

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 12/8/2021

Staff Report No. 21-544

TO: AC Transit Board of Directors
FROM: Michael A. Hursh, General Manager
SUBJECT: Amendments to Board Policy 522 - Alcohol and Substance Abuse Policy

ACTION ITEM

RECOMMENDED ACTION(S):

Consider the adoption of Resolution No. 21-045 approving amendments to Board Policy No. 200 - Alcohol and Substance Abuse Policy.

STRATEGIC IMPORTANCE:

Goal - Safe and Secure Operations
Initiative - Employee Recruitment, Training and Retention

Following the Federal Transit Administration (FTA) Triennial Review, minor amendments to the District's Alcohol and Substance Abuse Policy were required. These were reviewed and approved by Union leadership and are ready for adoption by the Board.

BUDGETARY/FISCAL IMPACT:

If the policy changes are not approved, the FTA could withhold the District's funding.

BACKGROUND/RATIONALE:

The FTA conducted an audit of the District's Alcohol Substance Abuse Program as part of the Triennial Review in March of 2021. During the Triennial Review, the FTA auditor conducted a thorough review of the District's Board Policy on Alcohol and Substance Abuse. As a result, the FTA auditor verbally instructed staff to make minor revisions to the verbiage describing prohibited substances and removing the Department of Transportation's biennial drug testing from the policy. During the AC Transit Triennial Review Exit Conference, the auditors reported no findings and did not provide a corrective action deadline to make amendments to the policy.

After the Triennial Review, the Alcohol/Substance Abuse Joint Labor Management Subcommittee (a Joint Labor Management Council between ATU Local 192, IBEW Local 1245, AFSCME Local 3916 and the District) convened for the purpose of modifying the policy in accordance with 49 CFR Parts 40 and 655. During Subcommittee meetings, there was also discussion about reopening the entire policy for negotiation of additional modifications requested by staff. The Unions did not agree to reopen the entire policy for additional amendments not requested by the FTA auditor. The Unions collectively agreed to postpone negotiation of

additional amendments until after completion of the upcoming District and ATU Local 192 collective bargaining agreement negotiations in 2022. The Unions collectively agreed to the revisions requested by the FTA auditor which are necessary to comply with the revised regulations in 49 CFR Parts 40 and 655.

Please note that the amended Alcohol and Substance Abuse Policy will remain in its current format due to the length of the policy and because only minor amendments were being made to the policy this time. The new template will be used with the next policy amendment.

Modifications to the Board Policy were approved by the Unions and staff recommends that the Board adopt Resolution No. 21-045 approving the proposed amendments presented in Exhibit A of the resolution in their entirety.

ADVANTAGES/DISADVANTAGES:

The advantage of approving these amendments is that the District's Alcohol and Substance Abuse Policy will be in full compliance with Department of Transportation regulations as mandated by the Federal Transit Administration. There are no disadvantages associated with the proposed amendments as failure to do so could result in the suspension of the District's federal transit funding.

ALTERNATIVES ANALYSIS:

There are no practical alternatives to the course of action recommended in this report.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Staff Report 15-188: Resolution No. 15-032 approving amendments to Board Policy 222 (now 200) - Alcohol and Substance Abuse Policy and repeal Resolution No. 15-009.

ATTACHMENTS:

1. Resolution No. 21-045 and Related Exhibit (Redlined version of Board Policy 200)

Prepared by:

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Approved/Reviewed by:

Lynette Little, Director of Civil Rights & Compliance

Jill A. Sprague, General Counsel

Linda A. Nemeroff, District Secretary