



*Administration & Testing
For a Drug-Free Environment*

**Cypress-Fairbanks
Independent School District Transportation Department**

**What Employees Need To Know
About Drug & Alcohol Testing**

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Why am I being tested?

After several significant transportation accidents, Congress passed the Omnibus Transportation Employee Testing Act of 1991, because they recognized the safety need for ensuring drug- and alcohol-free transportation employees. The "Act" required the Department of Transportation (DOT) Agencies to implement drug testing of safety-sensitive transportation employees in the aviation, trucking (including school bus drivers, and certain limousine and van drivers), railroads, mass transit, and pipelines industries. In 1994, DOT added alcohol-testing requirements to its regulations.

As an employee performing safety-sensitive functions in the transportation industry, you are responsible for providing a safe work environment for your co-workers and the traveling public. Creating a safe work environment not only means following established work rules but also following the DOT's rules on drug use and alcohol misuse.

Who is subject to DOT testing?

Anyone designated in DOT regulations as a safety-sensitive employee is subject to DOT drug & alcohol testing. What follows is an overview of what DOT agencies are defined as safety-sensitive positions subject to testing.

Federal Aviation Administration (FAA)

Flight crews, flight attendants, flight instructors, air traffic controllers at facilities not operated by the FAA or under contract to the U.S. military, aircraft dispatchers, aircraft maintenance or preventative maintenance personnel, ground security coordinators and aviation screeners. Direct or contract employees of 14 CFR Part 121 or 135 certificate holders, Section 135.1(c) operators and air traffic control facilities not operated by the FAA or under contract to the US Military. See FAA regulations at 14 CFR Part 121 Appendices I & J.

Federal Motor Carrier Safety Administration (FMCSA)

Commercial Drivers License (CDL) holders who operate Commercial Motor Vehicles, 26,000 lbs. or greater, or operate a vehicle that carries 15 passengers or more, or required to display a DOT placard in the transportation of hazardous material. See FMCSA regulation at 49 CFR Part 382.

United States Coast Guard (USCG)

Crewmembers operating a commercial vessel. See USCG regulations at 46CFR Parts 4 & 16.

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Operations, maintenance and emergency response. See PHMSA regulations at 49CFR Part 199

Federal Railroad Administration (FRA)

Hours of Service Act personnel, engine & train, signal service or train dispatchers. See FRA regulations at 49CFR Part 219.

Federal Transit Authority (FTA)

Vehicle operators, controllers, mechanics and armed security. See FTA regulations at 49 CFR Part 655.

Remember: The tasks you actually perform qualify you as a safety-sensitive employee, not your job title. Also, some employees, like 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.

What conduct is prohibited by the regulations?

As a safety-sensitive employee...

- You must not use or possess alcohol or any illicit drug while assigned to perform a safety-sensitive functions or actually performing safety-sensitive functions.
- You must not report for service, or remain on duty if you...
 - Are under the influence or impaired by alcohol;
 - Have a blood alcohol concentration .04 or greater; (with a blood alcohol concentration of .02 to .039, some regulations do not permit you to continue working until your next regularly scheduled duty period);
 - Have used any illicit drug.
- You must not use alcohol within four hours (8 hours for flight crew members and flight attendants) of reporting for service or after receiving notice to report.
- You must not report for duty or remain on duty when using any controlled substance unless used pursuant to the instructions of an authorized medical practitioner.
- You must not refuse submitting to any test for alcohol or controlled substances.
- You must not refuse submitting to any test by adulterating or substituting your specimen.

Keep these in mind when preparing to report to work.

What drugs does DOT test for?

DOT drug tests are conducted only using urine specimens. The urine specimens are analyzed for the following drugs/metabolites:

- Marijuana metabolites/THC
- Cocaine metabolites
- Amphetamines (including methamphetamine)
- Opiates (including codeine, heroin, morphine)
- Phencyclidine (PCP)

Can I use prescribed medications & over-the-counter (OTC) drugs and perform safety-sensitive functions?

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

- A licensed physician, such as your personal doctor, prescribes the medicine to you.
- 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.
- 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 employ-

ees 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.

When will I be tested?

Safety-sensitive employees are subject to drug or alcohol testing in the following situations:

- Pre-employment
- Reasonable suspicion/Cause
- Random
- Return-to-duty
- Follow-up
- Post-accident

Reasons for Testing

Pre-Employment

As a new hire, you are required to submit to a drug or alcohol test prior to performing any safety-sensitive functions. Only after your employer has received a negative drug or alcohol test may you begin performing safety-sensitive functions.

This also applies if you are a current employee transferring from a non-safety-sensitive function in to a safety-sensitive position (even if it is the same employer).

Reasonable Suspicion/Cause

You are required to submit to any test (whether drug, alcohol, or both) that a supervisor requests based on reasonable suspicion. Reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that you are under the influence of drugs or alcohol. They cannot require testing based on a hunch or guess alone; their suspicion must be based on observations concerning your appearance, behavior, speech and smell that are usually associated with drug or alcohol use.

Random

You are subject to unannounced random drug & alcohol testing just prior to, during or just after the performance of a safety-sensitive functions. Depending on the industry specific regulations, you may only be subject to random drug testing.

No manager, supervisor, official or agent may select you for testing just because they want to. Under DOT regulations, employers must use a truly random selection process. Each employee must have an equal chance to be selected and tested.

Just prior to the testing event, you will be

notified of your selection and provided enough time to stop performing your safety-sensitive function and report to the testing location. Failure to show for a test or interfering with the testing process can be considered a refusal.

Post-Accident

If you are involved in an event (accident, crash, etc.) meeting certain criteria of the DOT agency, a post-accident test will be required. You will then have to take a drug test and an alcohol test. You are required to remain available for this testing and are not permitted to refuse testing.

Return to Duty

If you have violated the prohibited drug & alcohol rules, you are required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated employer. You are subject to unannounced follow-up testing at least 6 times in the first 12 months following your return to active safety-sensitive service.

Follow-up

The amount of follow-up testing you receive is determined by a Substance Abuse Professional (SAP) and may continue for up to 5 years. This means the SAP will determine how many times you will be tested (at least 6 times in the first year), for how long, and for what substance (i.e. drugs, alcohol, or both). Your employer is responsible for ensuring that follow-up testing is conducted and completed, and your employer may have a policy that all follow-up tests are collected under direct observation. Follow-up testing is in addition to all other DOT required 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 (49 CFR Part 40, Subparts C, D, E)
- Testing at the Laboratory (49 CFR Part 40, Subpart F)
- Review by the Medical Review Officer (49 CFR Part 40, Subpart G)

The Collection Process

See Attached: The Collector's Guide for DOT Collections

Shy Bladder Scenario

If you are unable to provide 45ml 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 40oz. 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 providing a urine specimen. If there is no medical reason, it will be considered a refusal to test.

Testing at the Laboratory

At the laboratory, the staff:

- Will determine if flaws exist. If flaws exist, the specimen is rejected for testing.
- Will 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.
- Will report the findings of the analysis of the A bottle to the Medical Review Officer (MRO),
- Will store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.
- May conduct specimen validity tests 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.

Who is the Medical Review Officer (MRO)?

Under DOT regulations, MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. They must also complete qualification-training courses and fulfill obligations for continuing education courses. They serve as independent, impartial gatekeepers to the accuracy and integrity of the DOT drug-testing program. All laboratory results are sent to an MRO for verification before a company is in-

formed of the result. As a safeguard to quality and accuracy, the MRO reviews each test and rules out any other legitimate medical explanation before verifying the results as positive, adulterated, or substituted.

Review by the Medical Review Officer (MRO)

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

- Will review paperwork for accuracy.
- Will report a negative result to the Designated Employer Representative (DER);
- Will conduct an interview, if the result is positive, with the donor 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.
- Will conduct an interview if the result is an adulterated or substituted test, with the donor 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.
- Will report a non-negative test result to the DER if:
 - The donor refused to discuss the results with the MRO;
 - The donor did not provide the MRO with acceptable medical documentation to explain the non-negative test result.
 - Inform the donor that he/she has 72 hours from the time of the verified result to request to have the 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 to provide confidentiality of the employee's testing information.

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

- Perform a confirmation test using a new mouthpiece.
- Display the test result to the donor on the EBT and on the printout from the EBT machine.
- Document the confirmation test result on the ATF, provide the donor a copy and provide the employer a copy.
- Report any result of 0.02 or greater immediately to the employer.

If after several attempts the donor is unable to provide an adequate amount of breath, the testing will be stopped. The donor 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.

Confirmation test results are the final outcome of the test.

Result & Action Protocol

What if the alcohol test result is above .02 on the initial test?

- The BAT will wait at least 15-minutes, but no more than 30 minutes, before conducting the confirmation test. During that time, the donor is not allowed to eat, drink, smoke, belch, or put anything in his/her mouth or leave the testing area. (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.

Less than 0.02

No action required under 49 CFR Part 40.

0.02 – 0.039

Varies among DOT agencies. For example, FMC-SA requires that an employee not resume safety-sensitive functions for 24 hours.

0.04 or greater

Immediately remove the employee from safety-sensitive functions. An employee may not resume safety-sensitive functions until he/she successfully complete the return-to-duty process.