Substance Abuse Management
For “5310-only” agencies
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Note: This webinar is being recorded

Does this training apply to my agency?

- This training webinar applies if:
  - Your agency receives Section 5310 funds
    - but does not receive Section 5311, 5307, 5309
  - And your agency operates one or more vehicles with a passenger capacity of 16 or greater, including the driver. (which requires a CDL)
Webinar Agenda

- Identify the federal regulations applicable to your agency
- Explain the required elements of a federally compliant drug & alcohol testing program
- Provide resources and checklist for the implementation of the testing program
- Q&A

Drug & Alcohol Testing Regulations

- USDOT rule 49 CFR Part 40
  - Defines the procedures for transportation workplace drug and alcohol testing
    - Collection, analysis, Medical Review, employee protections in place
  - Every DOT-covered employee throughout the US is tested under these procedural rules
    - About 17 million citizens
USDOT Umbrella

- Transit
- Pipeline/hazardous materials transport
- Railroad
- Motor Carrier
- Aviation
- Commercial Maritime

Drug & Alcohol Testing Regulations (cont’d)

Federal Motor Carrier Safety Administration rule codified as: 49 CFR Part 382
- Applicable to drivers of vehicles that require a CDL to operate:
  - 16 passengers or more, including driver
  - 26,001 GVW
  - Placarded for hazardous materials
- Requires a compliant drug and alcohol testing program
- The federal testing program is ONLY applicable to the employees that actually drive the CDL-vehicles
Testing Program Requirements – Policy & Training

- Designated Employer Representative
- Policy per 49 CFR Part 382.601
  - A zero tolerance policy template has been prepared
- Must also provide:
  - Educational material about the effects and consequences of alcohol misuse and controlled substance use
  - Training to authorize supervisors in making reasonable suspicion testing determinations
    - Sixty minutes of training on the signs and symptoms of alcohol misuse AND another 60 minutes on signs and symptoms of controlled substance use

Pre-employment Administrative Duties

- All applicable applicants/employees must undergo a federal pre-employment drug test
  - You must have a negative drug test result “in-hand” prior to the employee being placed behind the wheel of the CDL-required vehicle
- A previous DOT-employer background check is required if the employee held a DOT-covered position at any time during the 3-years prior to applying for employment with your agency
Testing Program Requirements – Random

- Applicable employees must be placed in a random testing pool
- You must test a minimum of 25%* of your employee pool for drugs, annually
  - You must test a minimum of 10% of your employee pool for alcohol, annually
  - If you have a small number of employees, you can join a random testing pool “consortium”
    - The consortium must meet the annual testing minimum percentages as a whole.

Testing Requirements – Post Accident

- Post-accident testing is only authorized when the testing thresholds are met (per 382.303)
  - Fatality at the scene- You must conduct both drug and alcohol federal post-accident tests
  - In non-fatal events, test if:
    - An individual suffered bodily injury and was transported for medical care away from the scene AND the driver was cited AT THE SCENE
    - One or more vehicles could not be driven away and HAD to be towed AND the driver was cited AT THE SCENE
Testing Services

- Testing services can be purchased from a state-contracted Third Party Administrator
  - Specimen collection, urinalysis, Medical Review Process
  - Random selections (consortiums or individual pool)
  - Pay one fee that includes all services
  - Billed as an individual account under the FL DOT/DOE contract
    - Volume pricing
    - Current contract in effect until 12-31-2019

Consequences for Violators

- Zero Tolerance agencies terminate employment (or deny employment) when an employee tests positive or refuses to test
- A list of DOT-qualified Substance Abuse Professionals (at least 2)
  - Regardless of whether or not you will terminate employment when employees violate the program
  - Employees must successfully complete the USDOT’s “return to duty” process prior to resuming any safety-sensitive function for any DOT-covered employer
Checklist for Initiating a Compliant Program

✓ Prepare policy, obtain approval from governing board, disseminate to all applicable employees
✓ Conduct previous DOT employer background check (3 years prior to date of application)
  ✓ Form will be provided to participants
✓ Set up a federal testing program in accordance with 49 CFR Part 40
  ✓ State contracted drug & alcohol testing services available
✓ Pre-employment drug test and receive negative results PRIOR to employee driving
✓ Add applicable employees to a random pool

Questions?
Resources

- FMCSA Regulations: 49 CFR Part 382
  - [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true &=PART&n=pt49.5.382](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true &=PART&n=pt49.5.382)
- USDOT Regulations: 49 CFR Part 40
  - [https://www.transportation.gov/odapc/part40](https://www.transportation.gov/odapc/part40)
- Policy template, implementation forms and state contract for testing services:
  - [http://sam.cutr.usf.edu](http://sam.cutr.usf.edu)

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