ADOPTING AN ADDENDUM TO THE DISTRICT DRUG AND ALCOHOL POLICY

WHEREAS, the Board of Directors adopted its existing "FTA Drug and Alcohol Testing Policy on November 4, 2011 by Resolution No. 2011-12 and revised and updated that policy by adopting Resolution 2017-29; and

WHEREAS, the Board wishes to periodically review and update its Drug and Alcohol policies in order to remain federally compliant and to ensure that the District policies reflect changes in State and Federal law; and

WHEREAS, the District does not actually perform the testing for implementation of its Drug and Alcohol Policy because that is done by a third-party contractor retained on a statewide basis by the State of New Mexico; and

WHEREAS, notwithstanding the foregoing the District wishes to ensure it is at all times compliant with state and federal requirements and therefore wishes to adopt the attached revisions to its Drug and Alcohol policy to the extent they are relevant apply to the District.

NOW THEREFORE BE IT RESOLVED BY THE NCRTD BOARD THAT THE ATTACHED "Drug and Alcohol Policy Addendum" IS HEREBY ADOPTED THIS 2ND DAY OF MARCH 2018.

Approved as to form:

Daniel Barrone, Chair

Peter Dwyer, Counsel
Title: Discussion and Consideration of Resolution No. 2018-08 Adopting an Addendum to the District Drug and Alcohol Policy.

Prepared By: Peter Dwyer, Legal Counsel

Summary: The District recently updated its Drug and Alcohol Policy. Shortly after the update USDOT amended its drug and alcohol testing regulation (49 CFR Part 40) to add additional drugs to the panel of listed drugs for testing and implementing some procedural testing changes. Because the Districts tests are performed by a state-wide contractor and not by District staff the Addendum is of very limited application to the District. It may have an impact upon the Districts employees due to the additional drugs being tested but it will not impact the way in which District staff routinely complies with drug testing requirements.

Background: Due to heightened concern about the proliferation of "Opioids" and their abuse the federal government changed its mandatory drug testing regime. The State of New Mexico through its contractor sent the District staff the attached Addendum to implement those changes. While the Addendum does not directly correlate with District policy and primarily impacts the contractor who performs the drug testing the District is recommending adoption of the Addendum to ensure that any review of the District operation shows we are fully compliant with federal requirements.

Recommended Action: It is recommended that the Board approve the resolution, adopt the addendum and instruct the staff to disseminate copies to all employees’ subject to federally mandated drug and alcohol testing.

Options/Alternatives:

1. Take no action which may result in review findings when the District is subject to biennial or triennial review; or
2. Adopt the resolution (recommended).

Fiscal Impact:
None.

Attachment:
Resolution 2018-08