Rules and Regulations

Department of Transportation Modes

- Federal Transit
  49 CFR 655
- Federal Aviation
  14 CFR 121
- Federal Railroad
  Administration
  49 CFR 219
- Federal Motor Carrier
  Safety Administration
  49 CFR 382
- Research & Special
  Programs Administration
  49 CFR 191

Rules and Regulations

- FEDERAL MANDATES – 49 CFR
- PART 40 – All modes
  - Procedures for testing
- Part 382 - FMCSA
  - Testing Rules & Regulations
Rules and Regulations

Applicability

- CDL License & Drives Vehicle
- Over 26,000 pounds
- 16 More Passengers
- Hazardous Material

Rules and Regulations

Compliance

- Performing a safety sensitive function – during time
  - Actually performing
  - Ready to perform
  - Immediately available to perform
**Rules and Regulations**

**Prohibited Conduct - Alcohol**
- No use while performing safety-sensitive work
- No use 4 hours prior to duty
- Can not use 8 hours after accident, or until test is completed – whichever occurs first
- Cannot refuse to submit to test

**Prohibited Conduct - Drugs**
- Cannot report to duty when he/she has used any controlled substance, except prescription
- Cannot report or remain on duty if have confirmed positive
- Cannot refuse to submit to required test
Rules and Regulations

**Required Tests**

- Pre-employment
- Post-accident
- Random
- Reasonable Suspicion
- Return-to-duty
- Follow-up

**Pre-Employment**

- Drug test before beginning safety sensitive function
- Background check of prior drug and alcohol testing records from previous employer(s) for past 3 years
Rules and Regulations

Post-Accident
• Test for drugs & alcohol if:
  • Fatality
  • Citation plus towing of vehicle
  • Citation plus medical treatment
• Time Requirements:
  • Drug Test - 32 hours
  • Alcohol Test - 2 hours if possible, try 6 more hours (total 8 hours)

Random
• Testing Rate: 10% to 50%
  • Minimum 50% Drug, 10% Alcohol
• Selection - equal chance each time
• Selections spread out through year
• Once notified report immediately for test
• If selected – Must be tested
Rules and Regulations

Reasonable Suspicion

- Trained Supervisor
- Based on observations:
  - Appearance
  - Behavior
  - Speech
  - Body odor
  - Written Documentation

Rules and Regulations

Return-To-Duty & Follow-Up

- Required after positive or refusal
- Negative test before returning to work
- Minimum 6 follow-up tests after returning to duty
- Follow-up tests can continue up to 5 years
Rules and Regulations

Alcohol Testing Procedures

- Testing Devices from approved list
- Screening Test
- Confirmation Test required if screening test is .02 or higher

Test Results

- Below .02 - Negative
- .02 - .039
  - Remove from duty 24 hrs
- .04 and above - Positive
  - Remove from duty
  - Refer to SAP
Rules and Regulations

Drug Testing Procedures

- Test for 5 drugs
  - Amphetamines/Methamphetamine
  - Cocaine
  - Marijuana (THC)
  - Opiates (Codeine – Morphine – Heroin)
  - PCP (Phencyclidine)

Rules and Regulations

Urine Collection Steps

- Check ID
- Collection Protocol
- Split Specimen
- CCF Procedures
- Transfer to SAMHSA Lab
Rules and Regulations

Laboratory Testing

- Screening Test
- Confirmation by GCMS
  - if screening test is positive
- Cut-off Levels
- Validity Testing Required

Rules and Regulations

Validity Testing

- Checks urine for:
  - Specific Gravity
  - Creatinine
  - pH
  - Adulterants
- Determines if specimen is:
  - Diluted
  - Substituted
  - Adulterated
Rules and Regulations

MRO (Medical Review Officer) Role

- Receives result from lab
- Review each test result
- Interview donor who has report of positive, adulterated or substituted
- Inform donor of retest option
- Report result to DER

Split Specimen Rules – P. 13

- MRO must inform donor of this right
- Donor has 72 hours to decide
- If donor requests – MRO must order split to be tested
- Who pays for split testing
  - Decided by policy or collective bargaining agreement
Rules and Regulations

Consequences of Positive Test

- Immediate removal from duty
- Employee must be referred to SAP
- SAP evaluates & recommends program
- Employee completes SAP’s recommendation
- 2nd evaluation by SAP – verify satisfactory completion of education/treatment
- Complete RTD test (must be negative)
- Complete follow-up tests (min. 6 – 1 year)
- Required to discipline? Who pays?

QUESTIONS??
# Contact Information

<table>
<thead>
<tr>
<th>Midwest Toxicology Services, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>603 East Washington Street, Suite 200</td>
</tr>
<tr>
<td>Indianapolis, IN 46240</td>
</tr>
<tr>
<td>Phone: 317-262-2200 OR 1-800-358-850</td>
</tr>
<tr>
<td>Website: <a href="http://www.midwesttoxicology.com">www.midwesttoxicology.com</a></td>
</tr>
</tbody>
</table>