



**DOT & PUC**



## **Policy Book**

**Mandated Drug & Alcohol Testing Policy  
Program requirements & regulations of  
the Department of Transportation (DOT)  
(49 CFR part 40)**

**Policy Components Required by the Controlled  
Substances and Alcohol Rule  
(\$382.601)**

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**A complete guide for employees performing  
safety sensitive operations**

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**Information about the misuse of drugs, alcohol  
and use of controlled substances**



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\* This is not a legal document that adds to or makes any official interpretations of DOT rules. This publication is for educational purposes only.

**Purpose of the Policy**  
**(This policy complies with 49 CFR Part 40)**

This policy complies with 49 CFR Part 655, as amended, 49 CFR Part 382, as amended, and 49 CFR Part 40, as amended. Copies of Parts 655, 382, and 40 can be found on the Internet at the Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance website <http://www.transportation.gov/odapc>

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with these regulations.

The purpose of this policy is to achieve a controlled substance and alcohol-free work force in the interest of the health and safety of employers, employees, and the public. This policy was written to provide a logical sequence for implementing the various elements of a successful drug and alcohol testing program and contain examples of documents, checklists, forms, and procedures that may be used by individual employers in formulating their programs. Our mission is to establish a safer, more productive and drug-free work environment. As such, identifying our organization's drug testing objectives is critical to sustaining this program's effectiveness and is also important in helping to establish the benchmarks to measure success.

This written policy will clearly outline employer expectations regarding drug use; training for supervisors on the signs and symptoms of drug use and their role in enforcing the policy; education for employees about the dangers of drug use; and an Employee Assistance Program (EAP) to provide counseling and referral to employees struggling with drug problems. A comprehensive drug-free workplace program contributes to a workplace free of the health, safety and productivity hazards caused by employees' abuse of alcohol or drugs. By educating employees about the dangers of alcohol and drug abuse and encouraging individuals with related problems to seek help, employers can protect their businesses from such dangers, retain valuable employees and help play a part in making communities safer and healthier.

While it is the responsibility of the employer to provide their employees with information on drug and alcohol testing programs, it is still ultimately employee's responsibility to obey all rules and regulations to keep our roadways safe. Drivers of CMVs can learn about drug and alcohol rules, types of tests required and their rights, responsibilities and requirements here. While every attempt has been made to make these guidelines as complete and self-supporting as possible, additional published material is available. Where appropriate, these additional resources are identified.

## **Overview of Drug and Alcohol Rules**

The United States Congress recognized the need for a drug and alcohol free transportation industry, and in 1991 passed the Omnibus Transportation Employee Testing Act, requiring DOT agencies to implement drug and alcohol testing of safety-sensitive transportation employees. 49 CFR Part 40, or Part 40 as we call it, is a DOT-wide regulation that states how to conduct testing and how to return employees to safety-sensitive duties after they violate a DOT drug and alcohol regulation. Part 40 applies to all DOT-required testing, regardless of mode of transportation. For example, whether you are an airline employee covered by FAA rules or a trucking company driver covered by FMCSA rules, Part 40 procedures for collecting and testing specimens and reporting of test results apply to you. Each DOT Agency-specific regulation spells out who is subject to testing, when and in what situations for a particular transportation industry.

Since the early 1990s, the Federal Motor Carrier Safety Administration (FMCSA) and its predecessor agency has defined drug and alcohol testing rules and regulations for employees who drive commercial trucks and buses that require a commercial driver's license (CDL). These regulations identify who is subject to testing, when they are tested and in what situations. The regulations also impose privacy protections and restrictions on employers and service agents against the use and release of sensitive drug and alcohol testing information. The FMCSA controlled substances and alcohol use and testing regulations can be found at 49 CFR Part 382.

## **Who's Impacted?**

This policy applies to every person whose position requires the possession of a commercial driver's license (CDL); every employee performing a "safety-sensitive function" as defined below, and any person applying for such positions.

- Anyone employing CDL drivers to operate commercial motor vehicles (CMVs) on public roads
- CDL drivers who operate CMVs on public roads
- Interstate motor carriers
- Intrastate motor carriers
- Federal, State, and local governments
- Civic organizations (disabled veteran transport, boy/girl scouts, etc.)
- Faith-based organizations

Generally, all CDL drivers who operate commercial motor vehicles subject to the CDL requirements on public roads in the U.S. are performing safety-sensitive functions and are subject to DOT drug and alcohol testing ([§382.103](#)). This includes all full-time, part-time, intermittent, backup and international drivers.

## **Who Must Participate**

All safety-sensitive employees are subject to DOT drug & alcohol testing.

What jobs are defined as safety-sensitive?

See page 5 for safety-sensitive functions.

<b>Commercial Motor Carriers <u>FMCSA</u></b>	Commercial Drivers License (CDL) holders who operate Commercial Motor Vehicles, 26,001 lbs. gvwr. or greater, or operate a vehicle that carries 16 passengers or more including the driver, or required to display a DOT placard in the transportation of hazardous material. <sup>1</sup> See FMCSA regulation at 49 CFR Part 382.
<b>Maritime <u>USCG</u></b>	Crewmembers operating a commercial vessel. See USCG regulations at 46 CFR Parts 4 & 16.
<b>Pipeline <u>PHMSA</u></b>	Operations, maintenance and emergency response. See PHMSA regulations at 49 CFR Part 199.
<b>Railroad <u>FRA</u></b>	Hours of Service Act personnel, engine & train, signal service or train dispatchers. See FRA regulations at 49 CFR Part 219.
<b>Transit <u>FTA</u></b>	Vehicle operators, controllers, mechanics and armed security. See FTA regulations at 49 CFR Part 655.

**Important:** The tasks you actually perform qualify you as a safety-sensitive employee, not your job title. Some managers and supervisors, may be qualified for these jobs but not currently performing them. Do they have to be tested as well? In most cases, yes...

if that employee may be asked at a moment's notice or in an emergency to perform a safety-sensitive job. Be sure to check industry specific regulations for further clarification.

The history of our program began with some fatal accidents that illegal drug use or alcohol misuse helped to cause. Congress passed a law – the Omnibus Transportation Employees Testing Act of 1991 – that requires DOT Agencies to test safety-sensitive transportation workers.

**For more information please visit [www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc) or Check with your state department of motor vehicles for more information.**

### **Who Must Participate (Details)**

This policy applies to every person whose position requires the possession of a commercial driver's license (CDL); every employee performing a "safety-sensitive function" as defined below, and any person applying for such positions.

This definition also includes any employers who employ themselves as drivers.

An employer who employs only himself/herself must comply with both the requirements that apply to both employers and to drivers. He/she must be part of a random testing pool of two or more persons.

Under FMCSA (Part 382), you are a covered employee if you perform any of the following safety-sensitive functions:

- Driving a commercial motor vehicle which requires the driver to have a CDL
- Waiting to be dispatched to operate a commercial motor vehicle
- Inspecting, servicing, or conditioning any commercial motor vehicle
- Performing all other functions in or upon a commercial motor vehicle (except resting in a sleeper berth)
- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloading, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

All drivers who drive CMVs must be included in the alcohol misuse and controlled substances use program. No other employees may be included. Although this sounds like a simple distinction, it is important to understand the definitions of "driver" and "safety-sensitive function."

"Driver" means anyone who operates a CMV, whether full-time, part-time, casual, intermittent, occasional, volunteer, leased, or independent. Independent drivers are included whether they are directly employed or under lease and whether they operate their own CMV or one of yours. As long as an independent driver is operating at your direction, he/she must be included in your program. Other employees who may not have the title of driver, but who sometimes operate a CMV, also must be included in your program. These may include maintenance workers, supervisors, clerks, and possibly even the president of your company. "Safety-sensitive functions" are tasks performed by CMV drivers that are applicable to prohibited conduct, testing, and consequences under these alcohol and drug testing regulations.

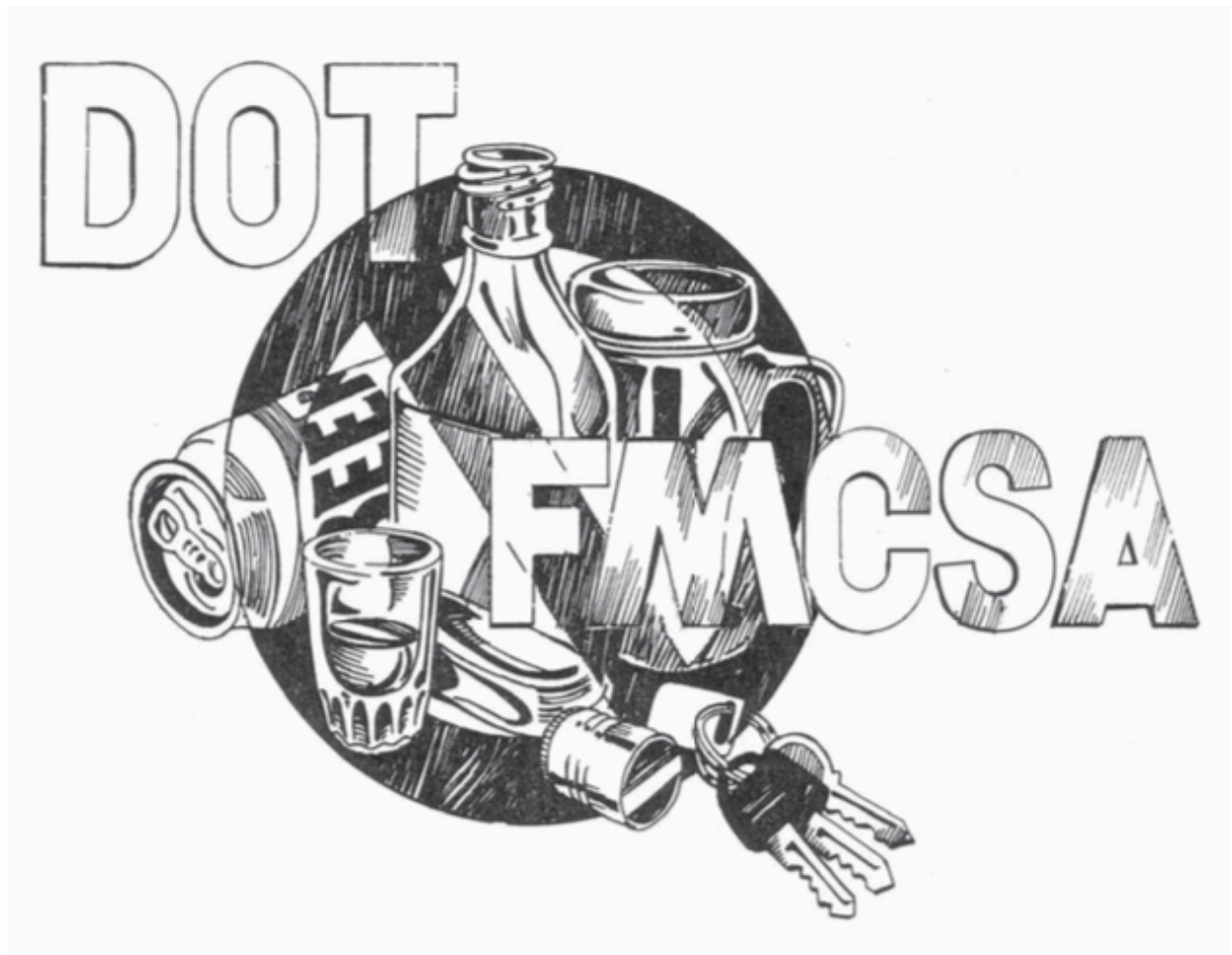
\* FTA page: 36, PHMSA page: 37, FRA page: 38, FAA page: 40

### **Participation as a Requirement of Employment**

Participation in the employer's controlled substances and alcohol testing program is a requirement of each driver/employee, and therefore, is a condition of employment or use.

The Federal Motor Carrier Safety Administration (FMCSA), along with the Department of Transportation (DOT), requires that persons subject to the commercial driver's license (CDL) requirements and their employers follow alcohol and drug testing rules. These rules include procedures for testing, frequency of tests, and substances tested for.

Under the Omnibus Transportation Employee Testing Act, the Department of Transportation is required to implement Drug and Alcohol testing programs within various transportation industries. Drug and alcohol testing has been required by the FRA for railroad industry employees since 1986. The general purpose of this program is to prevent accidents and casualties in railroad operations that result from impairment of employees by alcohol and/or drugs.



## Safety-Sensitive Functions

Safety-Sensitive Function	Not Safety-Sensitive
<ul style="list-style-type: none"> <li>• All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer. <i>This includes employees who are “eligible” at work to drive a CMV at anytime, e.g., salespersons, clerks, secretaries, supervisors.</i></li> <li>• All time inspecting equipment as required by §392.7, “Equipment, Inspection, and Use,” and §392.8, “Emergency Equipment and Use,” or otherwise inspecting, servicing, or conditioning any CMV at any time.</li> <li>• All driving time, which is any time spent at the driving controls of a CMV in operation.</li> <li>• All time, other than driving time, in or upon any CMV except time spent resting in a sleeper berth.</li> <li>• All time loading or unloading a vehicle, supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining ready to operate the vehicle, or giving or receiving receipts for shipments loaded or unloaded.</li> <li>• All time repairing, obtaining assistance for, or remaining with a disabled vehicle.</li> </ul>	<ul style="list-style-type: none"> <li>• All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by part 382 when directed by an employer.</li> <li>• Performing any other work in the capacity of or in the employ or service of a common, contract, or private employer.</li> <li>• Performing any compensated work for any non-motor carrier entity.</li> </ul>



## **Education & Training**

Educating our work force and supervisors is a major component of a successful controlled substances use and alcohol misuse program. The benefits of the program are enhanced when drivers understand our policies and procedures, why we are implementing them, and what driver responsibilities are.

Well-trained supervisors help us achieve our safety goals and maintain program integrity, which in turn reduce our program costs and liabilities. The FMCSA regulations require specific training for supervisors. In addition, many employers may choose to augment required driver education with training programs tailored to local needs.

Transportation is a dynamic system based not only on physical infrastructure but also on human capital. Education and training programs are vital for fulfilling the mission of the U.S. Department of Transportation, especially for fostering an educated, innovative and highly skilled transportation workforce that will enable the U.S. to compete effectively in the global economy and provide its people with a safe, efficient transportation system.

The primary objective of the controlled substances use and alcohol misuse program is deterrence rather than detection. Public safety is best served if drivers are aware of the effects of alcohol and controlled substances on health, safety, and the work environment. Consequently, the FMCSA believes that educating drivers and training supervisors are essential for these programs to be effective.

Employers are required to provide educational materials for drivers and training for supervisors *prior to* the start of testing (§382.601 and §382.603, respectively).

Furthermore, the FMCSA regulations and associated DOT regulations (49 CFR part 40) specify the involvement of professional and technical personnel in the administration of your alcohol and controlled substances program. These personnel include the medical review officer (MRO), the substance abuse professional (SAP), the screening test technician (STT), the breath alcohol technician (BAT), and urine collectors. Each of these individuals must have specific training and/or experience as described in the final section of this chapter.

Employers must provide each driver subject to the regulations with written materials.

Our Policy contains a form for use by drivers in confirming receipt of the educational materials.

Employers must provide training to all persons who supervise drivers subject to the regulations, in accordance with §382.603.

The purpose of this training is to enable supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing described in §382.307. It must include at least 60 minutes on alcohol misuse and 60 minutes on controlled substances use (120 minutes total).

## **Education & Training (Continued)**

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## **Supervisor Training**

Employers must provide training to all persons who supervise drivers subject to the regulations, in accordance with §382.603.

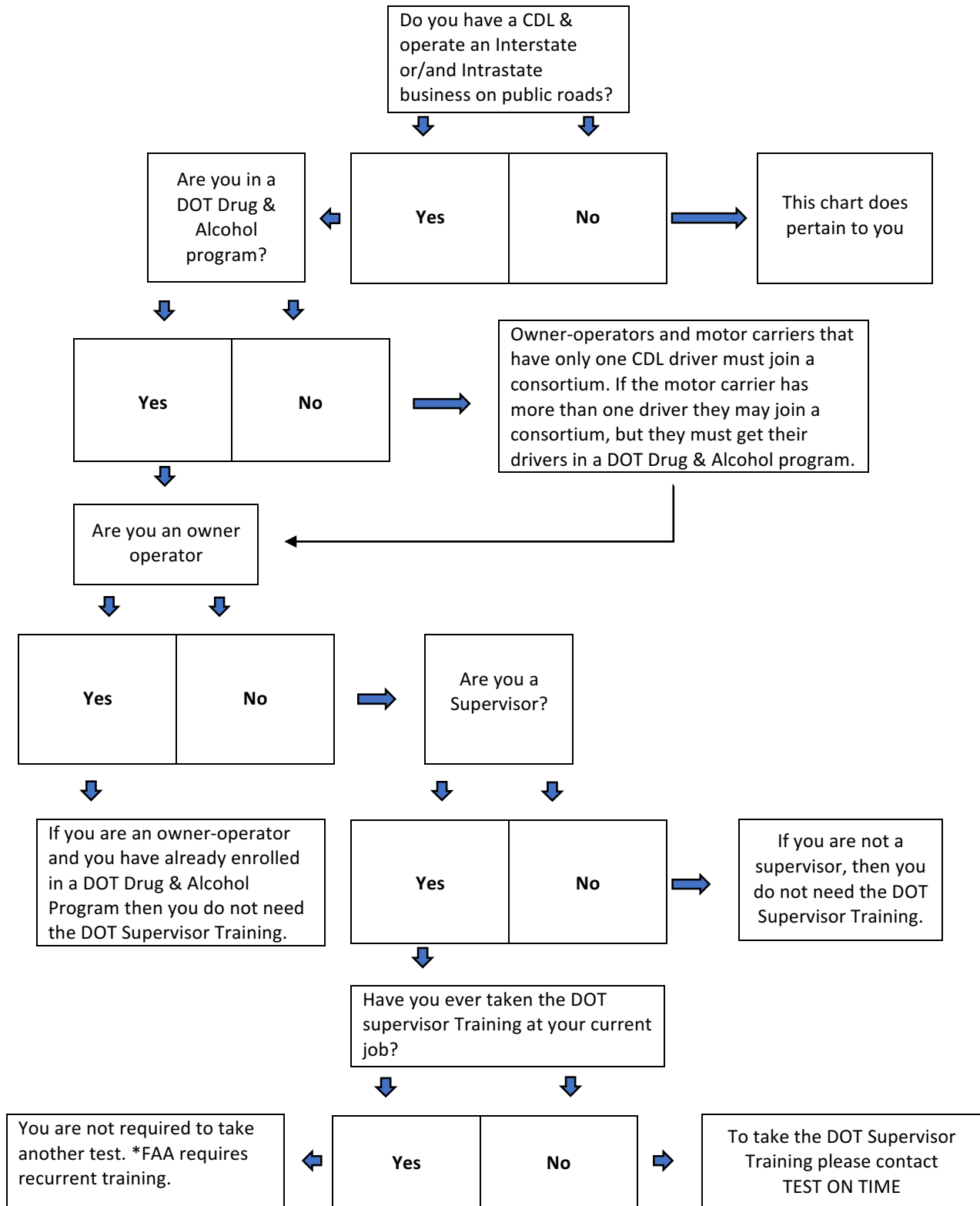
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The training may consist of formal classroom training, videos, written materials, online training, or other appropriate methods. Interactive training is encouraged, as experience has shown it is more effective than passive methods.

## **Driver Supervisors**

Driver supervisors must receive additional training on the physical, behavioral, and performance indicators of controlled substances use or alcohol misuse to determine when drivers must be tested under reasonable suspicion (§382.603). “Education and Training,” provides greater detail on the training and information requirements for employees and supervisors.

## TEST ON TIME - Drug & Alcohol testing services for compliance with DOT & PUC



## **ALCOHOL MISUSE PREVENTION POLICY for DOT & PUC ALCOHOL TESTING**

### **Functions and Period of the Work Day Employees are Covered by the AMPP**

Any employee performing a safety-sensitive function is subject to alcohol testing and must refrain from consuming any alcohol (not just alcoholic beverages) whenever they are performing, ready to perform, or immediately available to perform these functions.

#### Alcohol and Alcohol Use

- Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- Alcohol use is defined as the consumption of any beverage, mixture, or preparation, including any medication (prescribed or over-the-counter, intentional or unintentional), containing alcohol.

#### Alcohol Concentration

- Covered employees may not report for duty or remain on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- Any driver who has an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions until 24 hours following the administration of the test (§382.505).

#### Pre-Duty Use

- Employees must not consume alcohol four hours prior to on duty time.
- FAA Employees must not consume alcohol eight hours prior to on duty time.

#### On-Duty Use

- Covered employees may not consume alcohol in any form while performing safety-sensitive functions.
- This prohibition also applies to covered employees who are at work and immediately available to perform safety-sensitive functions.

#### Use After an Accident

- Employees may not consume alcohol eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

### **Controlled Substance Use**

- a) No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance identified in 21 CFR 1308.11 Schedule I.
- (b) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- (c) No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.
- (d) An employer may require a driver to inform the employer of any therapeutic drug use.

### **Prescribed Medications & Over-The-Counter (OTC) Drugs**

Prescription medicine and OTC drugs may be allowed. However, you must meet the following minimum standards:

- The medicine is prescribed to you by a licensed physician, such as your personal doctor.
- The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of your duties.

Best Practice: To assist your doctor in prescribing the best possible treatment, consider providing your physician with a detailed description of your job. A title alone may not be sufficient. Many employers give employees a written, detailed description of their job functions to provide their doctors at the time of the exam.

- The substance is used at the dosage prescribed or authorized.
- If you are being treated by more than one physician, you must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.
- Taking the prescription medication and performing your DOT safety-sensitive functions is not prohibited by agency drug and alcohol regulations. However, other DOT agency regulations may have prohibitive provisions, such as medical certifications.

**Remember:** Some agencies have regulations prohibiting use of specific prescription drugs, e.g. methadone, etc.... If you are using prescription or over-the-counter medication, check first with a physician and your industry-specific regulations before deciding to perform safety-sensitive tasks. Also, be sure to refer to your company's policy regarding prescription drugs.

### **Prohibited Behavior**

Use of illegal drugs is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in Part 40. Prohibited drugs include:

- Marijuana (THCA)
- Cocaine
- Phencyclidine (PCP)
- Opiates (Codeine, Morphine, Heroin, HYC, HYM, OXYC & OXYM)
- Amphetamines, Methamphetamines (MDMA/MDA)

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Covered employee who has an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions until 24 hours following the administration of the test (§382.505).

All covered employees are prohibited from consuming alcohol while performing 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 for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

**DOT OFFICE OF DRUG AND ALCOHOL POLICY AND COMPLIANCE NOTICE**

**(Medical Marijuana)**

Recently, some states passed initiatives to permit use of marijuana for so-called “recreational” purposes.

We have had several inquiries about whether these state initiatives will have an impact upon the Department of Transportation’s longstanding regulation about the use of marijuana by safety-sensitive transportation employees – pilots, school bus drivers, truck drivers, train engineers, subway operators, aircraft maintenance personnel, transit fire-armed security personnel, ship captains, and pipeline emergency response personnel, among others.

We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation’s regulated drug testing program. The Department of Transportation’s Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs, including marijuana, for any reason.

Therefore, Medical Review Officers (MROs) will not verify a drug test as negative based upon learning that the employee used “recreational marijuana” when states have passed “recreational marijuana” initiatives.

We also firmly reiterate that an MRO will not verify a drug test negative based upon information that a physician recommended that the employee use “medical marijuana” when states have passed “medical marijuana” initiatives.

It is important to note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation’s drug testing regulations to use marijuana.

We want to assure the traveling public that our transportation system is the safest it can possibly be.

Jim L. Swart  
Director  
Office of the Secretary of Transportation  
Office of Drug and Alcohol Policy and Compliance Department of Transportation  
December 3, 2012

## **Consequences for Violations**

### **FTA Consequences**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration being less than 0.02.

### **FMCSA Consequences**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional (SAP).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

### **Treatment/Discipline**

Per [Employer] policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) and **(insert Employer's disciplinary policy) here:**

Employer must decide who pays for rehabilitation services and if the employee can use paid/unpaid leave during the rehabilitation program.

### **What actions do employers take after receiving verified test results?**

As an employer who receives a verified positive, adulterated or substituted drug and/or alcohol test result, the employer must immediately remove the employee involved from performing safety-sensitive functions. The employer must take this action upon receiving the initial report of the verified positive test result. Employer will not wait to receive the written report or the result of a split specimen test.



## **Circumstances for Testing**

### **Pre-Employment Testing**

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

All new covered employees will be required to submit to a drug test. Employers may, but are not required to, conduct alcohol testing. Only after the employer receives a negative drug test result (and negative alcohol test result - if administered) may a new covered employee begin performing safety-sensitive functions. This also applies if you are a current employee transferring from a non-safety-sensitive function into a safety-sensitive position (even if it is the same employer).

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

### **Employer Decision -Pre-employment alcohol testing is optional. If testing is to be conducted:**

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40.

## **FMCSA Drug Testing Exceptions**

A driver is not required to undergo a pre-employment test if:

- (1) The driver has participated in a DOT testing program within the previous 30 days;  
and
- (2) While participating in that program, either:
  - (i) Was drug tested within the past six months (from the date of application with [Employer]), or
  - (ii) Participated in the random drug testing program for the previous 12 months (from the date of application with [Employer]); and
- (3) [Employer] can ensure that no prior employer of the driver of whom [Employer] has knowledge has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.

### **Reasonable Suspicion Testing**

All covered employees shall be subject to a drug and/or alcohol test when employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing 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.

### **Random Testing**

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year within each DOT agency. The current year testing rates can be viewed online at <http://www.transportation.gov/odapc/random-testing-rates>. If a given driver is subject to random testing under the rules of more than one DOT agency, the driver will be subject to random drug and alcohol testing at the annual percentage rate established by the DOT agency.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may 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. A covered employee may be randomly tested for prohibited drug use anytime while on duty. Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

**Post-Accident Testing  
(FMCSA Procedures)**

Covered employees shall be subject to FMCSA post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee who was performing safety-sensitive functions with respect to the vehicle.

Non-fatal Accidents

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and not involving the loss of a human life, an alcohol test will be conducted on each driver who receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene; or
- (2) One or more motor vehicles incur disabling damage and must be transported away from the scene by a tow truck or other motor vehicle.

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and not involving the loss of a human life, a drug test will be conducted on each driver who receives a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene; or
- (2) One or more motor vehicles incur disabling damage and must be transported away from the scene by a tow truck or other motor vehicle.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

### **Return to Duty Testing**

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), complete a SAP-required program of education and/or treatment, and provide a negative return-to-duty drug and/or alcohol test result. All tests will be conducted in accordance with 49 CFR Part 40.

If an employee violated the prohibited drug & alcohol rules, he or she will be required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated employer. The employee will be subject to unannounced follow-up testing at least 6 times in the first 12 months following the return to active safety-sensitive service. Return-to-duty tests must be conducted under direct observation.

### **Follow-up Testing**

Employees returning to safety-sensitive duty following leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP. All testing will be conducted in accordance with 49 CFR Part 40.

The amount of follow-up testing will be determined by a Substance Abuse Professional (SAP) and may continue for up to 5 years. This means the SAP will determine how many times the employee will be tested (at least 6 times in the first year), for how long, and for what substance (i.e., drugs, alcohol, or both). The employer is responsible for ensuring that follow-up testing is conducted and completed. Follow-up testing is in addition to all other DOT required testing. All follow-up tests will be observed.

### **Voluntary Self-Referral**

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function until successful completion of a prescribed rehabilitation program. Prior to participating in a safety-sensitive function, the employee must also undergo a DOT return-to-duty drug test with a verified negative result and/or a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

## **Test Refusals**

As a covered employee, you have refused to test if you:

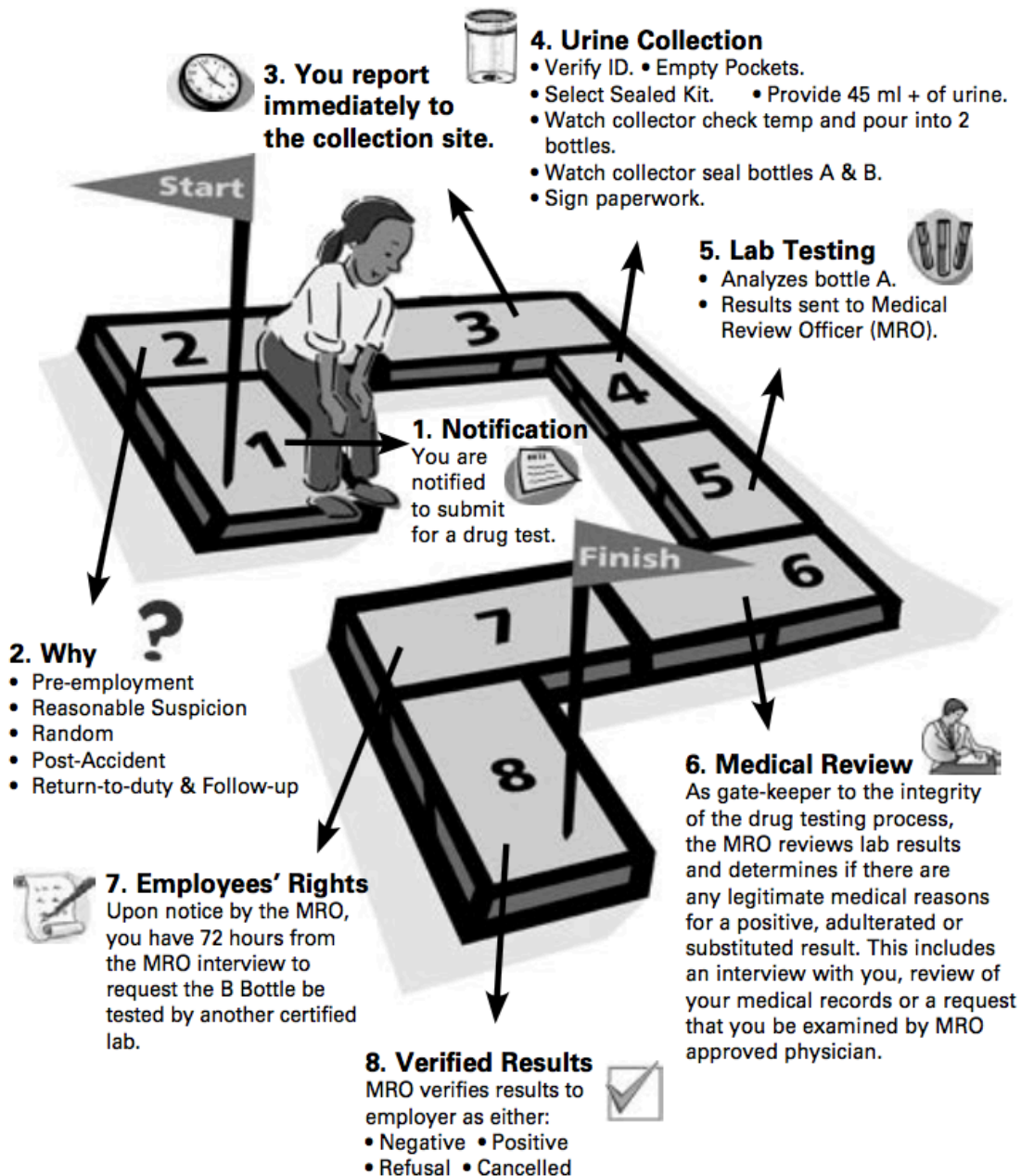
- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by [Employer].
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or [Employer] for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or [Employer]'s Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

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. [Employer] guarantees that the split specimen test will be conducted in a timely fashion. Employer decision- if employees will be required to pay for the test (may not condition analysis on employee payment).

## Overview of DOT & PUC Drug Testing



## **How is a Urine Drug Test Administered?**

Regardless of the DOT agency requiring the drug test, the drug testing process always consists of three components:

- The Collection.
- Testing at the Laboratory.
- Review by the Medical Review Officer.
- What follows is a summary of the procedures for each step.

### **The Collection**

During the collection process, a urine specimen collector will:

- Verify your identity using a current valid photo ID, such as driver's license, passport, employer issued picture ID, etc.
- Create a secure collection site by:
  - Restricting access to the site to only those being tested.
  - Securing all water sources and placing blue dye in any standing water.
  - Removing or securing all cleaning products/fluids at the collection site.
- Afford you privacy to provide a urine specimen.
  - Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where general questions of validity arise, like an unusual temperature.
- Ask you to remove any unnecessary garments and empty your pockets (you may retain your wallet).
- Instruct you to wash and dry your hands.
- Select or have you select a sealed collection kit and open it in your presence.
- Request you to provide a specimen (a minimum of 45 mL) of your urine into a collection container.
- Check the temperature and color of the urine.
- In your presence, pour the urine into two separate bottles (A or primary and B or split), seal them with tamper-evident tape, and then ask you to sign the seals after they have been placed on the bottles.

### **Urine Drug Administration (Continued)**

**Remember:** Neither you nor the collector should let the specimen out of your sight until it has been poured into two separate bottles and sealed.

- Ask you to provide your name, date of birth, and phone numbers on the Medical Review Officer Copy (Copy #2) of the Federal Drug Testing Custody and Control Form (CCF).
  - This is so the Medical Review Officer (MRO) can contact you directly if there are any questions about your test.
- Complete necessary documentation on the Laboratory Copy (Copy #1) of the CCF to demonstrate the chain of custody (i.e., handling) of the specimen.
- Give you the Employee Copy (Copy # 5) of the CCF and may suggest you list any prescription and over-the-counter medications you may be taking on the back of your copy of the CCF (this may serve as a reminder for you in the even the MRO calls you to discuss your test results).
- Package and ship both sealed bottles and completed CCF to a U.S. Health and Human Services (HHS) certified testing laboratory as quickly as possible. If you are unable to provide 45 mL of urine on the first attempt, the time will be noted, and you will be:
- Required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from your company,
  - Leaving the testing area without authorization may be considered a refusal to test.
- Urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours,
- Asked to provide a new specimen (into a new collection container).
- If you do not provide a sufficient specimen within three hours, you must obtain a medical evaluation within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

#### **How do you know if you are taking a federal or a private company drug test?**

All DOT drug tests are completed using the Federal Drug Testing Custody and Control Form. Those words appear at the top of each form.



### **Testing at the Laboratory**

At the laboratory, the staff will:

- Determine if flaws exist. If flaws exist, the specimen is rejected for testing.
- Open only the A bottle and conduct a screening test. Specimens that screen positive will be analyzed again using a completely different testing methodology.
  - If the specimen tests negative in either test, the result will be reported as a negative.
  - Only if the specimen tests positive under both methods will the specimen be reported to the medical review officer as a positive test.
- Report the findings of the analysis of the A bottle to the Medical Review Officer (MRO).
- Store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.

**Remember:** The Lab will conduct specimen validity tests (SVTs) to determine if the specimen was adulterated or substituted. Tests found to be adulterated or substituted are also reported to the MRO and may be considered a refusal to test.

### **Review by the Medical Review Officer (MRO)**

Upon receipt of the test result from the laboratory, the MRO will:

- Review paperwork for accuracy.
- Report a negative result to the Designated Employer Representative (DER).
- If the result is positive, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.
- If the result is an adulterated or substituted test, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.
- Report a non-negative test result to the DER if:
  - You refused to discuss the results with the MRO;
  - You did not provide the MRO with acceptable medical documentation to explain the non-negative test result.
- Inform you that you have 72 hours from the time of the verified result to request to have your B “split” bottle sent to another certified lab for analysis for the same substance or condition that was found in the A “primary” bottle.

### **How is an Alcohol Test Administered?**

The DOT performs alcohol testing in a manner to ensure the validity of the testing as well as provide confidentiality of the employee's testing information.

At the start of the test, a Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), using only a DOT-approved device, will:

- Establish a private testing area to prevent unauthorized people from hearing or seeing you test result.
- Require you to sign Step #2 of the Alcohol Testing Form (ATF).
- Perform a screening test and show you the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide you a copy and provide your employer a copy.

If the screening test result is 0.02 or greater, you will be required to take a confirmation test, which can only be administered by BAT using an Evidential Breath Testing (EBT) device. The BAT will:

- Wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, you are not allowed to eat, drink, smoke, belch, put anything in your mouth or leave the testing area.

**Remember:** Leaving the testing area without authorization may be considered a refusal to test.

- Perform an "air blank" (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it.
- Perform a confirmation test using a new mouthpiece.
- Display the test result to you on the EBT and on the printout from the EBT.
- Document the confirmation test result on the ATF, provide you a copy and provide your employer a copy.
- Report any result of 0.02 or greater immediately to the employer.  
If after several attempts, you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

\*If after several attempts, you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

**TEST ON TIME** - *Drug & Alcohol testing services for compliance with DOT & PUC*

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**Contact Person**

For questions about company name: \_\_\_\_\_  
anti-drug and alcohol misuse program,  
please contact: \_\_\_\_\_  
[person, office, branch and/or position designated to answer questions].

Your employer must provide you with educational materials and a company policy that explain the requirements of DOT's drug & alcohol testing regulations, the effects of alcohol and controlled substances and the procedures to help you comply. If you have not received this information, be sure to ask your employer about it.

Each driver must sign the required certificate of receipt form acknowledging receipt of a copy of the policy and the regulation summary.

**Certificate of Receipt**

I have received a copy of _____'s controlled substances and (employer) alcohol policies and procedures.	
_____	_____
<b>Date</b>	<b>Driver's Signature</b>
	_____
	<b>Driver's Name (printed)</b>
	_____
	<b>Driver Identification</b>
<i>Please Sign and Return This Card.</i>	

## **Terms & Definitions**

### **Alcohol**

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

### **Alcohol Use**

The drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

### **Commercial Driver's License (CDL)**

A license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR part 383, authorizing an individual to operate a class of commercial motor vehicle (CMV). The individuals required to have a CDL under 49 CFR part 383 are subject to controlled substances and alcohol testing. Individuals who are required to possess CDLs by virtue of State or local law or by employer policy, but not by Federal regulation, are not subject to the provisions of 49 CFR parts 382 and 383

### **Commercial Motor Vehicle (CMV)**

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle

- (a) Has a gross combination weight rating (GCWR) of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit, with a gross vehicle weight rating (GVWR) of more than 4,536 kilograms (10,000 pounds); or
- (b) Has a GVWR of 11,794 kilograms or more (26,001 pounds or more); or
- (c) Is designed to transport 16 or more passengers, including the driver; or
- (d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and is required to be placarded under the Hazardous Materials regulations (49 CFR part 172, subpart F).

### **Controlled Substances**

For the purposes of these guidelines, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. The DOT is testing only for the following five controlled substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines).

## **Terms & Definitions**

### **Consortium/Third Party Administrator (C/TPA)**

A service agent that provides or coordinates one or more drug and/ or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers that join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not employers under the rules.

### **Designated Employer Representative (DER)**

An individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

### **Driver**

Any person (volunteer or paid) who operates a CMV and is required to have a CDL. This includes, but is not limited to,

- Full-time, regularly employed drivers
- Leased drivers
- Independent owner-operator contractors (employed directly or leased)
- Casual, intermittent, or occasional drivers.

### **Employer (or Motor Carrier)**

Any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such terms does not include the United States, any State, any political subdivision of a State, or an agency established under a compact between States approved by the Congress of the United States.

**Gross Combination Weight Rating**

The total value specified by the manufacturer(s) of the vehicle as the loaded weight of two or more vehicles. In the absence of a value specified by the manufacturer, it will be determined by adding the gross vehicle weight rating of the power unit to the total weight of the towed unit and any load thereon.

**Gross Vehicle Weight Rating**

The value specified by the manufacturer of the vehicle as the loaded weight of a single vehicle.

**Seating Capacity or Designed to Transport**

The value specified by the manufacturer of the vehicle as the maximum number of persons that may sit in a single vehicle. A commercial motor vehicle that is altered by removing seats continues to be a commercial motor vehicle until the vehicle's seating capacity certification plate is replaced by a manufacturer.

**Service Agent**

Any person or entity, other than an employee of the employer, that provides services specified under the regulations to employers and/or employees in connection with DOT drug and alcohol testing requirements.

**Stand-Down**

The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the medical review officer (MRO) of a confirmed positive test, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

**MRO (Medical Review Officer)**

Medical Review Officer is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

**SAP (Substance Abuse Professional)**

Substance Abuse Professional is a person who evaluates employees who have violated a **DOT** drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

### **Employer Record Keeping Requirements for Drug & Alcohol Testing Information**

**Requirement:** Employers covered under DOT drug & alcohol testing regulations must maintain records that document their testing program consistent with 49 CFR Part 40 and other industry specific regulations.

While actually reading the regulations are the best practice, we hope this fact sheet provides a good starting point in answering your questions on record keeping.

**What do employers keep:** Employers are required to keep the following documents: · Test results.

- Testing process administration.
- Return-to-duty process administration.
- Employee training.
- Supervisor training.

**How do employers keep them:** All DOT drug & alcohol test records must be kept in a secure location with controlled access. Records should be in locked file cabinets. If records are kept electronically, they should be password protected.

**How long must employers keep the records:** Depends on the type of transportation industry in which you are operating. Most DOT agencies have similar requirements, but please see the charts below for a break-down of agency-specific requirements:

#### **FMCSA Requirements**

- 1 Year:     Negative drug test results. Alcohol test results less than 0.02.
- 2 Years:    Records related to the alcohol and drug collection process.
- 3 Years:    Previous employer records.
- 5 Years:    Annual MIS reports.  
Employee evaluation and referrals to SAPs.  
Follow-up tests and follow-up schedules.  
Refusals to test.  
Alcohol test results 0.02 or greater.  
Verified positive drug test results.  
EBT calibration documentation.

\*Indefinite period: Education and Training records, plus two years after ceasing to perform functions.

### **Employee Assistance Programs, Rehabilitation, and Treatment**

Under the FMCSA controlled substances use and alcohol misuse regulation, employers are required to refer any driver to an SAP for evaluation, who has used controlled substances or misused alcohol, regardless of the consequences specified in your policy (see 49 CFR part 40, subpart O). For example, we must provide these referrals to our drivers

even if employer's policy is to terminate drivers who violate the controlled substances use and alcohol misuse regulations. Employers must also inform their drivers of resources available to resolve problems associated with controlled substances use and alcohol misuse.

Employers are not required by this regulation to provide, or to pay for, rehabilitation and treatment programs.

Programs that address substance abuse problems in the workplace are often referred to as "employee assistance programs" or "EAPs." Many EAPs address other problems of drivers and their family members.

EAPs help drivers and their family members with personal and behavioral problems, including but not limited to health, marital, financial, alcohol, drug, legal, emotional, stress, and other concerns that may adversely affect performance and productivity.

EAP services may be provided directly by the employer or union, or they may be contracted out.

### **Education and Training Programs (required by all Agencies)**

Topics may include the effects of drug & alcohol use, company testing policies, DOT testing regulations and the consequences of a positive test. Materials may also contain information on how employees can get in touch with their Employee Assistance Programs and community service hot-lines.

As mentioned above, the testing regulations do not require employers to provide treatment or rehabilitation for their drivers.

For more information about such programs please refer to the back page of this book



## **PUC/CPUC GENERAL PROGRAM REQUIREMENTS**

### **Who Must Comply**

All charter-party carrier applicants (new and renewal) who propose to employ any driver who will operate a vehicle having a seating capacity of 15 persons or less, including the driver, must provide for a mandatory controlled substance and alcohol testing certification program for those drivers as required by this General Order unless all such drivers are already covered by federal testing regulations. Charter-party carriers who employ any driver who operates a vehicle with a seating capacity of 16 persons or more, including the driver, must comply with the federal regulations concerning controlled substance and alcohol testing for those drivers.

### **Every carrier must conduct (testing requirements)**

Pre-employment testing (382.301), pre-employment testing for alcohol is not required.

Post-accident testing (382.303),

Random testing (382.305)

Testing due to reasonable suspicion (382.307),

Follow-up testing (382.311),

Return-to-duty testing (382.309).

A negative test for alcohol shall show a breath alcohol concentration of less than 0.02 percent and drivers must show a valid California driver's license at the time and place of testing.

### **Controlled Substance and Alcohol Testing Program Required**

Every applicant who must comply with this General Order shall provide for a testing program as required in Parts 40 and 382 of Title 49 of the Code of Federal Regulations (CFR), except as modified herein.

### **Driver-Applicant Test Results to Be Reported to The Commission.**

Test results for applicants who are also drivers must be reported directly to the Commission consistent with the requirements of 49 CFR Part 382.407. Therefore, a driver-applicant applying for new operating authority must cause a copy of its pre-employment controlled substance test results to be sent directly to the Commission by the attending medical review officer or by the administrator of the consortium in which the driver-applicant is enrolled. A driver-applicant applying for renewal of operating authority must cause a copy of its most recent controlled substance and alcohol test results to be sent directly to the Commission by the attending medical review officer or by the administrator of the consortium in which the driver-applicant is enrolled.

**PUC CONTROLLED SUBSTANCE AND ALCOHOL TESTING CERTIFICATION PROGRAM**

For the purposes of this Commission's program vehicles with a seating capacity of 15 persons or less, including the driver, shall be considered commercial vehicles. This affects, for example, the determination of what are "safety sensitive functions" for purposes of this Commission's program.

A negative test for alcohol shall show a breath alcohol concentration of less than 0.02 percent and drivers must show a valid California driver's license at the time and place of testing.

Every such applicant must conduct pre-employment testing (Part 382.301), post-accident testing (Part 382.303), random testing (Part 382.305), testing due to reasonable suspicion (Part 382.307), follow-up testing (Part 382.311), and return-to-duty testing (Part 382.309), except that pre-employment testing for alcohol is not required.

Each such applicant must provide educational materials (Part 382.601) that explain the requirements of Part 382 of Title 49 of the CFR and this General Order as well as the employer's policies and procedures with respect to meeting the testing requirements.

Such applicants must advise employees (Part 382.605) of the resources available to them to resolve problems associated with the misuse of alcohol and use of controlled substances. Such applicants must ensure that supervisors undergo the appropriate training to determine whether reasonable suspicion exists to require a driver to undergo testing (Part 382.603).

Such applicants must use a custody and control form that is substantially similar to, but distinct from, the "Federal Drug Testing Custody and Control Form" and the "DOT Breath Alcohol Testing Form" to identify employees who are being tested and to request specific kinds of tests (49 CFR Parts 40.23 and 40.59).

**REQUIREMENTS FOR PRE-EMPLOYMENT TESTING.** An earlier negative result for a driver shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing. (Any negative test result shall be accepted for one year as meeting any requirement for periodic testing if the driver has not tested positive subsequent to a negative result.)

**TESTING COSTS.** Applicants shall be responsible for being in compliance with the testing program and shall pay all costs of the testing program, except that an employer may require employees who test positive to pay the costs of rehabilitation and return-to-duty and follow-up testing.

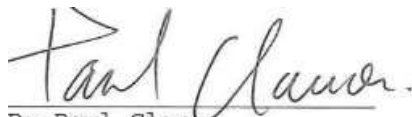
**PUC CONFIDENTIALITY OF TESTS**

All test results are confidential and may not be released without the consent of the driver, except as authorized or required by law. 49 CFR Parts 40.35, 40.81, 382.405 and 382.413 detail rules concerning disclosure and confidentiality of employee test records. The results of tests required under the Commission's testing program may be released under the same circumstances as those detailed in 49 CFR Parts 40 and 382. The Commission may require laboratories to make copies of test results available to it on request. No evidence from a positive test shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

**DRIVER-APPLICANT TEST RESULTS TO BE REPORTED TO THE COMMISSION.** Test results for applicants who are also drivers must be reported directly to the Commission consistent with the requirements of 49 CFR Part 382.407. Therefore, a driver-applicant applying for new operating authority must cause a copy of its pre-employment controlled substance test results to be sent directly to the Commission by the attending medical review officer or by the administrator of the consortium in which the driver-applicant is enrolled. A driver-applicant applying for renewal of operating authority must cause a copy of its most recent controlled substance and alcohol test results to be sent directly to the Commission by the attending medical review officer or by the administrator of the consortium in which the driver-applicant is enrolled.

Approved and dated December 19, 2013, at San Francisco, California.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

A handwritten signature in dark ink, appearing to read "Paul Clanton", is written over a horizontal line.

By Paul Clanton  
Executive Director

## Employees Covered Under DOT Testing Regulation [49 CFR Part 40](#)

### Federal Motor Carrier Safety Administration (FMCSA)

#### [49 CFR Part 382](#)

**Covered employee:** A person who *operates (i.e., drives)* a Commercial Motor Vehicle (CMV) with a gross vehicle weight rating (gvwr) of 26,001 or more pounds; or is designed to transport 16 or more occupants (to include the driver); or is of any size and is used in the transport of hazardous materials that require the vehicle to be placarded.

### Federal Railroad Administration (FRA)

#### [49 CFR Part 219](#)

**Covered employee:** A person who performs *hours of service* functions at a rate sufficient to be placed into the railroad's random testing program. Categories of personnel who normally perform these functions are *locomotive engineers, trainmen, conductors, switchmen, locomotive hostlers/helpers, utility employees, signalmen, operators, and train dispatchers*.

### Federal Aviation Administration (FAA)

#### [14 CFR Part 120](#)

**Covered employee:** A person who performs *flight crewmember duties, flight attendant duties, flight instruction duties, aircraft dispatch duties, aircraft maintenance or preventive maintenance duties; ground security coordinator duties; aviation screening duties; air traffic control duties, and operations control specialist duties*. Note: Anyone who performs the above duties directly or by contract for a part 119 certificate holder authorized to operate under parts 121 and/or 135, air tour operators defined in 14 CFR part 91.147, and *air traffic control* facilities not operated by the Government are considered covered employees.

### Federal Transit Administration (FTA)

#### [49 CFR Part 655](#)

**Covered employee:** A person who performs a *revenue vehicle operation; revenue vehicle and equipment maintenance; revenue vehicle control or dispatch (optional); Commercial Drivers License non-revenue vehicle operation; or armed security duties*.

### Pipeline and Hazardous Materials Safety Administration (PHMSA)

#### [49 CFR Part 199](#)

**Covered employee:** A person who performs on a pipeline or liquefied natural gas (LNG) facility an *operation, maintenance, or emergency-response* function.

### United States Coast Guard (USCG)

#### [46 CFR Parts 4 and 16](#)

**Covered employee:** A person who is *on board a vessel* acting under the authority of a *license, certificate of registry, or merchant mariner's document*. Also, a person *engaged or employed on board a U.S. owned vessel* and such vessel is required to engage, employ or be operated by a person holding a license, certificate of registry, or merchant mariner's document.

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### **Federal Motor Carrier Safety Administration (FMCSA)**

**Covered employee:** A person who *operates (i.e., drives)* a Commercial Motor Vehicle (CMV) with a gross vehicle weight rating (gvwr) of 26,001 or more pounds; or is designed to transport 16 or more occupants (to include the driver); or is of any size and is used in the transport of hazardous materials that require the vehicle to be placarded.

**Types of tests for drugs:** Pre-employment, random, reasonable suspicion, post-accident, return- to-duty, and follow-up.

**Types of tests for alcohol:** Pre-employment (optional), random, reasonable suspicion, post- accident, return-to-duty, and follow-up.

**Definition of accident requiring testing:** Any accident involving a fatality requires testing. Testing is also required in accidents in which one or more motor vehicles are towed from the scene or in which someone is treated medically away from the scene; *and* a citation is issued to the CMV driver.

**Reasonable-suspicion determination:** One trained supervisor or company official can make the decision based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

**Pre-duty alcohol use prohibitions:** Four (4) hours prior to performance of duty.

**Actions for BACs 0.02 – 0.039:** The employee cannot be returned to duty until the next day or the start of the employee's next regularly scheduled duty period, but not less than 24 hours following the test.

**Employee training:** Employer must provide educational materials explaining drug and alcohol regulatory requirements and employer's policies and procedures for meeting regulation requirements. Distribution to each employee of these educational materials and the employer's policy regarding the use of drugs and alcohol is mandatory.

**Reportable employee drug and alcohol violations:** No requirements to report violations to FMCSA.

**Other:** Drivers are prohibited from using alcohol for eight hours following an accident (as described above) or until they have undergone a post-accident alcohol test, whichever occurs first.

## **TEST ON TIME - Drug & Alcohol testing services for compliance with DOT & PUC**

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### **Federal Transit Administration (FTA)**

**Covered employee:** A person who performs a *revenue vehicle operation; revenue vehicle and equipment maintenance; revenue vehicle control or dispatch (optional); Commercial Drivers License non-revenue vehicle operation; or armed security duties.*

**Types of tests for drugs:** Pre-employment, random, reasonable suspicion, post-accident, return- to-duty, and follow-up.

**Types of tests for alcohol:** Pre-employment (optional), random, reasonable suspicion, post- accident, return-to-duty, and follow-up.

**Definition of accident requiring testing:** Any accident involving a fatality requires testing. Testing following a non-fatal accident is discretionary: If the employer can show the employee's performance could not have contributed to the accident, no test is needed. Non-fatal accidents that may require testing must have disabling damage to any vehicle or immediate medical attention away from the scene to meet the testing threshold.

**Reasonable-suspicion determination:** One trained supervisor or company official can make the decision based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

**Pre-duty alcohol use prohibitions:** Four (4) hours prior to performance of duty.

**Actions for BACs 0.02 – 0.039:** If the employer chooses to return the employee to covered service within 8 hours, the BAC re-test must be below 0.02.

**Employee training:** Employer must provide education with display and distribution of informational materials and a community service hot-line telephone number, if available. One-hour of training on the effects and consequence of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use. Distribution to each employee of the employer's policy regarding the use of drugs and alcohol with signed receipt is mandatory.

**Reportable employee drug and alcohol violations:** No requirements to report violations to FTA.

**Other:** Anyone with direct or immediate supervisory authority over an employee may not collect that person's urine, saliva, or breath.

## **TEST ON TIME** - *Drug & Alcohol testing services for compliance with DOT & PUC*

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### **Pipeline and Hazardous Materials Safety Administration (PHMSA)**

**Covered employee:** A person who performs on a pipeline or liquefied natural gas (LNG) facility an *operation, maintenance, or emergency-response* function.

**Types of tests for drugs:** Pre-employment, random, reasonable cause, post-accident, return-to-duty, and follow-up.

**Types of tests for alcohol:** Post-accident, reasonable suspicion, return-to-duty, and follow-up.

**Definition of *accident* requiring testing:** An accident is one involving gas pipeline facilities or LNG facilities or involving hazardous liquid or carbon dioxide pipeline facilities.

**Reasonable-suspicion determination:** One trained supervisor can make the decision based upon signs and symptoms.

**Reasonable-cause determination:** One trained supervisor can make the decision based upon reasonable and articulable belief that the employee is using prohibited drugs based on specific, contemporaneous physical, behavioral, or performance indicators of probable drug use.

**Pre-duty alcohol use prohibitions:** Four (4) hours prior to performance of duty.

**Actions for BACs 0.02 – 0.039:** If the employer chooses to return the employee to covered service within 8 hours, the BAC retest must be below 0.02.

**Employee training (Drugs):** Employer must provide EAP education with display and distribution of informational materials; display and distribution of a community service hot-line telephone number; and display and distribution of the employer's policy regarding the use of prohibited drugs.

**Employee Training (Alcohol):** Employer must develop materials that explain policies and procedures (as well as names of those who can answer questions about the program) and distribute them to each covered employee.

**Reportable employee drug and alcohol violations:** No requirements to report violations to PHMSA.

**Federal Railroad Administration (FRA)**

**Covered employee:** A person who performs *hours of service* functions at a rate sufficient to be placed into the railroad's random testing program. Categories of personnel who normally perform these functions are *locomotive engineers, trainmen, conductors, switchmen, locomotive hostlers/helpers, utility employees, signalmen, operators, and train dispatchers*.

**Types of tests for drugs:** Pre-employment, random, reasonable suspicion, reasonable cause, post-accident, return-to-duty, and follow-up.

**Types of tests for alcohol:** Pre-employment (optional), random, reasonable suspicion, reasonable cause, post-accident, return-to-duty, and follow-up.

**Definition of accident requiring testing:** FRA's post-accident testing rule requires urine and blood specimen collection from surviving employees and also tissue from deceased employees (these collection procedures go well beyond the normal Part 40 procedures). For surviving employees, these specimens are collected at an independent medical facility. FRA regulation, 49 CFR Part 219 Subpart C, stipulates the level of events requiring testing and who has to be tested. The collected specimens are analyzed only at FRA's contract laboratory. Post-accident testing provides FRA with accident investigation and usage data.

**Reasonable-suspicion determination:** One trained supervisor can make the decision for alcohol testing based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. A decision to conduct a drug test requires two supervisors (only the on-site supervisor must be trained).

**Reasonable-cause determination:** Employers are authorized to use federal authority to test covered employees after specific operating rule violations or accidents/incidents which meet the criteria in 49 CFR Part 219 Subpart D.

**Pre-duty alcohol use prohibitions:** Four (4) hours prior to performance of duty or after receiving notice to report for covered service, whichever is the shorter period.

**Actions for BACs 0.02 – 0.039:** The employee cannot be returned to duty until the start of the employee's next regularly scheduled duty period, but not less than 8 hours following the test. Railroads are prohibited from taking further disciplinary action under their own authority.

**Employee training:** Employer must provide education materials that explain the requirements of the FRA rules as well as railroad policies and procedures with respect to meeting these requirements.

**Supervisor training:** A total of three hours of training is required: one-hour on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use; one- hour of similar training on probable indicators of alcohol use; and one-hour of training on how to determine if an accident qualifies for post-accident testing.



**FRA (continued)**

**Reportable employee drug and alcohol violations:** No requirements to report violations to FRA. Engineers, who are the only certificate holders in the rail industry, will have their certificates reviewed for suspension or revocation by the employer when a FRA violation occurs. Note that a FRA alcohol violation occurs at 0.04 percent or greater. When a locomotive engineer is in a voluntary referral program, the counseling professional must report the engineer's refusal to cooperate in the recommended course of counseling or treatment.

**Other:** Anyone with direct or immediate supervisory authority over an employee may not collect that person's urine, saliva, or breath.

Refusal to test results in a mandatory minimum nine-month removal from covered service. During this nine-month period, there is no prohibition against the employee working a non-covered service position if agreeable to the employer.

Locomotive engineers (or other employees certified as a locomotive engineer at the time of the alcohol or drug violation) required both alcohol and drug return-to-duty tests; and both alcohol and drug follow-up tests.

Locomotive engineers who have a DUI are required by Part 240 to be evaluated to determine whether they have an active substance abuse disorder. A DUI is not considered to be a violation of FRA regulations if it occurred during the employee's off-duty time; therefore, any testing would be conducted under employer authority.

Employers must provide a **voluntary referral program** which allows an employee to self-refer for treatment, and a **co-worker report program** which allows one employee to refer another for treatment before the employer identifies a problem. Both of these **employee assistance programs** guarantee that employees will retain their jobs if they cooperate and complete the required rehabilitation program. For an engineer who is in a voluntary referral program, the counseling professional must report the engineer's refusal to cooperate in the recommended course of counseling or treatment to the employer.

## TEST ON TIME - Drug & Alcohol testing services for compliance with DOT & PUC

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### Federal Aviation Administration (FAA)

**Covered employee:** A person who performs *flight crewmember duties, flight attendant duties, flight instruction duties, aircraft dispatch duties, aircraft maintenance or preventive maintenance duties; ground security coordinator duties; aviation screening duties; air traffic control duties, and operations control specialist duties*. Note: Anyone who performs the above duties directly or by contract for a part 119 certificate holder authorized to operate under parts 121 and/or 135, air tour operators defined in 14 CFR part 91.147, and *air traffic control* facilities not operated by the Government are considered covered employees.

**Types of tests for drugs:** Pre-employment, random, reasonable cause, post-accident, return to duty, and follow-up.

**Types of tests for alcohol:** Pre-employment (optional), random, reasonable suspicion, post- accident, return to duty, and follow-up.

**Definition of accident requiring testing:** Accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage. Testing must occur if employee's performance either contributed to the accident or cannot be completely discounted as a contributing factor of the accident. The decision not to test an employee must be based on a determination, using the best information available at the time of the determination, that the employee's performance could not have contributed to the accident.

**Reasonable cause determination (drugs):** Two of the employee's supervisors, one of whom is trained, shall substantiate and concur in the decision to test the employee. If the employer is not an air carrier operating under 14 CFR part 121 and has 50 or fewer employees, a single trained supervisor can make the determination. A trained supervisor makes the determination based upon specific contemporaneous physical, behavioral or performance indicators of probable drug use.

**Reasonable suspicion determination (alcohol):** One trained supervisor makes the determination based upon specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, or body orders.

**Pre-duty alcohol use prohibitions:** Eight (8) hours prior to performance of flight crewmember duties, flight attendant duties, and air traffic controller duties. Four (4) hours prior to performance of other duties.

**Actions for BACs 0.02 - 0.039:** If the employer chooses to return the employee to covered services within 8 hours, the BAC retest must be below 0.02.

**FAA (continued)**

**Employee training (drugs):** An employer must train all employees who perform safety- sensitive duties on the effects and consequences of prohibited drug use on personal health, safety, and work environment, and on the manifestations and behavioral cues that may indicate drug use and abuse. Employers must also implement an education program for safety-sensitive employees by displaying and distributing informational materials, a community service hot-line telephone number for employee assistance and the employer's policy regarding drug use in the work place which must include information regarding the consequences under the rule of using drugs while performing safety-sensitive functions, receiving a verified positive drug test result, or refusing to submit to a drug test required under the rule.

**Employee training (alcohol):** Employers must provide covered employees with educational materials that explain the alcohol misuse requirements and the employer's policies and procedures with respect to meeting those requirements. The information must be distributed to each covered employees and must include such information as the effects of alcohol misuse on an individual's health work, personal life, signs and symptoms of an alcohol problem; and the consequences for covered employees found to have violated the regulatory prohibitions.

**Supervisor training (drugs):** One-hour of training is required on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use. In addition, supervisors must receive employee training as defined above. Reasonable recurrent training is also required.

**Supervisor training (alcohol):** One-hour of training is required on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

**Reportable employee drug and alcohol violations:**

Each employer must notify the FAA about any covered employee who holds a certificate issued under 14 CFR Parts 61 (pilots and flight and ground instructors), 63 (flight engineers and navigators), or 65 (air traffic control tower operators, aircraft dispatchers, airframe or power plant mechanics, and repairmen) who has refused to take a drug or alcohol test. The MRO may report a positive or refusal (i.e. adulterated, substituted results or no medical explanation for providing an insufficient specimen) on behalf of the employer.

Each employer must notify the FAA about any safety-sensitive employee who is required to hold an airman medical certificate issued under 14 CFR Part 67 who has a positive drug test result, an alcohol test result of 0.04 or greater, or who has refused to submit to testing. The MRO may report a positive or refusal (i.e. adulterated, substituted results or no medical explanation for providing an insufficient specimen) on behalf of the employer.

Each employer must not permit an employee who is required to hold a medical certificate under part 67 to perform a safety-sensitive function to resume that duty until the employee has received a new medical certificate issued by the FAA Federal Air Surgeon **and** the employer has ensured that the employee meets the return to duty requirements of Part 40. (Medical certificates are not operating certificates but employees cannot continue to perform airman duties without a medical certificate.)

**FAA (continued)**

According to FAA's regulation 14 CFR part 120, Subpart E, section 120.113(d), when a MRO verifies a drug test result or a SAP performs the initial evaluation, they must ask the employee whether he or she holds or would be required to hold an airman medical certificate issued under 14 CFR part 67 of this chapter to perform a safety-sensitive function for the employer. [This requirement only applies to MROs and SAPs who provide services for FAA regulated employers.] If the employee answers in the affirmative, the employee must obtain an airman medical certificate issued by the Federal Air Surgeon dated after the drug and/or alcohol violation date.

The SAP must wait until the employee obtains their airman medical certificate before reporting to an employer that the employee demonstrated successful compliance with the SAP's treatment and/or education recommendations.

### **Drug & Alcohol Policy – FTA**

**All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.**

Under FTA (Part 655), you are a covered employee if you perform any of the following safety-sensitive functions:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

Employer Policy Decision - If employer uses volunteers:

A volunteer is a covered employee if:

- (1) the volunteer is required to have a commercial driver's license to operate the vehicle; or
- (2) the volunteer performs a safety-sensitive function and receives remuneration in excess of his or her actual expenses incurred

### **FTA Consequences for Violations**

#### **FTA Consequences**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration being less than 0.02. (If any other consequence, ensure bold text is used.)

### **FTA Post-Accident Testing**

Covered employees shall be subject to FTA post-accident drug and alcohol testing under the following circumstances:

#### Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation

**FTA Post-Accident Testing (Continued)**

vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by [Employer] using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by [Employer] using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

**Random Testing – End of Shift (FTA)**

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care commitment, for the period immediately following an employee's shift, must be provided at least [**Employer decides how far in advance they must be notified**] before the end of the shift.

### **Dilute Urine Specimen**

**Employer decision-** to test or not to retest negative dilute test results. While the employer is authorized to obtain one additional test following a negative dilute result, a negative dilute result is a valid negative test for DOT's purposes, and does not require a retest. Employers must treat all employees the same for this purpose (i.e. you cannot retest some employees and not others). Employers may, however, establish different policies for different types of tests (e.g. conduct retests in pre-employment test situations, but not random test situations).

#### **If no retests will be conducted:**

If there is a negative dilute test result, Employer will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

#### **If a retest will be conducted:**

If there is a negative dilute test result, Employer will conduct one additional retest. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

### **What actions do employers take after receiving verified positive test results?**

As an employer who receives a verified positive drug test result, the employer must immediately remove the employee involved from performing safety-sensitive functions. The employer must take this action upon receiving the initial report of the verified positive test result. The employer will not wait to receive the written report or the result of a split specimen test.

### **Split Specimen Test**

In the event of a verified positive test result, a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Employer guarantees that the split specimen test will be conducted in a timely fashion. Employer decision- if employees will be required to pay for the test (may not condition analysis on employee payment).

**How does an employee request a test of a split specimen?**

(a) As an employee, when the MRO has notified you that you have a verified positive drug test and/or refusal to test because of adulteration or substitution, you have 72 hours from the time of notification to request a test of the split specimen. The request may be verbal or in writing. If you make this request to the MRO within 72 hours, you trigger the requirements of this section for a test of the split specimen. There is no split specimen testing for an invalid result.

(b)(1) If, as an employee, you have not requested a test of the split specimen within 72 hours, you may present to the MRO information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO (e.g., there was no one in the MRO's office and the answering machine was not working), or other circumstances unavoidably prevented you from making a timely request.

(2) As the MRO, if you conclude from the employee's information that there was a legitimate reason for the employee's failure to contact you within 72 hours, you must direct that the test of the split specimen take place, just as you would when there is a timely request.

(c) When the employee makes a timely request for a test of the split specimen under paragraphs (a) and (b) of this section, you must, as the MRO, immediately provide written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second HHS-certified laboratory. You must also document the date and time of the employee's request.

**QUESTION:**

Can someone other than the employee direct that an MRO have the employee's split specimen tested?

**ANSWER:**

No. Because the split specimen exists to provide the employee with "due process" in the event that he or she desires to challenge the primary specimen's results, only the employee can request that the split specimen be tested.

- In addition, an employer or a union (or other labor representative) may not act on the behalf of the employee in requesting that the split specimen be tested.
- The employee must make the request directly to the MRO.



## **FAQ**

***Q. Do I have to be tested before the first performance of safety-sensitive functions?***

**A.** As a new hire, you are required to submit to a drug test.

***Q. What drugs does DOT test for?***

**A.** Marijuana, Cocaine, Amphetamines, PCP, Opiates (For details please see page 12)

***Q. Can I use prescribed medications and perform safety-sensitive functions?***

**A.** Prescription medicine may be allowed only if it was prescribed to you by a licensed physician.

For more information please go to page 3.

***Q. Do I have to submit to unannounced random drug & alcohol testing?***

**A.** Yes, you are subject to unannounced random drug & alcohol testing.

***Q. Is unannounced random drug & alcohol testing fair?***

**A.** Employers must use a truly random selection process. Each employee must have an equal chance to be selected and tested.

***Q. Why are some people randomly tested more than once?***

**A.** The reality is that in a truly random selection process, a high probability exists that some employees will be selected several times while others may never be selected.

***Q. Do I have to take an alcohol test on my day off?***

**A.** Alcohol testing is administered just prior to, during or just after performing safety-sensitive functions. Depending on the industry specific regulations.

***Q. How will I be notified to report for a test?***

**A.** Every employee should be discreetly notified according to your company's policy, but random testing must also be conducted in strict confidence with a limited number of people having knowledge of the selection list.

***Q. Can I refuse to test for drugs or alcohol?***

**A.** DOT regulations prohibit you from refusing a test.

***Q. What happens if I test positive?***

**A.** A supervisor or company official will immediately remove you from DOT-regulated safety-sensitive functions.

***Q. What must I do when notified of a random test?***

**A.** When an employee is notified, he or she must proceed immediately to the collection site.

***Q. What is reasonable suspicion?***

**A.** One trained supervisor or company official can make the decision based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

***Q. What is the definition of an accident?***

**A.** Any accident involving a fatality requires testing. Testing is also required in accidents in which one or more motor vehicles are towed from the scene or in which someone is treated medically away from the scene; *and* a citation is issued to the CMV driver.

**TEST ON TIME** - *Drug & Alcohol testing services for compliance with DOT & PUC*

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NOTES

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COMPANY CONTACT INFORMATION

Company name: 

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Supervisor name: 

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Phone number: 

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Email address: 

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Other: 

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DRUG TESTING COLLECTION SITES

Name: 

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Address: 

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Phone number: 

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Hours of operation: 

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Other 

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BREATH ALCOHOL SITE LOCATION

Name: 

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Address: 

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Phone number: 

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Hours of operation: 

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Other: 

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## **NATIONAL COMMUNITY SERVICE HELPLINES FOR ALCOHOL & DRUG PROBLEMS**

SAMHSA's National Helpline: 1-800-662-HELP (4357) Open **24/7**

Heroin Addiction Helpline: 1-888-496-8059 Open **24/7**

Alcohol Addiction Helpline: 1-888-497-8815 Open **24/7**

Marijuana Addiction Helpline: 1-800-766-6779 Open **24/7**

Cocaine Addiction Helpline: 1-888-714-8341 Open **24/7**

Painkillers Addiction Helpline: 1-877-733-0921 Open **24/7**

Amphetamines Addiction Helpline: 1-888-502-7443 Open **24/7**

Methamphetamines Addiction Helpline: 1-855-638-4373 Open **24/7**

PCP Addiction Helpline: 1-888-502-7443 Open **24/7**

### **What is a Helpline?**

A helpline serves the same purpose as any other drug or alcohol hotline: to help the addicted find a path to free themselves from the drug's grip.

### **When should I call a Helpline?**

When not faced with a critical, life-threatening health emergency a call to a helpline is recommended when the time has come to break the dependence on the drug. The 24-hour-a-day, 7-days-a-week helpline exists for that purpose. If the situation you or someone you are assisting is life-threatening please call 9-1-1 immediately.



**For additional research and reading on the Federal Motor Carrier Safety Administration's Drug and Alcohol Testing Regulations, please visit:**

**[www.fmcsa.dot.gov/regulations/  
drug-alcohol-testing/overview-drug-and-alcohol-rules](http://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules)**

**General Info:** <https://www.fmcsa.dot.gov>

**FMCSA Publications and Resources Translated in Spanish.**

**FMCSA Information Line:** 1-800-832-5660

**Federal Aviation Administration (FAA)** 1-866-835-5322

**Federal Transit Administration (FTA)** 202-366-4043

**Pipeline & Hazardous Materials Safety Administration (PHMSA)** 202-366-3666

**Federal Railroad Administration (FRA)** 202-493-6024

**DOT Customer Service Center:** 202-366-4000

U.S. DOT Numbers  
Status of DOT Numbers  
Operating Authority Information  
Safety Ratings  
Licensing Information  
Insurance Information

### **Forms**

Fax Data Forms Service number:  
1-844-397-9350

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