

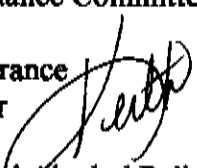


CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Community Resources
Risk Management Division
300 Sixth Street
605-394-6620

MEMORANDUM

DATE: December 10, 2010
TO: Legal and Finance Committee
FROM: Keith L'Esperance
Risk Manager 
SUBJECT: DOT Drug and Alcohol Policy

On November 1, 2010, the City Council passed the revision of the City's DOT drug and alcohol policy. The revision was triggered by correspondence from the Federal Transit Administration (FTA) received September 20, 2010, that employers needed to incorporate Ecstasy in the list of drugs for which tested effective October 1. The correspondence said "**Employers that have a list of prohibited drugs in their policy should add MDMA (Ecstasy) to the list**" but didn't define "list". The way it was written led me to believe Ecstasy was a new category. Our policy already had the five illegal drug *categories* listed (marijuana, cocaine, amphetamines, opiates, phencyclidine) so I added Ecstasy as the 6th category to our "list". Later FTA guidance received November 23, 2010, (after the revision had been passed by the governing body) further defined and clarified the "list" as defining the primary drug categories AND the specific drugs tested underneath the applicable categories as follows:

- Marijuana (THC)
- Cocaine
- Amphetamines
 - Amphetamines
 - Methamphetamines
 - MDMA
 - MDA
 - MDEA



EQUAL OPPORTUNITY EMPLOYER

- Opiates
 - Codeine
 - Morphine
 - 6-AM (Heroin)
- Phencyclidine

In the November 23 correspondence, Ecstasy (MDMA) was placed ***UNDER*** the major category of Amphetamines, not as a separate category as originally presented. I didn't know that until after the policy had been through the approval process. Our policy has never laundry listed what tested for beyond the 5 major illegal drug categories and was fine as it was. As a result, that section of the policy is returned back to its original state per the attached.

Please place this on the Council Consent Calendar so the minutes of the City Council reflect passage of the revision and return policy Section 5.0 **PROHIBITED SUBSTANCES** back to its original description. Thank you.

Attachments

OCTOBER 1 2010 REVISED PAGE

- 3.5 Evidential Breath Tester (EBT)-a device approved by the National Highway Traffic Safety Administration for the evidential testing of breath.
- 3.6 Medical Review Officer (MRO)-a licensed physician responsible for receiving laboratory results who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a confirmed positive test result.
- 3.7 Accident-any occurrence involving a vehicle in which (1) a death occurs, (2) an individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident, or (3) one or more vehicles involved in the accident incurs disabling damage and must be towed from the accident scene.
- 3.8 Standard Schedule Of Disciplinary Offenses/Penalties-see Appendix A for the schedule of offenses and penalties, as amended. At the discretion of the City, the provisions of the Standard Schedule are a part of this policy.

4.0 CATEGORIES SUBJECT TO TESTING:

Participation in the prohibited substance testing program is a requirement of each safety-sensitive position and is a condition of employment (See Appendix B-Job Classifications). The following positions are subject to the contents of this policy and the defined provisions of the federal regulations:

- 4.1 Operation of a revenue service vehicle (e.g. transit buses), regardless of whether the vehicle is in revenue service;
- 4.2 Operation of a non-revenue vehicle when required to be operated by the holder of a Commercial Driver's License;
- 4.3 Controlling movement or dispatch of a revenue service vehicle;
- 4.4 Maintenance of a revenue service vehicle or equipment used in revenue service;
- 4.5 Security personnel that carry firearms;
- 4.6 Contractor employees that perform service on revenue service vehicles or stand in the place of covered employees;
- 4.7 Supervisors who also perform safety-sensitive functions; and
- 4.8 Volunteers who perform safety-sensitive functions.

5.0 PROHIBITED SUBSTANCES:

- 5.1 **Illegal Substances-the consumption of illegal drugs is prohibited at all times. The City tests for the following illegal substances: (1) marijuana, (2) amphetamines, (3) opiates, (4) cocaine, (5) phencyclidine [PCP] and (6) Ecstasy [MDMA].**

ORIGINAL LANGUAGE RESTORED PAGE

- 3.6 **Medical Review Officer (MRO)**-a licensed physician responsible for receiving laboratory results who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a confirmed positive test result.
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- 5.2 **Alcohol-the use and misuse of beverages containing alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol, is prohibited**