



Broward County

Legislation Text

File #: 21-1688, Version: 1

Broward County Commission Regular Meeting

Director's Name: Chris Walton

Department: Transportation

Information

Requested Action

MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, approving the Transportation Department's Drug and Alcohol Testing Policy and Procedures, which includes a revised Anti-Drug and Alcohol Misuse Policy Statement; and providing for an effective date.

Why Action is Necessary

Title 49 CFR Part 655, outlines the United States Department of Transportation (USDOT), Federal Transit Administration's (FTA) Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, and requires the local governing board of the transit operator to establish an anti-drug use and alcohol misuse program, and to adopt a policy statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace.

What Action Accomplishes

Adopts the Transportation Department's (BCT) revised drug and alcohol testing program policy to conform with the drug and alcohol testing rules and procedures of the FTA.

Is this Action Goal Related

Yes

Previous Action Taken

October 1, 2013, Item No. 8

Summary Explanation/Background

THE TRANSPORTATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTION.

The U.S. Department of Transportation's (USDOT) Federal Transit Administration (FTA) regulates compliance with the drug and alcohol testing program rules and procedures for transportation workers outlined in Chapter 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, as amended. These regulations mandate drug and alcohol testing for safety-sensitive positions and prohibit performance of safety-sensitive functions when there is a positive test result. Chapter 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Procedures, as amended, sets standards for the collection and testing of urine and breath specimens.

As a condition of financial assistance, all FTA grantees, and their subrecipients, contractors,

subcontractors, and lessees, receiving federal financial assistance under 49 U.S.C. Sections 5307, 5309, or 5311, are required to have a drug and alcohol testing program, designed to help prevent accidents, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions. Broward County through the Transportation Department (BCT) is a recipient of FTA grant funds and therefore must comply with these revised regulations related to anti-drug use and alcohol misuse programs (Section 655.11 of 49 CFR Part 655). In addition, pursuant to Section 655.15, this updated drug and alcohol program must include an anti-drug and alcohol misuse policy statement, which shall be adopted by the local governing board of the employer or operator and disseminated to every covered employee.

Specifically, 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing, were amended to add certain Schedule II Drugs (hydrocodone, hydromorphone, oxycodone, and oxycodone) to its drug-testing panel and to refer to these substances, as well as the previously covered drugs morphine, 6-acetylmorphine, and codeine, by the more inclusive term “opioids,” rather than “opiates.” The final rule clarified certain existing drug testing program provisions and definitions, made technical amendments, and removed the requirement for employers and Consortium/Third Party Administrators to submit blind specimens and clarifications to 49 CFR Part 40, section 40.26 and Appendix H regarding the requirement for employers to follow the USDOT’s instructions for the annual information collection.

BCT staff recommends that the Board adopt the attached resolution (Exhibit 1), which approves BCT's revised Anti-Drug and Alcohol Misuse Policy Statement as established in BCT's Drug and Alcohol Testing Policy and Procedures (revised October 2021). This revised document has been modified to include all the elements of an anti-drug use and alcohol misuse program, subsequent regulatory and statutory changes, as well as organizational and minor technical updates. With formal adoption of the attached resolution, BCT will be in full compliance of these federal regulations.

This resolution was prepared by the County Attorney's Office. Additionally, the collective bargaining units (i.e., Amalgamated Transit Union Local 1267 and the Government Supervisors Association of Florida, Local 100) representing the Transportation Department’s (BCT) safety-sensitive employees (such as bus operators, mechanics, storekeepers, coach service attendants, transit superintendents and supervisors, etc.) have reviewed and accepted BCT's revised Drug and Alcohol Testing Policy and Procedures.

Source of Additional Information

Chris Walton, Director, Transportation Department (954) 357-8361

Fiscal Impact

Fiscal Impact/Cost Summary

None