

**THIS PRINT COVERS CALENDAR ITEM NO. : 10.3**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Human Resources

**BRIEF DESCRIPTION:**

Requesting the San Francisco Municipal Transportation Agency Board of Directors adopt a revised Substance Abuse Policy, which has been updated to reflect recent changes to 49 Code of Federal Regulations Part 40 regarding the addition of synthetic opioids to the U.S. Department of Transportation drug testing panel, to clarify certain existing drug testing program provisions and definitions, and to make technical amendments.



**SUMMARY:**

- The Federal Rules require the governing body of a direct recipient of Federal financial assistance from the Federal Transit Administration (FTA) to adopt a policy statement on alcohol misuse and prohibited drug use in the workplace by employees performing safety-sensitive duties.
- The SFMTA Substance Abuse Policy has been updated to meet changes to 49 Code of Federal Regulations Part 40 (the Federal Rules).

**ENCLOSURES:**

1. SFMTAB Resolution
2. SFMTA Substance Abuse Policy and Procedures Handbook

**APPROVALS:**

	<b>DATE</b>
DIRECTOR 	8/29/2018
SECRETARY 	8/27/2018

**ASSIGNED SFMTAB CALENDAR DATE:** September 4, 2018

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### **PURPOSE**

Requesting that the San Francisco Municipal Transportation Agency Board of Directors adopt a revised Substance Abuse Policy, which has been updated to reflect recent changes to 49 Code of Federal Regulations Part 40 regarding the addition of synthetic opioids to the U.S. Department of Transportation drug testing panel, effective January 1, 2018, to clarify certain existing drug testing program provisions and definitions, and to make technical amendments.

### **STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES**

Strategic Plan Goals:

1. Create a safer transportation experience for everyone in San Francisco.
4. Create a workplace that delivers outstanding service.

Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.

### **DESCRIPTION**

On February 15, 1994, the U.S. Department of Transportation issued regulations requiring recipients of federal assistance to have a drug and alcohol testing and employee training program in place for employees performing safety-sensitive functions. The Federal Rules require the governing body of a direct recipient of financial assistance from the Federal Transit Administration (FTA) (such as the SFMTA) to adopt a policy statement on alcohol misuse and prohibited drug use in the workplace by employees performing safety-sensitive functions.

On December 13, 1994, in accordance with the Federal Rules, the predecessor to the SFMTA Board of Directors, the Public Transportation Commission (PTC), approved and adopted a Substance Abuse Policy dated December 6, 1994; including the Procedures for testing safety-sensitive employees for alcohol and drugs. On March 24, 1998, the PTC adopted Resolution No. 98-025, which approved a second update of the Substance Abuse Policy. On August 20, 2002, the MTA Board adopted Resolution No. 02-092, which approved a third update of the Substance Abuse Policy. On June 15 2010, the MTA board adopted Resolution No. 10-093, which approved the fourth update of the Substance Abuse Policy. The previous updates were necessary due to changes in the Federal Rules.

On January 1, 2018, further changes to the Federal Rules became effective. Among other things, the Federal Rules added the synthetic opioids (oxycodone, oxymorphone, hydrocodone, and hydromorphone) to the panel of drugs to be tested.

The following is a summary of the changes to the Substance Abuse Policy to incorporate the recent changes to the Federal regulations:

- Additional prohibited drugs have been added to the testing panel.

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- When an employee is unable to provide sufficient amount of urine for a specimen within three hours (“shy bladder”), the collector will discard any specimens provided during the collection. when the employee does not provide a sufficient specimen.
- Added methylenedioxyamphetamine (MDA) as an initial test analyte.
- Removed testing for methylenedioxyethylamphetamine (MDEA) from the testing panel.
- The term “prescription” has been clarified.
- The Medical Review Officer (MRO) has the authority to conduct D, L stereoisomer and THC –V testing.
- When an employee is taking a legally prescribed drug, and the MRO determines that the employee still presents a significant safety risk, the new Rules modify the process for communicating that information to the employer.

## **STAKEHOLDER ENGAGEMENT**

All unions with safety-sensitive employees were notified via memorandum of the policy changes. In addition, safety-sensitive employees were notified of the changes on the electronic bulletin boards and posters throughout the Agency. The unions provided no response.

## **ALTERNATIVES CONSIDERED**

Due to the preemptive requirements of the Federal Rules, no other alternatives can be considered.

## **FUNDING IMPACT**

Operating funds required to provide the services and equipment required to meet the requirements of the Federal Rules are budgeted in the SFMTA’s current year budget. Program expenses in total approximate \$600,000 per year. This item does not change to cost of the program.

## **ENVIRONMENTAL REVIEW**

On July 18, 2018, the SFMTA, under authority delegated by the Planning Department, determined that the proposed revision to the SFMTA Substance Abuse Program Policy & Procedures Handbook is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

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**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The City Attorney has reviewed this calendar item.

There are no other approvals required.

**RECOMMENDATION**

Requesting the San Francisco Municipal Transportation Agency Board of Directors adopt a revised Substance Abuse Policy, which has been updated to reflect recent changes to 49 Code of Federal Regulations Part 40 regarding the addition of synthetic opioids to the U.S. Department of Transportation drug testing panel, to clarify certain existing drug testing program provisions and definitions, and to make technical amendments.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, Since February 15, 1994, the U.S. Department of Transportation (DOT) has required recipients of federal assistance to have an alcohol and drug testing program and an employee training program in place for employees performing safety-sensitive functions, which requirements are embodied in 49 CFR Parts 40 and 655 (the Federal Rules); and,

WHEREAS, The Federal Rules require the governing body of a direct recipient of Federal financial assistance from the Federal Transit Administration to adopt a policy statement on alcohol misuse and prohibited drug use in the workplace by employees performing safety-sensitive functions; and,

WHEREAS, On December 13, 1994, in accordance with the Federal Rules, the predecessor to the SFMTA Board of Directors, the Public Transportation Commission (PTC), adopted a Substance Abuse Policy; including procedures for testing safety-sensitive employees for prohibited drugs and alcohol; and,

WHEREAS, On March 24, 1998, the PTC adopted Resolution No. 98-025, which approved an updated Substance Abuse Policy and Procedures to reflect changes in the Federal Rules; and,

WHEREAS, On August 20, 2002, the SFMTA Board of Directors adopted Resolution No. 02-092, which approved an updated Substance Abuse Policy and Procedures to reflect changes in the Federal Rules; and,

WHEREAS, On June 15, 2010, the SFMTA Board of Directors adopted Resolution No. 10-093, which approved an updated Substance Abuse Policy and Procedures to reflect changes in the Federal Rules; and,

WHEREAS, The Department of Transportation (DOT) amended 49 CFR Part 40 of the Federal Rules to include additional prohibited drugs in the testing panel and make other changes, which regulations became effective January 1, 2018; and,

WHEREAS, On July 18, 2018, the SFMTA, under authority delegated by the Planning Department, determined that the proposed revision to the SFMTA Substance Abuse Program Policy & Procedures Handbook is not a “project” under the California Environmental Quality Act (CEQA) pursuant Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; and,

WHEREAS, The Substance Abuse Program staff has updated the Substance Abuse Policy and Procedures to comply with the revisions to the Federal Rules; now, therefore, be it

RESOLVED, The SFMTA Board of Directors adopts a revised Substance Abuse Policy, which has been updated to reflect the recent changes to 49 Code of Regulations Part 40 regarding the addition of synthetic opioids to the U.S. Department of Transportation drug testing panel, to clarify certain existing drug testing program provisions and definitions, and to make technical amendments.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 21, 2018.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency



