



Date of Memo: May 08, 2023
Current Meeting: May 16, 2023
Board Meeting: May 25, 2023

BOARD MEMORANDUM

TO: Indianapolis Public Transportation Corporation (IPTC) Board of Directors
THROUGH: President/CEO Inez P. Evans
FROM: Brian Clem, Director of Risk and Safety (CSO)
SUBJECT: Consideration and approval of revisions to the IPTC Anti-Drug & Alcohol Misuse Policy

ACTION ITEM A – 2

RECOMMENDATION:

Per the U.S. Department of Transportation (USDOT), as published 49 CFR Part 655 and Part 40, it is requested that the Board of Directors accept and endorse the IPTC Anti-Drug and Alcohol Misuse Policy as amended.

BACKGROUND:

The current policy was approved by the Board in 2018 with a policy effective date of July 1st. As required by the Federal Transit Administration, (FTA) The local governing Board of the employer shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee. Below are items required to be included.

- (a) *The identity of the person (DER) or office to answer employee questions about the employer's program.*
- (b) *The categories of employees who are subject to the provisions of the program.*
- (c) *Specific information concerning the behavior and conduct prohibited.*
- (d) *Specific circumstances in which a covered employee will be tested for prohibited drugs or alcohol misuse.*
- (e) *Procedures for testing for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the testing process, safeguard the validity of test results, and ensure test results are attributed to the correct employee.*
- (f) *The requirement that a covered employee submits to testing administered under Part 655.*
- (g) *A description of behavior that constitutes a refusal to submit to testing administered according to this part.*
- (h) *The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.*
- (i) *Consequences outlined in 655.35 of subpart D. Covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.*
- (j) *The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part.*

DISCUSSION:

IPTC will provide written notice to all employees and representatives of employee organizations before the changes are to take effect. The program and changes when approved will also be covered during yearly in-service training in 2023. All IPTC employees are required to attend their specific curriculum which may include on-line and or in person training.

ALTERNATIVES:

The Board could choose not to approve the policy as amended. This would lead to a compliance issue with 49 CFR part 655 and impact the results of the 2023 DTA Drug and Alcohol audit and jeopardize future federal funding.

FISCAL IMPACT:

No fiscal impact

DBE/XBE DECLARATION:

Non-Applicable

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

This action will be reviewed by the Service Committee on May 16, 2023.