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City Council Agenda Report  
August 6, 2024

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**TO:** Honorable City Council

**FROM:** Jesus M. Gomez, City Manager

**BY:** James C. Parker, Executive Director of Regional Transportation  
Carina Montes, Director of Human Resources  
Maria Barrera, Senior Human Resources Analyst  
Cecilia Hernandez, Payroll Personnel Technician

**SUBJECT: AMENDMENT TO CITY OF NORWALK TRANSPORTATION DEPARTMENT DRUG AND ALCOHOL PROGRAM RULES AND REGULATIONS**

**Background:**

On December 6, 1994, City Council adopted the Norwalk Department of Transportation System (NTS) Drug and Alcohol (D&A) Program Rules & Regulations. Subsequently, City Council has approved amendments to this policy on various occasions including the current D&A Program Rules & Regulations which were amended in March 2024 to reflect changes in federal regulatory policy and procedures and NTS Rules and Regulations.

Staff is proposing to amend the Drug and & Alcohol Program Rules and Regulations to comply with Federal Transit Administration (FTA) guidelines and updates regarding covered employees as it relates to the following:

Section VI: Definitions: Revised definitions to be in compliance Department of Transportation (DOT) Rule 49 CFR Part 40, Section 40.3; including:

- Sec. VI (A) Adulterated Specimen;
- Sec. VI (Q) Invalid Result;
- Sec. VI (V) Positive Result;
- Sec. VI (W1, W3, W5) Refusal to Test;
- Sec. VI (Y) Screening Test Technician (STT); and
- Sec. VI (Z) Split Specimen.

Section XII: Alcohol: This section was revised to align with the random alcohol testing provisions of DOT Rule 49 CFR Part 655, Section 655.43(c), 655.43(d), and 655.43(i).

Section XIII: Prohibited Behavior – Added language to be in compliance with DOT Rule 49 CFR Part 655, Section 655.13(c) which states that the policy must include “specific information concerning the behavior and conduct prohibited by this part.”

Section XIV: Types of Testing:

Sec. XIV (D) Random Testing: The current policy did not address the immediacy requirement of random testing. Policy was revised to state that employees selected for random testing must proceed immediately to the collection site, per DOT Rule 49 CFR 655, Section 655.45(h).

Added language to be in compliance with DOT Rule 49 CFR 655, Section 655.45(i) which states “a covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.”

Sec. XIV (E) Return to Duty Testing: Revised language to align with the provisions set forth in DOT Rule 49 CFR Part 40, Section 40.307 & Section 40.67.

Section XXIII: Mandatory Referral to a Substance Abuse Rehabilitation Program – As the term Substance Abuse Professional (SAP) is an industry term specific to the DOT return-to-duty process, the term SAP was removed as it is unclear if program participation is the result of a DOT violation.

Appendix B: Substance Abuse Professional (SAP) – Current Rules and Regulations used an outdated list of SAP credentials. Credentials were updated to align with DOT Rule 49 CFR Part 40, Section 40.281(a). In addition, included language that remote assessments are allowed per Section 40.291(a)(1).

Meet & Confer with Employee Association:

In keeping with the meet & confer process, Transportation Department staff reviewed the updated D&A Program Rules & Regulations with the City of Norwalk City Employees Association - International Association of Machinist and Aerospace Workers (IAMAW), District Lodge 947. The IAMAW agreed with these recommended revisions to the Drug & Alcohol Program Rules & Regulations.

**Fiscal Impact:** N/A

**Citizens Advised:** N/A

**Strategic Action Plan Implementation:** N/A

**Recommended Action:**

Staff recommends the City Council adopt the "City of Norwalk Transportation Department Drug and Alcohol Program Rules and Regulations," as amended, August 6, 2024.

**Attachments:**

Drug & Alcohol Program Rules and Regulations