CITY OF SAINT PETER, MINNESOTA
AGENDAS AND NOTICE OF MEETING

Regular Workshop Session of Monday, May 6, 2019
Community Center, St. Peter Room – 5:30 p.m.
600 South Fifth Street

I. CALL TO ORDER

II. DISCUSSION
A. Police Department Presentation
B. Transit Drug/Alcohol Policy Revisions
C. State Demographer Presentation Follow-Up

III. ADJOURNMENT

Office of the City Administrator
Todd Prafke
TO: Honorable Mayor Zieman
Members of the City Council

FROM: Todd Prafke
City Administrator

RE: Department Presentations: Police

ACTION/RECOMMENDATION

None needed. For Council information and discussion only.

BACKGROUND

The May 6th workshop session will feature Police Chief Matt Peters providing a presentation on the Police Department.

Please feel free to contact me if you have any questions or concerns on this agenda item.

TP/bal
Memorandum

TO: Honorable Mayor Zieman
    Members of the City Council

FROM: Todd Prafke
      City Administrator

RE: Transit Drug and Alcohol Policy Update (2)

ACTION/RECOMMENDATION

None needed. For your review and discussion.

BACKGROUND

The Minnesota Department of Transportation Office of Transit (OT) has recommended that all Transit organizations do a review and update of their current policies related to drug and alcohol use, rules, procedures and discipline. On January 14, 2019, you adopted changes which were primarily driven by the Federal audit of all Minnesota transit services of our type which occurred in October, 2018. Subsequent to that action OT was told that a few other changes were to take place in our policy.

OT has developed model policies, which we have used. They have also recommended a number of changes to their models, some of which apply to us as the employer of all MRVT personnel. Those changes mainly deal with clarification of rules by the Feds and our decision on rules for a few clarifications related to the type of testing and pass/fail levels in the tests.

The latest round of changes are minor in nature and only impact the portion of the policy that is attached. If adopted as shown, the City’s policy would meet both OT and Federal Department of Transportation requirements.

Please note these changes are not applicable to your non-transit Commercial Licensed Drivers (Public Works).

Failure to adopt the minimum Federal Transit standards would mean the Feds and OT would have the option of withholding transit funding. As you may remember State and Federal sources account for 80% of MRVT funding.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal
safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report to duty. The covered employee will subsequently be relieved of their on-call responsibilities.

C. The City of Saint Peter shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

D. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having a breath alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.

E. No covered employee shall consume alcohol for eight (8) hours following an involvement in an accident or until they submit to the post-accident drug/alcohol test, whichever occurs first.

F. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

Consequences of Violations—Each situation will be reviewed on a case-by-case basis evaluating the severity and the circumstances involved. An employee violating this policy may be referred to treatment in accordance with Minnesota Statutes 181.950-957 and/or subject to disciplinary action up to and including termination.

7. **DRUG TESTING PROCEDURES**

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedures, and the validity of the test result.

The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory.

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. The employer guarantees that the split specimen test will be conducted in a timely fashion. The City of Saint Peter will guarantee that the cost for the split specimen test is covered to provide for a timely analysis of the sample. If the result of the split specimen is negative, the City of Saint Peter will bear the cost for the split sample.

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
testing—If the specimen split tests positive, the City of Saint Peter will seek reimbursement for the cost of the split sample test from the employee.

OBSERVED COLLECTIONS:

Consistent with 49 CFR Part 40, as amended, observed collections are required in the following circumstances:

A. Anytime the laboratory reports to the MRO that a specimen is invalid and the MRO reports that there was not an adequate medical explanation for the result;

B. Anytime that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;

C. Anytime the collector observes materials brought to the collection site or the covered employee's conduct clearly indicates an attempt to tamper with a specimen;

D. Anytime the original specimen appeared to have been tampered with;

E. Anytime the temperature on the original specimen was out of the accepted temperature range of 90°F – 100°F;

F. Anytime the specimen is negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reports the specimen as negative-dilute and requires a second collection under direct observation (see §40.197(b)(1)); or

F. All Return-To-Duty and Follow-up Tests

The covered employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around that they do not have a prosthetic device.

8. ALCOHOL TESTING PROCEDURES

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device, which is also approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee.

All provisions set forth in regular print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. All underlined provisions are set forth under the authority of the transit system.
The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the covered employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

A covered employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The employee will be immediately removed from safety-sensitive duties and will be referred to a SAP for evaluation. Any covered employee who refuses to comply with a request for testing shall be removed from duty. For the consequences of a positive alcohol test, refer to the City of Saint Peter’s personnel policy to determine the ramifications for policy violations.

A test result for a covered employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04 is not considered positive, however the employee shall still be removed from duty for at least eight (8) hours, unless a retest results in employee’s alcohol concentration of less than 0.02. Refer to the City of Saint Peter’s personnel policy to determine the ramifications for policy violations.

An alcohol concentration of less than 0.02 will be considered a negative test.

The City of Saint Peter affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not cancel the test.

9. PRE-EMPLOYMENT TESTING

All applicants for covered safety-sensitive positions shall undergo urine drug testing prior to hire or transfer into a covered position that requires the performance of a safety-sensitive function.

A. All offers of employment of covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative results.

B. A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test with verified negative results.

C. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with 49 CFR Part 40, as amended, and a negative pre-employment drug test will be required prior to further consideration for employment.

D. When an employee, being placed, transferred, or promoted from a non-covered position to a covered position, submits a drug test with a verified positive result, the employee shall be subject to a review on a case-by-case basis evaluating the
TO: Honorable Mayor Zieman
    Members of the City Council

FROM: Todd Prafke
      City Administrator

RE: State Demographer Presentation Follow-up

ACTION/RECOMMENDATION

None needed. For Council discussion following State Demographer Susan Brower’s presentation.

BACKGROUND

Following Ms. Brower’s presentation on May 2nd, I wanted to follow-up with the Council about the information you learned. A copy of the questions we had asked Ms. Brower to consider is attached.

Now that you’ve heard the information from her, it is my hope to have additional discussion on two things:

1. Do you need more data or do you have more questions?
2. Does the information you learned fall in line with how you envision application of your items of vital importance?

Please feel free to contact me should you have any questions or concerns regarding this agenda item.

TP/bal
We see state-wide numbers on changes on race, culture, age, and education level. Can you bring that down to a more local level for maybe Nicollet County or City of Saint Peter or School District 508?

What have been the biggest changes to our population over the last 10 years in terms of race, culture, economics, age?

What does your office see as the major trend lines locally in 5, 10 and 15 years?

From a family income standpoint, do you see significant changes to current trend lines 5, 10 15 years into the future?

What impact do you see in workforce numbers as we seem to be gaining?

Are there specific areas/sectors within the workforce that are challenged to a greater degree?

What do you see in our locality for birth and death rates? The birth rate is very important in school projections.

Do you have any data on what we sometimes refer to as “brain drain” in our area of the state?

Homeownership, rental levels, housing needs. Are those areas that you keep or track data on, and if so, what is the outlook for our area? Major trend lines?

Are there significant changes in the Census that we should be aware of that may cause pause in folks, especially new immigrant populations, in participating in the Census?

Is there specific data on mobility rates by age group?

Are there regions of Minnesota that are experiencing similar demographic shifts like the Nicollet/Blue Earth County areas?

Is there data on average income levels by race?
COUNCIL’S LISTS OF ITEMS OF VITAL IMPORTANCE

- Community that treats all people like neighbors
- Proactive housing solutions
- Availability of quality health care
- Thriving business community
- Action on the changes in our demographics
- Aesthetically distinctive
- Improved Sustainability
- Available early childhood care and educational opportunities and exceptional schools