

# Drug and Alcohol Policy Revisions

Management Committee January 2022



# Drug and Alcohol Programs required for Federal funding

- The Council operates a large public transportation system consisting of Bus, Light Rail, and Railroad modes of transportation
- The Council receives federal grants under 41 United States Code §4103 and is therefore required to comply with drug and alcohol program regulations to maintain funding
- The policy changes addressed here are primarily regulatory changes the Council is required to adhere to

# Drug and Alcohol Programs

- The Council is required to maintain a Drug Free Workplace Program required by Code of Federal Regulations Part 40
  - The Council is required to adhere to drug and alcohol program-specific guidelines for employees that operate within three separate Federal DOT operational modes: 1) Federal Transit Administration 49 CFR Part 655; 2) the Federal Motor Carrier Safety Administration 49 CFR Part 382; 3) and the Federal Railroad Administration 40 CFR Part 219 (not discussed here)
  - Each DOT agency writes industry-specific rules describing who is subject to testing, when, and in what situations
  - Regulations call for Board approval of each policy

# Policy Revision Process

- In Q3 2021, Human Resources created one new drug and alcohol policy and updated three others for purposes of federal and state compliance
- Stakeholder review
- HR Leadership review
- Policy/Procedure Committee review
- Office of General Council review
- Meet and review with unions



# Council's Revised Drug and Alcohol Policies

Title	Current / New
HR 2-2 Drug and Alcohol - Free Workplace Policy	Updated
HR 2-3 Federal Transit Administration (FTA) Drug and Alcohol Policy	Updated
HR 2-4 Non-DOT (Department of Transportation) Drug and Alcohol Policy	Updated
HR 2-5 Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Policy	New

# HR2-2 Drug and Alcohol- Free Workplace

- This policy applies to all employees and is required by federal law under the Drug-free Workplace Act of 1988
- Regulatory changes
  - Added requirement for CDL holders to notify Council of any drug/alcohol arrest or conviction the following day
  - Added that marijuana in any form is prohibited for DOT employees
  - Added prohibition for alcohol result of 0.02 or greater (adopted in all Council policies)

# HR 2-3 Federal Transit Administration (FTA) Policy

- This policy applies to all Metro Transit employees that perform FTA work
- Regulatory changes
  - Replaced opiates with opioids
  - Removed blind testing
  - Removed managerial positions that do not perform FTA work
  - Added requirement for CDL holders to notify Council of any drug/alcohol arrest or conviction the following day
  - Added that marijuana use in any form is prohibited for DOT employees

# FTA Policy Revisions cont.

- Other policy changes
  - Added information about voluntarily reporting a drug/alcohol problem before testing occurs
  - Added prohibition for alcohol result of 0.02 or greater
  - Added prohibition on rehire for policy offenders that resign or are terminated



# New Federal Motor Carrier Safety Administration (FMCSA) Policy

- New DOT policy created because the Council is required to have a policy for commercial drivers that transport hazardous waste
  - This policy applies to safety-sensitive commercial motor vehicle drivers in the Environmental Services division
  - Follows CFR Part 382 regulations for FMCSA covered employees
  - New FMCSA Clearinghouse regulations are included
  - Includes consequences for policy violations that are consistent across all DOT policies

# HR 2-4 Non-DOT (Department of Transportation) Policy Revisions

- This policy that takes the place of the former Non-FTA policy
- This policy applies to all Council employees that are not governed by a DOT policy
  - Added EAP information about voluntarily reporting a drug/alcohol problem before testing occurs
  - Added new impairment language (to include discipline for positive reasonable suspicion tests where marijuana is identified)
  - Included all non-DOT safety sensitive positions in Environmental Services and 35 new MT Non-DOT safety sensitive positions to the policy

# Non-DOT Policy Revisions cont.

- Added discipline for offenses of alcohol result from 0.02 to less than 0.04
- Added managerial safety-sensitive positions that do not perform FTA work to this policy
- Added requirement to participate in a reasonable suspicion test after a workplace accident or accident injuring another
- Added prohibition on rehire for policy offenders that resign or are terminated
- Removed pre-employment tests for alcohol

# Drug and Alcohol Policy Revisions

- Questions?
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