

EXPLANATION OF REVISIONS TO CITY DOT DRUG & ALCOHOL POLICY

The attached DOT drug and alcohol policy contains revisions that bring the policy into compliance with current practices as required by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) to which the City of Rapid City has been subject since 1995.

Other than a few minor language changes (such as “has” to “have” and “Personnel Department” to “Human Resources Department”), the only substantive revision at this time is Section 7.42 – Nonfatal Accidents. Previously, the language was as follows:

All covered employees will be tested for alcohol under the following circumstances:

- (1) when one or more vehicles is disabled and requires a tow from the scene or when any or all of the following conditions exist:*
- (2) (a) the covered employee has been issued a citation under state and local laws for a moving traffic violation;*
(b) his/her performance could have contributed to the accident or;
(c) an individual suffers a bodily injury and receives medical treatment away from the scene of the accident.

The replacement language reads as follows:

All covered employees will be tested for alcohol under the following circumstances:

- (1) when one or more vehicles is disabled and requires a tow from the scene or:*
- (2) an individual suffers a bodily injury and receives medical treatment away from the scene of the accident.*

Explanation of Change

When enacted in 1995 and because the City was subject to both FTA and FHWA regulations, the City had the option of selecting the more stringent of the two regulations. FTA is more stringent than FWHA and this revision removes the mix of language from both FTA and FHWA and brings the language in that section into compliance with FTA. FTA does not require a citation to be issued as a trigger for testing (FHWA does) and the language of performance contribution was also not a trigger for testing which was contradictory to previous guidance. This clarification and revision is the result of current guidance from the FTA program administrator in Washington, DC.

Whenever there is a substantive change to the City's policy, the regulations require adoption by the governing body. The rest of the policy remains the same.

If you have any questions, please call me at 6620 or email. Thank you for your consideration.

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City DOT Program Administrator