

Date: March 22, 2023

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 23-03-11 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) ADOPTING A REVISED ANTI-DRUG AND ALCOHOL POLICY

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) adopt revisions to TriMet’s Anti-Drug and Alcohol Misuse Policy (Policy).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other: Adopt Revisions to Anti-Drug and Alcohol Misuse Policy

3. Reason for Board Action

The Federal Transit Administration requires a transit agency’s local governing board adopt and implement a drug and alcohol policy.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

On February 15, 1994, the Federal Transit Administration (FTA) published a final rule on the Prevention of Prohibited Drug and Alcohol Use in Transit Operations, based on the Omnibus Transportation Employee Testing Act of 1991 (Act). The Act required all transit systems that serve a population of 200,000 or greater to adopt and implement a drug and alcohol policy testing program, and that the policy be approved by the local governing board.

TriMet’s initial Anti-Drug and Alcohol Misuse Policy was adopted by the Board in December 1994, and has been periodically revised and approved by the Board when there are significant changes. The Board most recently adopted changes to the Policy in January 2018, via Resolution No. 18-01-01.

The current changes to the Policy are the result of a random FTA audit of TriMet's drug and alcohol program and its 2018 Policy, which have not previously been reviewed by the FTA. Based on the FTA audit findings, TriMet made changes to the Policy to comply with the findings and align with current FTA requirements.

Changes were made to Policy provisions addressing Prohibited Behavior and Drug and Alcohol Testing, including pre-employment and post-accident testing, remaining "readily available" for testing, return-to-duty and follow-up testing, refusals to be tested, and reasonable suspicion training. Unrelated to the revisions resulting from the FTA audit, TriMet also made some minor changes to the Policy's Discipline section. The revised Policy was shared with the ATU, which had no objections.

The proposed changes to the Policy were submitted to and approved by the FTA, and the FTA-approved Policy is attached hereto as Exhibit A.

6. Impact if Not Approved

Federal regulations require that TriMet adopt and implement an Anti-Drug and Alcohol Misuse Policy in accordance with FTA requirements. The revised Policy incorporates changes based on the recent FTA audit and TriMet's internal review. Therefore, the Board's adoption of the Resolution is strongly recommended.

RESOLUTION NO. 23-03-11

**RESOLUTION NO. 23-03-11 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET)
ADOPTING A REVISED ANTI-DRUG AND ALCOHOL MISUSE POLICY**

WHEREAS, the Federal Transit Administration (FTA) mandates that all recipients of federal funds adopt and implement an anti-drug and alcohol misuse policy; and

WHEREAS, the TriMet Board of Directors (Board) initially adopted its Anti-Drug and Alcohol Misuse Policy (Policy) in December 1994, which Policy was last revised by the Board in January 2018; and

WHEREAS, a revised Policy incorporating guidance from a recent FTA audit and TriMet's internal review is attached hereto as Exhibit A; and

WHEREAS, the Board desires to adopt the revised Policy set forth in the attached Exhibit A;

NOW, THEREFORE, BE IT RESOLVED:

That the TriMet Board of Directors hereby adopts the revised TriMet Anti-Drug and Alcohol Misuse Policy as set forth in the attached Exhibit A.

Dated: March 22, 2023



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department