



Know Your Contract

Drug Testing



Federal law has mandated pre-employment, random and mandatory drug testing of safety sensitive transportation workers in the mass transit, airline, and railroad industries for more than 25 years.

All Train Operators, Conductors and Tower personnel fall into that category – safety sensitive. As we are all aware, we are subject to random, scheduled, post-accident, and post “unusual incident” drug tests.

In addition, in 2019, the chance of being called for a random test doubled compared with 2018.

Why? Because under federal law, the rate of random drug tests depends on the percentage of transit workers **nationwide** who turned up positive two years prior. From 2004 through 2016, the rate of positive results was less than one percent. In 2017, that number went up to 1.06 percent. So now, the number of random screens are doubled until the “positives” fall under 1 percent for two years running. In other words, your chance of being called for a random in 2019 is 1 in 2! Last year, it was 1 in 4.

The union negotiated a **Restoration Clause (“second chance”)** in the contract for first-time violators (not including probationary employees) of the policy. **This has saved the jobs, and no doubt the lives, of hundreds if not thousands of members over the past quarter century.**

BUT, the Restoration policy DOES NOT APPLY IN ALL CASES. The following is language from the contract covering circumstances for dismissal *without* the possibility for a “second chance.”

1) “The restoration provisions of this policy instruction are not available to employees who are dismissed from service following detection of use of controlled substances or drugs through testing precipitated by an incident/accident which resulted in the harm or injury to any person where it is reasonable to conclude that drug use could have contributed to the accident.”

2) “Refusal to take such test(s) . . . will be deemed an admission of improper use of Controlled Substances and will result in dismissal from service. The provisions of Section 9.0 (the Restoration Clause) shall not apply to employees dismissed under this paragraph.”

THE ABOVE APPLIES TO ANYONE WHO TRIES TO USE A FALSE SAMPLE (i.e. someone else’s urine) DURING TESTING. Also, to someone who is unreasonably late to a random, or cannot void (*provide a sample*) without medical justification.

DISMISSAL IS MANDATED UNDER THESE EXCEPTIONS – NO SECOND CHANCE!

Forewarned is forearmed.
Stay safe, stay clean, stay employed.



We Won't Let You Fall!

TWU Union Assistance Program (UAP)

519 EIGHTH AVENUE, NYC

BETWEEN 35TH & 36TH STREETS

COMPLETELY CONFIDENTIAL



Substance Abuse
Alcoholism
DWI
Financial Trouble
Stress
Gambling
Family Crises
Depression

**IT'S CONFIDENTIAL,
VOLUNTARY
AND NON-DISCIPLINARY**

212-736-3579

**COME TO US BEFORE YOU FAIL
AN MTA DRUG/ALCOHOL TEST**

Another CONFIDENTIAL Resource for Transit Families

MTA's Office of the Chaplains

347-643-7380