

INTER OFFICE MEMO

To: Board of Directors

Date: 09/07/2022

From: Lisa Rettig, Director of Human Resources

Reviewed by:



SUBJECT: Drug and Alcohol-Free Workplace Policy Update

Background:

County Connection is required to assure employee fitness for duty and to protect our employees, passengers, and the public from the safety and health risks posed by the misuse of alcohol and use of prohibited drugs. This policy is governed by Department of Transportation (DOT) 49 CFR Part 40 as amended and FTA 49 CFR Part 655; DOT 40 CFR Part 29 and CA Govt. Code Section 8350 et seq.

Marijuana remains a prohibited substance under the Federal Regulations for Safety Sensitive employees. However, marijuana is legal in California both medically and recreationally.

Summary of Issues:

In June 2022, during the FTA Triennial Review the reviewer requested a minor change to our existing policy. The bold face type represents the change: "Employees are required to notify **in writing** the Authority in 5 days if they are convicted of any criminal drug statute which occurs as the result of an incident at work or while on duty. **All employees must abide by the terms of the above policy statement as a condition of employment.**"

Staff would also recommend the removal of marijuana (THC) from the list of prohibited substances for non-Safety Sensitive classified employees.

Financial Implications:

None.

Recommendation:

The A&F Committee and Staff recommends approval of Resolution 2023-006.

Action Requested:

Adoption of Resolution 2023-006

Attachments:

Attachment 1: Section 209 Central Contra Costa Transit Authority Drug and Alcohol-Free Workplace Policy

Attachment 2: Resolution 2023-006

RESOLUTION NO. 2023-006

**CENTRAL CONTRA COSTA TRANSIT AUTHORITY
BOARD OF DIRECTORS**

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ADOPTING AN UPDATED DRUG- AND ALCOHOL-FREE WORKPLACE POLICY

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions; and

WHEREAS, CCCTA, as a recipient of federal grants administered by the U.S. Department of Transportation, is required to adhere to the terms and conditions of such grants, together with implementing regulations issued by the Federal Transit Administration (FTA) as may be revised from time to time;

WHEREAS, in response to the passage of the Omnibus Transportation Employee Testing Act of 1991, the FTA published two regulations prohibiting drug use and alcohol misuse by transit employees and requiring transit agencies to test for prohibited drug use and alcohol misuse at 49 CFR Parts 653 and 654, which has been replaced by 49 CFR Part 655, and the Department of Transportation has issued procedures for the testing methods to be followed at 49 CFR Part 40 Revised (collectively, the Regulations);

WHEREAS, staff has updated CCCTA's Drug and Alcohol Free Workplace Policy to conform with the Regulations;

WHEREAS, at their September 7, 2022 meeting, the Administration and Finance Committee found that the proposed *Drug- and Alcohol-Free Workplace Policy* to be appropriate and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby adopts the *Drug- and Alcohol-Free Workplace Policy*, as presented by staff and attached hereto; and

BE IT FURTHER RESOLVED that the Board of Directors directs the General Manager, or his designee, to submit the *Drug- and Alcohol-Free Workplace Policy* to the U.S. DOT through the Federal Transit Administration as soon as it is adopted so as to assure continued eligibility for the receipt of federal financial assistance.

Regularly passed and adopted this 15th day of September 2022 by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Dave Hudson, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board