportionate share of the basement, cellar or basement garage(s) shall be excluded from the calculation of FAR. All of the remaining portions of the floor area basement, cellars or basement garages, where the height (as defined herein) of the exterior exposed wall or walls facing the front yard is three feet or more, shall be included in FAR.

NOTE: The proportionate share is defined as the relationship between that portion of the basement, cellar or basement garage(s) with an exposed exterior wall of less than three feet to the entire length to such exterior wall.

C. Attics. Attics shall be calculated as follows:

- (1) Attics with access through a drop stair or hatch, with a height of less than seven feet six inches, shall be excluded from the calculation of the FAR.
- (2) Attics with access through a drop stair or hatch, with a height of seven feet six inches or greater, shall count as 50% of the FAR.
- (3) An unfinished attic, with access from a staircase or door, with a height of less than seven feet six inches, shall count as 50% of the FAR.
- (4) Attics, unfinished or finished, with access from a staircase or door, with a height of seven feet six inches or greater, shall count as 100% of the FAR.
- (5) A finished attic shall count as 100% of the FAR.

D. Garages. Garages shall be calculated as follows:

- (1) On lots measuring 9,999 square feet or less, the lesser of 250 square feet or the total floor area contained within one-story garages, either detached or attached to the principal structure, shall be excluded from the calculation of FAR.
- (2) On lots measuring 10,000 square feet or greater, the lesser of 400 square feet or the total floor area contained within one-story garages, either detached or attached to the principal structure, shall be excluded from the calculation of FAR.
- (3) In those instances where an additional story is provided above a garage, whether detached or attached to the principal structure, such floor area or the garage floor area, up to the limits set forth herein as defined by lot size, shall be excluded from the calculation of FAR.
- (4) Notwithstanding the above, this section shall not apply to basement garages.

**98-45. Procedures for Floor Area Ratio Review of Houses**

- A. Upon receipt of a building permit application for a house, or upon submission of an application for site development plan approval or waiver of site development plan approval, the Building Inspector shall determine whether the proposed application exceeds the allowable FAR prescribed under §98-43.
- B. Houses at or below the maximum FAR. If an application does not exceed the maximum FAR, the Building Department shall proceed with the building permit application and/or process the application for site development plan approval or waiver of site development plan approval for consideration by the Planning Board.
- C. Residences above the maximum FAR. Applications for building permits, site development plan approval or waiver or site development plan approval for residences whose total floor area exceeds or is seeking approval for an application or permit which will exceed the maximum permitted FAR, shall be required to seek a variance from the Zoning Board of Appeals in accordance with Article VII of this Chapter. In considering the variance application, the Zoning Board of Appeals shall consider, among other factors, any design guidelines set forth in the Town of Chester Code. The Zoning Board of Appeals may also, at its discretion, refer the application to the Board of Architectural Review, if applicable, for an advisory opinion. Any application for a variance for FAR for a residence or project shall require the submission of the following

**TOWN OF CHESTER  
RESOLUTION  
INTENT TO ESTABLISH LEAD AGENCY  
LOCAL LAW No. 2 of 2018  
ADDING ARTICLE X ENTITLED  
"FLOOR AREA RATIO"  
TO CHAPTER 98 OF THE CODE OF THE TOWN OF CHESTER**

At the meeting of the Town Board of the Town of Chester, held on January 24, 2018, the following resolution was introduced by Councilman Medican and seconded by Councilman Valentine:

The Town of Chester, New York Town Board hereby declares its intent to establish itself as lead agency as required by SEQR (6NYCRR Part 617) for

**Name of Action:** Town of Chester – LOCAL LAW No. 2 of 2018  
Adding Article X Entitled "Floor Area Ratio"  
to Chapter 98 of The Code of The Town of Chester

**The vote of the motion:** Ayes   5   Nays   0  

STATE OF NEW YORK    }  
COUNTY OF ORANGE   } ss:  
TOWN OF CHESTER     }

I, Linda A. Zappala, Town Clerk, of the Town of Chester, Orange County, New York, **DO HEREBY CERTIFY**, that the following resolution was adopted at a meeting of the Town of Chester Town Board held on January 24, 2018, and is incorporated in the original minutes of said meeting and on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the  
Town of Chester, this 25<sup>th</sup> day of January, 2018.

  
Linda A. Zappala, Town Clerk

**Warwick Town Clerk**

---

**From:** ROES, SHAWN <SROES@wrightinsurance.com>  
**Sent:** Monday, January 29, 2018 6:57 PM  
**To:** ROES, SHAWN  
**Cc:** NOONAN, LAURIE; READER, AARON  
**Subject:** Comp Alliance Member Safety Bulletin - January 2018  
**Attachments:** Keeping Workers Healthy\_Reducing Risk of Disease\_January 2018.pdf



**To:** Comp Alliance Members  
**Date:** January 29, 2018  
**Re:** **Keeping Workers' Healthy, Reducing the Risk of Disease – January 2018**

The January 2018 Comp Alliance Member Safety Bulletin is attached to this email and is posted on the members only site which can be accessed by visiting [www.compalliance.org](http://www.compalliance.org) and logging in as a member, then visit our member document center.

If there is another contact within your municipality that would benefit from these bulletins please let me know and also if you have not yet registered for the members only website please send your registration request to [sroes@wrightinsurance.com](mailto:sroes@wrightinsurance.com).

Thank you for your continued support of the Comp Alliance and we hope these bulletins enhance your safety efforts.

Sincerely,

Comp Alliance

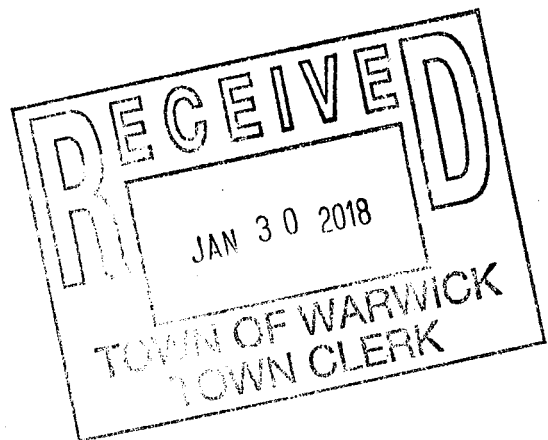
**Shawn M. Roes**  
Regional Marketing & Technology Manager



[www.compalliance.org](http://www.compalliance.org)

**Wright Risk Management**  
**A Division of Brown & Brown**

Wright Public Entity  
**Tel:** 315-506-5133  
**Fax:** 315-675-3750  
[www.wrightinsurance.com](http://www.wrightinsurance.com)



**Please remember that insurance coverage cannot be bound, amended or canceled by leaving an electronic or voice mail message. Thank you.**

**CONFIDENTIALITY NOTICE**

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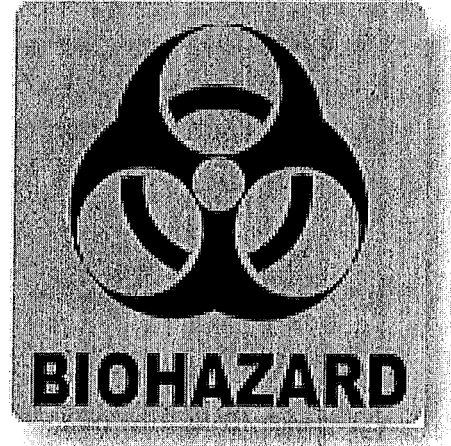
Insurance coverage cannot be bound, amended or changed via voicemail, facsimile or e-mail message without confirmation from an authorized Wright Insurance Group representative.

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## Keeping Your Workers Healthy – Reducing the Risk of Disease and Virus Transmission

With the 2017-18 Flu Season in full swing, and the winter weather giving rise to more roadway accidents, falls, and other emergency situations; municipal staff face an increased risk of infection from a multitude of sources, including exposure to blood borne pathogens (HIV, Hepatitis B & C, microorganisms, bacteria and virus' like the Flu..) OSHA's Standard Precautions developed in 1992, and adopted by PESH, require safety standards for all employers with workers who face an occupational risk of contact with bodily fluids, blood, or other infectious material.



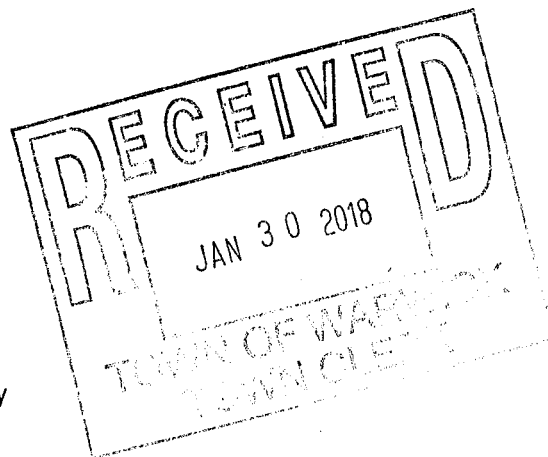
The standard requires a level of precaution be taken to prevent transmission of disease and illness. Municipal workers, volunteers and emergency personnel (firefighters, police officers, and paramedics) are in a particularly high-risk group for exposure, due to the nature of their responsibilities and contact with the public.

Standard precautions may vary depending on the risk level in each department but everyone should observe basic precautions to keep themselves, their co-workers and the public safe and healthy. **To comply with the standards mandated, employers must develop and implement an Exposure Control Plan.** The plan must be in writing and available to all employees.

The purpose of an Exposure Control Plan is to identify employee job tasks that put them at risk for exposure, and create a general guideline for training and the use of personal protective equipment, and make known the availability of vaccinations and other resources to minimize risk of exposure. Plans should be reviewed and updated annually.

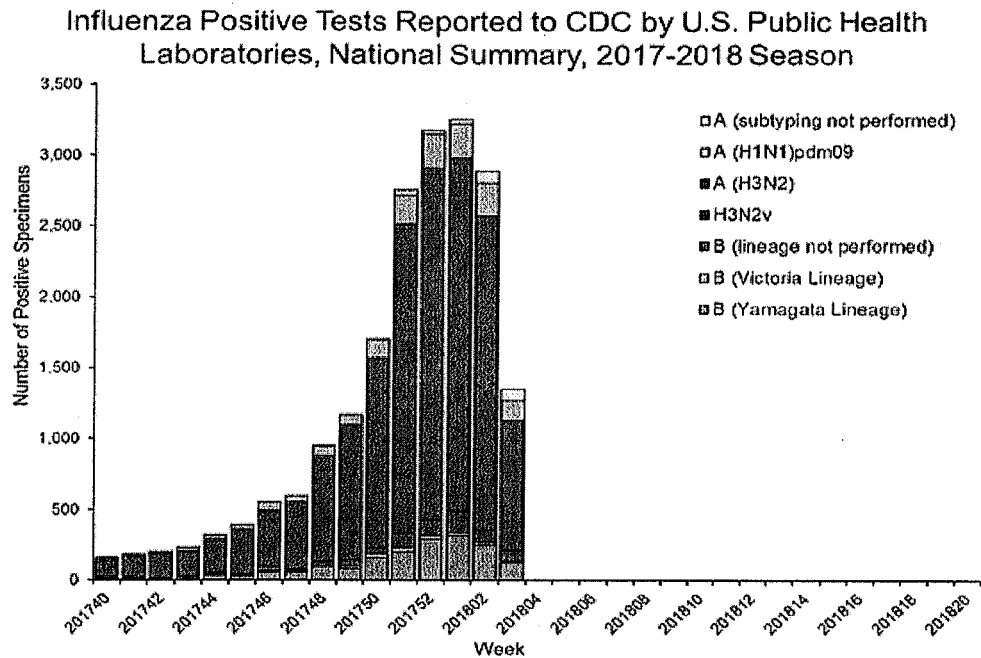
### The Exposure Control Plans Include (among other items) :

- Exposure identification and risk activities
- Evaluation of incidents
- Methods of compliance
- Engineering and workplace controls
- Hand washing facilities
- Prohibition of food and cosmetic application
- Personal Protective Equipment: gloves, eye protection,
- Maintenance and housekeeping of facilities
- Training: upon hire & annually thereafter
- Recordkeeping: exposure log, training logs, sharps injury



For more information or training material on Universal Precautions and Blood-Borne Pathogens, visit your members section of our website at: <http://compalliance.org/index.php/members>

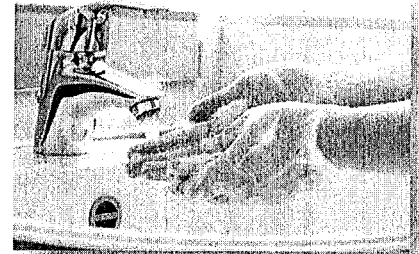
### INFLUENZA AND INFLUENZA RELATED ILLNESS (IRL) RISK HAZARD



Data collected by the CDC on the Flu, in NY for, 2017-18, place our State in one of the highest exposure infection categories so far. The Flu virus is difficult to control because it is constantly changing, and is highly contagious. The flu virus may be considered an occupational exposure and precautions should be taken to minimize risk in the workplace.

**The best methods to reduce the risk of contagion and to minimize severity of Flu infection:**

1. **VACCINATION:** Vaccination remains the best way to reduce employee's risk of contagion, according to the Centers for Disease Control
2. **HANDWASHING: 20 Seconds, Soap and Water**
  - Avoid touching your eyes, nose, and mouth
  - Stay home if you are sick, to avoid spreading the virus
  - Practice good health habits
  - Maintain supply of tissues, hand sanitizers, and other supplies in public buildings



3. **CLEANING – DISINFECTING – SANATIZING: 3 STEPS TO RISK REDUCTION**

According to the CDC, Flu Virus' are relatively fragile and standard cleaning process is sufficient to keep them from becoming a hazard in the workplace.

**These include:**

- **CLEANING - REMOVES DIRT AND GERMS:** Using soap and water, physically removes germs but may not kill them. Helps to prevent the spread of infection.
- **DISINFECTING - KILLS GERMS:** Uses chemicals and kills germs on surfaces.
- **SANATIZING - LOWERS THE NUMBER OF GERMS:** Can be a combination of chemicals and washing suds.



If you have any questions on reducing the risk of disease and virus and keeping your workers' healthy, please contact Laurie Noonan by emailing [lnoonan@wrightinsurance.com](mailto:lnoonan@wrightinsurance.com).



**Department of  
Transportation**

*Records - pls scan X*

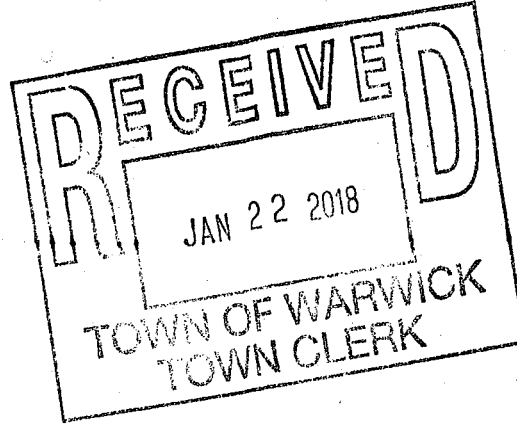
**ANDREW M. CUOMO**  
Governor

**CATHY CALHOUN**  
Acting Commissioner

**TODD WESTHUIS, P.E.**  
Regional Director

January 16, 2018

Jeffrey Feagles  
Public Works Commissioner  
Town of Warwick  
132 Kings Highway  
Warwick, NY 10990



**RE: Shared Service Agreements**

Dear Commissioner Feagles:

Please, find attached a copy of the signed shared service agreement between the Town of Warwick and NYSDOT for your records.

If you have any questions, feel free to call me at (845) 343-4638.

Very truly yours,

Richard M. Gaupman  
New York State Department of Transportation  
Resident Engineer- Western Orange County  
3233 Route 6  
Middletown, NY 10940  
(845) 343-4638

**SCHEDULE A**

NYSDOT

Description of  services,  materials, or  equipment (Check All that apply) to be shared:

Estimated Cost/Value of Service  Equipment  Materials (Check All that apply):

Total NYSDOT Cost/Value: \_\_\_\_\_

MUNICIPALITY

Description of  services,  materials, or  equipment (Check All that apply) to be shared:

Estimated Cost/Value of Service  Equipment  Materials (Check All that apply):

Total MUNICIPALITY Cost/Value: \_\_\_\_\_

## Warwick Town Clerk

---

**From:** Warwick Town Clerk  
**Sent:** Monday, January 22, 2018 1:13 PM  
**To:** 'Village Greenwood Lake'  
**Subject:** RE: draft law

Thanks. I will give this to the Board Members.

Eileen M Astorino

Town of Warwick Clerk

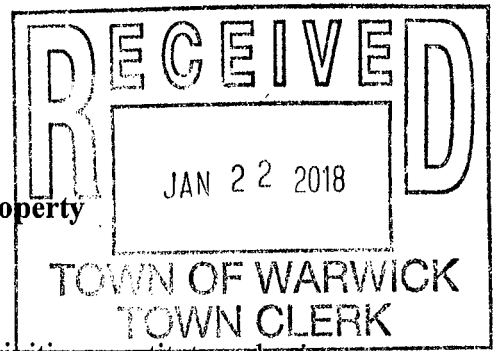


**From:** Village Greenwood Lake [mailto:vcmgwl@yahoo.com]  
**Sent:** Monday, January 22, 2018 11:21 AM  
**To:** Warwick Town Clerk <clerk@townofwarwick.org>; Michael Sweeton <supervi@warwick.net>  
**Subject:** Fw: draft law

The Village of Greenwood Lake is considering adopting the following law on airbnb rentals. We would be interested to hear any comments you may have. We will be holding a public hearing in February on adopting the proposed law.

Thank you

**Chapter 116a. Short Term Rental Property**



**§ 116a-1. Purpose.**

A. The Village Board finds that short-term residential rental activities constitutes a business activity, which impacts upon the public health, safety and general welfare of the people of the Village. The use of single and multi-family dwelling units for vacation rental lodging purposes provides visitors an alternative to standard lodging, however, such uses in residential neighborhoods may have negative effects on the character and stability of such neighborhoods. This law is enacted pursuant to Municipal Home Rule Law § 10. The purpose of this article is to establish regulations for the use of short-term residential rentals in order to protect the public health, safety, and general welfare of the people of the Village and to further achieve the following beneficial purposes:

- (1) The protection of the character and stability of residential areas;
- (2) The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and
- (3) The preservation of the value of land and buildings throughout the Village.

B. This article is not intended to regulate hotels, motels, inns, bed-and-breakfast establishments and rooming houses. Residential units rented on a month-to-month basis or annual basis, pursuant to a valid lease agreement, are also excluded.

**§ 116a-2. Definitions.**

- A. This chapter adopts for use in this chapter all definitions set forth in § 116-2.
- B. SHORT TERM RENTAL for the purposes of this chapter is residential rental for a period of less than 30 days, which includes activities such as Air Bed and Breakfast rental.

**§ 116a-3. Short Term Rental Unit Registration.**

A. In addition to any registry requirements pursuant to the State's Multiple Residence Law, and any requirement set forth by the County of Orange, no person shall allow to be occupied, or rent to another for occupancy, any rental unit unless the owner has registered the rental unit with the Village of Greenwood Lake on a form approved by the Building Inspector in accordance with the provisions of this section, indicating as a minimum the following information:

- (1) Address of the rental unit;
- (2) The number of rental units in each building;
- (3) The number of conventional bedrooms in the dwelling;



- (4) The applicable overnight and daytime occupancy limit of the unit;
- (5) The types and placement of any fire protection systems located in each building;
- (6) The number and location of all exits;
- (7) A floor plan indicating the placement and size of each conventional bedroom, exit and fire protection system;
- (8) A listing of each manner or mechanism through which the rental unit is listed for rental; and
- (9) The fully completed form must be notarized.

B. Such registration for short term rental shall otherwise satisfy all requirements set forth in § 116-3. General Requirement for Rental Property.

C. Any real property utilized for short term rental shall also satisfy the following requirements:

- (1) There must be a valid certificate of occupancy for the real property;
- (2) The septic system shall fully comply with all current requirements set forth by New York State, Orange County and the Village of Greenwood Lake. No property equipped with a cesspool may be used for short term rental;
- (3) The owner for any real property utilized for short term rental liability insurance shall maintain liability insurance for the property with policy limits in an amount of no less than \$1,000,000.00; and
- (4) The property shall satisfy the requirement for a rental inspection as set forth in § 116-6, which inspection shall otherwise ensure compliance with all relevant portions of this Chapter.

#### **§ 116a-4. Registration of Landlords Engaged in Short Term Rental.**

A. The owner of a property utilized for short term rental shall register same with the Building Inspector within 30 days of the effective date of this chapter on a form approved by the Building Inspector, indicating as a minimum the following information:

- (1) Address of the rental unit;
- (2) Name, social security number, telephone number, email address, mailing address and physical address of the owner;
- (3) If the owner is an association, partnership, limited liability partnership, corporation, joint tenancy, tenancy in common, tenancy by the entirety, or other entity, the name of each and

every owner, officer, partner or general interest partner, and the name of their interest shall also be disclosed;

(4) If the owner is a business entity, the tax identification number, and the name, telephone number, email address, mailing address and physical address of the owner's agent;

(5) Acknowledgment of receipt and inspection of the Code of the Village Greenwood Lake § 116; and

(6) The fully completed form must be notarized.

B. Real person owners who are Absentee Landlords, and non-real person owners, must designate a real person as an agent for service of process who resides within the corporate boundaries of Orange County. If that agent's residence should be removed from Orange County during the period of any short term rental permit, another agent must be designated for the duration of the period or any permit for short term rental shall become void.

C. A post office box shall not be accepted as the owner's, or agent's, physical address.

D. The address intended for short term rental shall not be accepted as the owner's, or agent's, physical address, unless it is the principal place of business or actual residence of the owner or agent.

E. Upon the transfer of the legal or equitable title to any real property for which a short term rental permit has been issued, any permit for short term rental shall become void.

F. Lease-holders and tenants may not engage in short term rental.

**§ 116a-5. Short Term Rental Permit.**

No property shall be used for short term rental unless there owner shall first obtain and maintain a short term rental permit from the Village of Greenwood Lake,

**§ 116a-6. Application For Short Term Rental Permit.**

A. The property must be registered with the Village of Greenwood Lake in accordance with, and otherwise satisfy the requirements of, § 116a-3. Short Term Rental Unit Registration;

B. The landlord property owner, and designated agent, if applicable, must be registered with the Village of Greenwood Lake in accordance with and otherwise satisfy the requirements of, § 116a-4. Registration of Landlords Engaged in Short Term Rental;

C. The property must have undergone an inspection performed by the Building Inspector, and all violations must be remedied prior to the granting of a permit for short term rental.

**§ 116a-7. Term and Expiration For Short Term Rental Permit.**

A permit for short term rental issued pursuant to this article shall expire one year after the date of issuance, unless sooner revoked.

**§ 116a-8. Application For Renewal of Short Term Rental Permit.**

A. Application for renewal of the short term rental permit is due 30 days prior to its expiration and requires payment of the renewal fee.

B. At the time of application for renewal, the landlord owner, or designated agent, if applicable, must present the previous permit for short term rental.

C. The property must have undergone an inspection performed by the Building Inspector, and all violations must be remedied prior to the renewal of a permit for short term rental.

**§ 116a-9. Inspections of Short Term Rental Units.**

A. All short term rental units are subject to inspection by the Building Inspector as set forth in § 116-6.

B. Short term rental units determined to be unsafe are subject to the provisions of § 116-5D.

**§ 116a-10. Fees For Short Term Rental Permit.**

A. An application fee for the short term rental permit, in an amount established by resolution of the Village Board, shall be paid by the property owner at the time of application.

B. A renewal fee for the renewal of a short term rental permit, in an amount established by resolution of the Village Board, shall be paid by the property owner at the time of application for renewal.

**§ 116a-11. Grounds for Denial of Application for Short Term Rental Permit:**

The Building Inspector may deny an application for a short term rental permit, based upon, among other, any of the following grounds:

A. The application does not fully comply with the provisions of the § 116a. Short Term Rental Property.

B. The application has falsified or failed to provide information in the application for a permit, registration of property, or registration of property owner.

C. The applicant had been issued a short term rental permit, which was in effect in any part of the calendar year immediately preceding the date of application, and the applicant falsified or failed to provide information in the application for a permit, registration of property, or registration of property owner, upon which such short term rental permit had been issued.

D. The applicant violated any provision of § 116a. Short Term Rental Property during the calendar year immediately preceding the date of application or during the calendar year in which the application was made.

E. The applicant has had a short term rental permit revoked for cause during the calendar year immediately preceding the date of application or during the calendar year in which the application was made.

F. The property, for which a short term rental permit is sought, was used or occupied in violation of § 116a. Short Term Rental Property during the calendar year immediately preceding the date of application, or during the calendar year in which the application was made.

G. The property, for which a short term rental permit is sought, is not equipped with single station smoke detecting alarm device and carbon monoxide detector device, or devices in accordance with New York State standards.

H. The property, for which a short term rental permit is sought, does not possess adequate exits in accordance with New York State standards.

**§ 116a-12. Grounds for Denial of Renewal of Short Term Rental Permit:**

The Building Inspector may deny an application for renewal of a short term rental permit, based upon, among other, any of the following grounds:

A. The renewal application does not fully comply with the provisions of the § 116a. Short Term Rental Property.

B. The applicant has falsified or failed to provide information in the application for a permit, application for renewal of a permit, registration of property, or registration of property owner.

C. The applicant had been issued a short term rental permit, which was in effect in any part of the calendar year immediately preceding the date of application, and the applicant falsified or failed to provide information in the application for a permit, registration of property, or registration of property owner, upon which such short term rental permit had been issued.

D. The applicant violated any provision of § 116a. Short Term Rental Property during the calendar year immediately preceding the date of application or during the calendar year in which the application was made.

E. The applicant or any tenant violated any provision of the Code of the Village of Greenwood Lake.

F. Any conduct on the premises which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood, or which otherwise creates a public nuisance.

E. Advertising for the sub-leasing, or selling or assigning of shares to the premises by a tenant, or occupant, for the use or occupancy for all or a portion of the premises is prohibited.

F. All tenants shall ensure that at no time shall ingress or egress from any driveway be impeded.

G. The tenants of short term rental premises and their guests shall not park any motor vehicle in a manner so as to block or prevent access to driveways, or easements or rights of way.

H. Any conduct on the premises which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood, or which otherwise creates a public nuisance is prohibited.

**§ 116a-15. No Presumption From Short Term Rental Permit.**

The issuance of a short term rental permit shall create no presumption that the short term rental unit complies with the provisions of Chapter 116a. Short Term Rental Property.

**§ 116a-16. Evidence of Use and Occupancy**

The parking of motor vehicles on the premises, for which a short term rental permit has been granted between the hours of 1:00 am and 6:00 am shall be *prima facie* evidence that the rental unit was used and occupied during that time by at least one person for each motor vehicle so parked.

**§ 116a-17. Trash and Refuse.**

A. Trash, refuse and re-cycling shall not be left stored within the public view, except in proper containers for the purpose of collection by the collectors, set out no earlier than 5:00 p.m. on the evening prior to scheduled trash and re-cycling collection days, and shall otherwise comply with § 63-3e.

**§ 116a-18. Non-Transferability.**

A short term rental permit shall not be transferred or assigned to any person or used by any other person other than the permittee to whom it was issued.

**§ 116a-19. Appeals.**

A. If the Building Inspector denies an application for short term rental; or denies an application for renewal of a permit for short term rental, or revokes a permit for short term rental, it shall be done in writing reciting the grounds for denial or revocation.

B. An applicant, or permittee, as applicable, may appeal from such denial or revocation by filing a written request for a hearing before the Village Board of Trustees. Such request shall be filed with the Village Clerk.

C. Upon receipt of such request, the Village Clerk shall schedule same for the next regularly scheduled Village Board Meeting, affording the appellant at least 5 days written notice of the place date and time of the hearing, and publish notice of same.

D. At the hearing, the appellant shall be afforded reasonable opportunity to be heard. The public shall be afforded reasonable opportunity to be heard. The appellant shall bear the burden of proof by a preponderance of the credible evidence to show that the determination of the Building Inspector was arbitrary or capricious, or in excess of his authority. The decision of the Village Board of Appeals shall be final and conclusive.

**§ 116a-20. Penalties for Offenses.**

Violations of this chapter will constitute municipal infractions and will be subject to all applicable penalties as further set forth in § 116-7.

## Warwick Town Clerk

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**From:** Elizabeth Knight <eknight@teawithfriends.com>  
**Sent:** Tuesday, January 23, 2018 2:04 PM  
**To:** Michael Sweeton; Town Supervisors Confidential Secretary; Town Supervisors Confidential Secretary; Warwick Town Clerk  
**Subject:** Jan 20 Repair Cafe Report

Our first Repair Café of 2018 drew 92 “customers” from **New Jersey** – Suffern 1, Wantage 1, **New York** - Chester 7, Florida 2, Goshen 4, Greenwood Lake 6, Middletown 5, Monroe 2, Montgomery 1, New Windsor 1, Pine Island 2, Sugar Loaf 1, Tuxedo 1, Warwick 51, Washingtonville 1, Westtown 1, White Lake 1, Woodbury 1, and **Pennsylvania** – Matamoras 2. One job ticket did not indicate a town.

Kim, Fix-It-Bob, Jerry, Glenn, Tom, and Rich worked on multiple lamps, including an antique floor lamp, one that suffered from “wabbles,” and a vintage 1930s table lamp with a ceramic base shaped like flamenco dancer complete with hat and red swirled skirt, multiple clocks – “1 hand doesn’t work,” a radio, circuit board, wireless amplifier, sewing machine, electric heater, electric toothbrush, hair dryer, hair clipper, electronic game, phone, toaster, coffee maker, cassette player, paper shredder, wind chimes, Hummel porcelain figurine, leaf blower, food processor, and a couple of space heaters. They extracted a stuck tape from a VCR that belonged to the customer’s 98-year-old father, shortened an extension cord, fixed bike brakes, re-glued wooden chairs and a milk stool’s broken leg.

The owner of the chair with the knitted orange and yellow chevron design “upholstery,” said that when she was a young bride, her mother crafted an entire bedroom suite for her that included a queen-bed-sized afghan and throw pillows with tassels to match the chair. Ms. L, from Goshen, went on to say, “It makes you feel good to get your own things repaired rather than buying something new.” Pointing to a group of three coaches conferring over a lamp, she said, “Beyond that, it’s so wonderful to see people with skills helping others.” She said that she had no “hands-on-skills, but would like to help out making coffee and working the front desk.”

Two more people volunteered, that day, for future cafes and folks from Middletown and Tuxedo dropped in to observe the proceedings. Both towns have expressed interest in starting their own Repair Cafes. We’re currently the only one in Orange County, but learned this morning, that there are now 18 in the Hudson Valley and Lower Catskills – 1,450 world-wide in 30 countries on 6 continents.

Steve, Brian and Roger sharpened dull nail clippers, a pair of “noisy” clippers, pruners, loppers, shears, scissors in a variety of sizes and types, and many, many knives. Brian said that one

customer told him he could “start a sharpening business.” But, Brian told me, “Why would I want to do that? I have a job. If knife sharpening were my job, too it would take all the fun out of it. A job is making a living. This is about giving.”

Joan, Deanne, Mary and Liz sewed pants, a blanket, jacket, pajama bottoms, and a blouse among other textiles. They taught a customer how to darn her wool socks, as well as hand-sewed a wool sweater. The ladies repaired pants, t-shirts, jeans, a pair of pocketbooks, a lace curtain and a shower curtain. Deanne taught the owner of a set of purple nylon curtains, that the woman had hemmed with safety pins for five years, how to measure them to be cut. The woman didn't trust herself to do that job, however so her mother wielded the scissors, then the pair took the curtains to be properly hemmed by machine. One executive, who had traveled the world with a suitcase given him by his wife, dragged it in for a zipper repair. Liz taught new volunteer Rachel's two daughters to crochet in between hand-sewing gigs. The girls, along with Rahelli's boys, enjoyed the take-it-apart table –fun while learning how things really work - taught by the ever-patient, Jim.

Cathe' and Susanne repaired jewelry including multiple earrings “no post,” “needs soldering,” a ring “missing stone,” bracelets, broken chains and two pieces bought on vacations in Ireland by two women who didn't know each other. Lisa who graciously manned the front desk and displayed superb crowd-control skills, took the pair her pair of glasses that need a screw replaced. Sustainable Warwick sponsors our Repair Cafe and member Mary manned a table with information about sustainable practices, including suggestions for what to do if your “house is too cold.”

The snacks table, set up by Rachel and her daughters, was enhanced by the donation of a delicious apple pie, still warm from the oven, baked by a seventh-grade girl who accompanied her dad who needed his ceramic lamp repaired. Thanks to all of you for your continued support of this event. Next café, March 17.

Elizabeth Knight Moss  
17 Deer Pond Drive  
Warwick, NY 10990  
Tel. 845-544-1056

***Do what you can, with what you have, where you are. Teddy Roosevelt***