

Ohio Department of Transportation- FTA Drug & Alcohol Program Technical Assistance Review

Deficiency Report

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| TRANSIT OPERATOR | Monroe County Public Transportation |
| Contact Person/ Title | Denise Potts, Transit Director |
| Date | April 7, 2015 |
| Transit systems address and phone number | 118 Home Ave, Woodsfield OH 43793 740-472-2505 |

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Policy Review Report

| # | Question | Finding | Regulation | Action Item |
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| | RLS & Associates has provided a revised version of the existing policy. These changes should be made, in addition to the two listed below. | | | |
| 2. | CONTACT PERSON: Does the policy identify the person, office, branch or position designated by the employer to answer employee questions about the anti-drug and alcohol misuse prevention program? | Yes, listed in Attachment B. Need to change Medical Review Officer and Substance Abuse Professional information as well as update contact information for current Transit Director and Assistant Transit Director | Section 655.15(a) states that the policy shall provide: "The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employers anti-drug use and alcohol misuse programs." | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.15(a). ...that the policy shall provide: "The identity of the person, office branch and/or position designated by the employer to answer employee questions about the employers anti-drug use and alcohol misuse programs." The DAPM will get the current policy updated to include the contact information for the current Transit |

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| | | | | Director, Assistant Transit Director, Medical Review officer and SAP, and provide a copy of the updated policy to covered employee after it has been signed by the Monroe County Commissioners. A copy should be sent to RLS for the review records. |
| 3. | COVERED EMPLOYEES: Does the policy correctly and completely list, or describe, the categories of employees (covered employees) who are subject to the provisions of the anti-drug and alcohol misuse prevention program? | Yes Safety-sensitive positions are listed. On page 2 and attachment A. Employee names do not need to be in the policy, listing of positions is adequate. | Section 655.15(b) states the policy shall include: "The categories of employees who are subject to the provisions of this part." Safety-sensitive functions are described in Section 655.4, Definitions, under "Safety-sensitive." The policy should clarify which jobs are covered because they do or may involve the performance of safety-sensitive duties. | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.15(b). The DAPM will Research Director job description to see if operating revenue vehicles is in there, will add if it is. Will take names off the policy and add just the positions of Driver/Operator, Asst Director of Transit and possibly Director of Transit. |

DRUG AND ALCOHOL PROGRAM MANAGEMENT

| # | Question | Finding | Regulation | Action Item |
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| 2. | Does this employer make available and provide written notice of the availability of the adopted FTA anti-drug and alcohol misuse policy to all covered employees and representatives of any employee organizations? How? | Yes, have sign off sheet that each employee signs, it is currently filed in HR but will make a copy and will keep in pre-employment testing file or will use template left by RLS. | Section 655.16 states: "Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures." | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.16. DAPM will file a copy of sign off sheet in pre-employment file. |
| 8. | Are you notified of all FTA testing, so as to | Only aware of receiving negative test results in by mail. Was not aware that | Section 40.3 defines "Designated employer representative (DER)" as "An employee authorized by | The DAPM must provide a signed statement certifying that she has |

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| | take immediate action, if necessary? | they should be notified by phone of a positive or cancelled test and that they should have a password. | the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs." | read and fully understands the requirements of 49 CFR Part 40.3; 40.255(a)(5) and 40.167. As part of the statement she will include a report on her conversation with the MRO at Work Pro Southeastern Medical services which will detail the process for notification of all positive and cancelled drug and alcohol test results. This process should include password protected transmission of information. The DAPM will include a statement on how this requirement will be met going forward. |
| 9. | Does this employer conduct non-DOT drug and/or alcohol testing and if so is it completely separate (separate random pools, separate CCFs and ATFs, etc.) from DOT testing? | Not clear about testing involved based on policy will get clarified on whether or not testing would happen. But they do understand that it must be kept separate. | <p>Section 655.15 states: "Policy Statement contents... . The statement must be made available to each covered employee, and shall include the following: ...</p> <p>(j) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part."</p> <p>Section 40.13 states: "(a) DOT tests must be completely separate from non-DOT tests in all respects.</p> <p>(b) DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. For example, you must discard any excess urine left over from a DOT test and collect a</p> | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.15(j) and 40.13. DAPM will clarify current policy with her supervisor and determine what if any testing beyond the required DOT testing will be done. DAPM will send a statement of what testing will be done and how the testing will be handled to ensure that the correct notification is given to employee and that the correct testing forms are used. |

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| | | | <p>separate void for the subsequent non-DOT test.</p> <p>© Except as provided in paragraph (d) of this section, you must not perform any tests on DOT urine or breath specimens other than those specifically authorized by this part or DOT agency regulations. For example, you may not test a DOT urine specimen for additional drugs, and a laboratory is prohibited from making a DOT urine specimen available for a DNA test or other types of specimen identity testing."</p> | |
| 11. | Are the Federal Drug Testing Custody and Control Form (CCF) and DOT Alcohol Testing Form(ATF) only used for DOT tests, and are they always used when it is a DOT test? | The CCFs showed several errors that need to be corrected. Including the use of an incorrect form for testing. They did not know what to look for and have never reviewed them for anything other than the test result. | Section 40.13(f) states: "As an employer, you must not use the CCF [Federal Drug Testing Custody and Control Form] or the ATF [The DOT Alcohol Testing Form] in your non-DOT drug and alcohol testing programs. This prohibition includes the use of the DOT forms with references to DOT programs and agencies crossed out. You also must always use the CCF and ATF for all your DOT-mandated drug and alcohol tests." | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 40.13 (f) and 40.209(a)(b) and 40.275(a). The DAPM must include in the statement her understanding that only DOT authorized tests can be done on a DOT CCF or ATF and that it is her responsibility as the employer to ensure that all CCF and ATF forms are filled out correctly or are corrected immediately with an affidavit of correction once an error is discovered. The DAPM will include as part of this statement how this requirement will be met going forward. |
| 13. | Before performing a drug or alcohol test, how does the transit system inform each employee of the testing authority (i.e., FTA | Have not in the past, will now use new order for testing based on RLS template to authorize and track. | Section 655.17 states: "Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.17 and 40.14. |

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| | authority, transit system authority)? | | that a test is administered under this part." | The DAPM will create a new order for testing form that will include information about who is authorizing the test and a place for the employee to sign stating that they received this information. The new form will also have a place to for all of the required DOT testing information and a place to record the time that the test was requested and the time that the employee arrived at the testing site. This new Order for testing form will be kept in the files attached to the corresponding CFF or ATF going forward. |
| 15. | How do you ensure that DOT tests can be conducted at all times when safety-sensitive functions may be performed? (I.e., late night, weekends, holidays, maintenance hours, etc., if applicable.) | Use Work-Pro is regular testing site, when they aren't open they use Cambridge Hospital for back-up. They have never asked for Cambridge Hospital's collection credentials and have never done a site review with them. | Section 655.45(g) states: "Each employer shall ensure that random drug and alcohol tests conducted under this part are unannounced and unpredictable, and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed." | DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.45(g) and 40.31(a)(b). As part of the statement the DAPM will describe the process for using Cambridge hospital and will provide certificates of testing staff and proof that she or the Assistant Transit Director have done a review of the testing facility at Cambridge Hospital. |
| 17. | Have all safety-sensitive employees received receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, | No. They were waiting for information from DOT on training materials and sites. | Section 655.14(b)(1) states: "Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that | DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.14(b)(1). DAPM will set up a training on materials left by RLS for |

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| | and the work environment, and on the signs and symptoms that may indicate prohibited drug use? | | may indicate prohibited drug use. " | March 23 for all covered staff. DAPM will document training and file all sign in sheets and include copies of sign in sheet with the statement. |
| 22. | How do you record the first date that new hires or transferees begin safety-sensitive functions? | Does keep track of it using employment records, but not in one place. Keeps pre-employment testing information in her DOT files and employment records are at HR office elsewhere. | Section 655.41(a)(1) states: "Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result." | DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.41(a)(1). As part of the statement DAPM will provide a copy of the pre-employment log that will be created using the template supplied by RLS. DAPM will include in the statement a description of how this log will be used to meet this regulation going forward. |
| 26. | At what point in the hiring process do you ask the applicant or transferee whether or not they have failed or refused a DOT pre-employment test in the previous two years? | At employment, but not good documentation process in place. They will use the template left by RLS to create a better documentation process for this. | Section 40.25(j) states: "As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section)." | DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 40.25(j). DAPM will use the templates provided by RLS to create a documentation process for this requirement and will provide a copy of the form developed with the written statement to show how this requirement will be met going forward. |
| 28. | What random selection method is used by this employer to select | Unknown. TPA makes selection and DAPM has never asked how the | Section 655.45(e) states: "The selection of employees for random drug and alcohol testing | The DAPM must provide a signed statement certifying that she has |

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| | covered employees for FTA drug and alcohol testing? | selections are made. DAPM will research. | shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made." | read and fully understands the requirements of 49 CFR Part 655.45(e). DAPM will contact TPA to ensure that they are using a scientifically valid method to make random selections using the pool of covered employees and provide the method as part of her official response. |
| 32. | Does this transit system conduct random testing on all work days, when safety-sensitive functions are being performed, including weekends and holidays? | No. The random draw lists are provided during the quarter but usually in the second month. This does not allow them to do random draws in the first month of each quarter. | Section 655.45(g) states: "Each employer shall ensure that random drug and alcohol tests conducted under this part are unannounced and unpredictable, and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed." | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.45(g). DAPM will contact TPA and request their written agreement that they will send random selection lists to her at least one week prior to first week of each testing quarter. This will ensure that testing can occur during the first two weeks of the quarter, meeting the requirement that testing be done through the calendar year and that random testing must be conducted at all times of day when safety-sensitive functions are performed. |
| 8. | Does this transit system conduct random testing at all times that safety-sensitive functions are being performed (including maintenance of revenue vehicle, movement of revenue vehicles, etc.)? | No. The random testing log shows that all of the random testing done in 2014 was done on a Monday, Wednesday or Friday and between the hours of 10am and 12pm. See Figure 1 and Figure 2 below. | Section 655.45(g) states: "Each employer shall ensure that random drug and alcohol tests conducted under this part are unannounced and unpredictable, and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety- | The DAPM must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.45(g) that states random testing must be conducted during all times of the day that safety-sensitive functions are performed in an |

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| | | | sensitive functions are performed." | unpredictable manner. Never testing before 10:00AM or After 12:00PM and having the majority of tests on Monday, Wednesday or Friday presents a clearly identifiable pattern to the employees. This predictable pattern could be used to schedule timing of employee drug/alcohol use to avoid detection. The DAPM will use the spreadsheet template provided by RLS to track random tests and must indicate, in a written response, what actions will be taken to ensure this requirement is accomplished in the future. |
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Figure 1

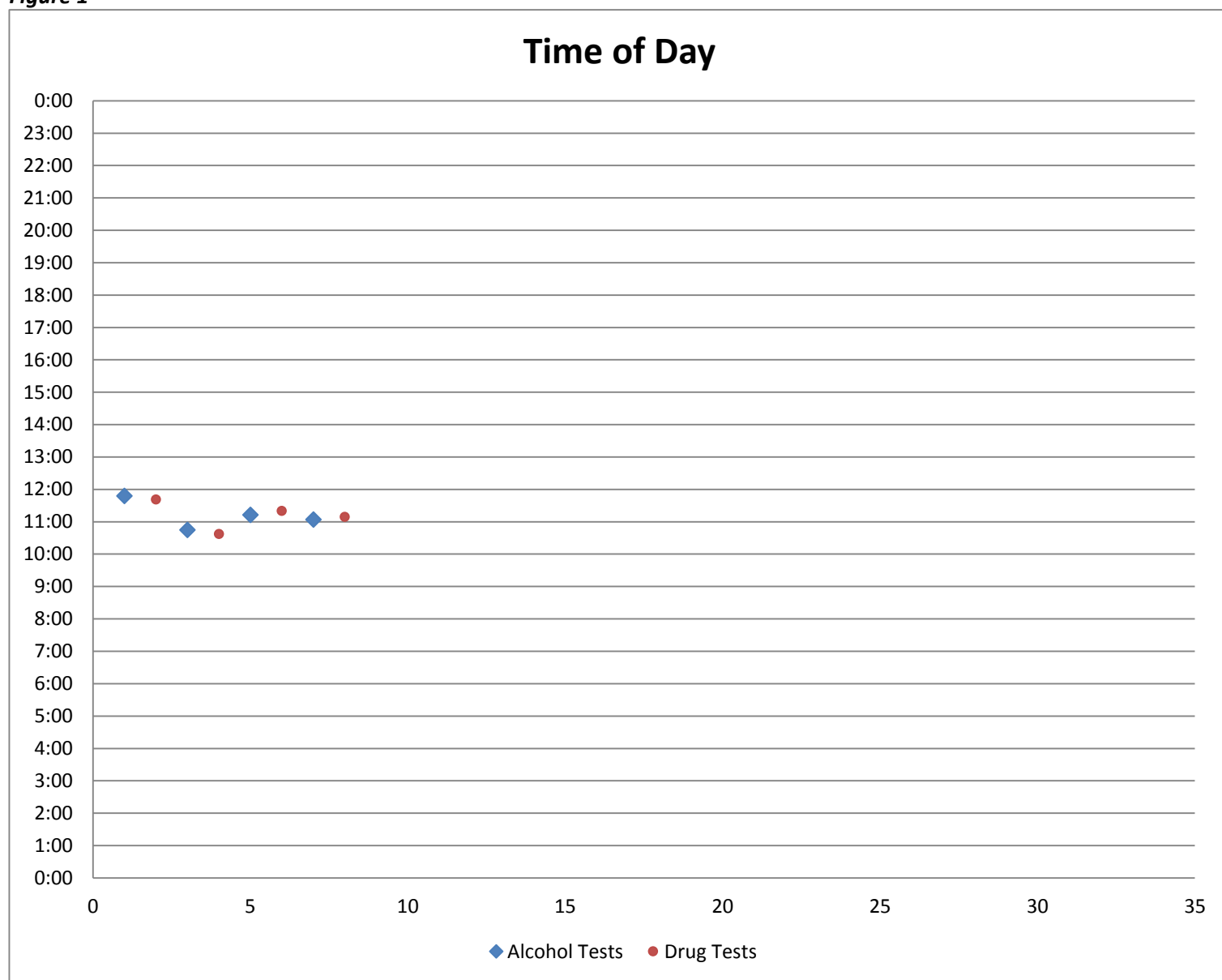
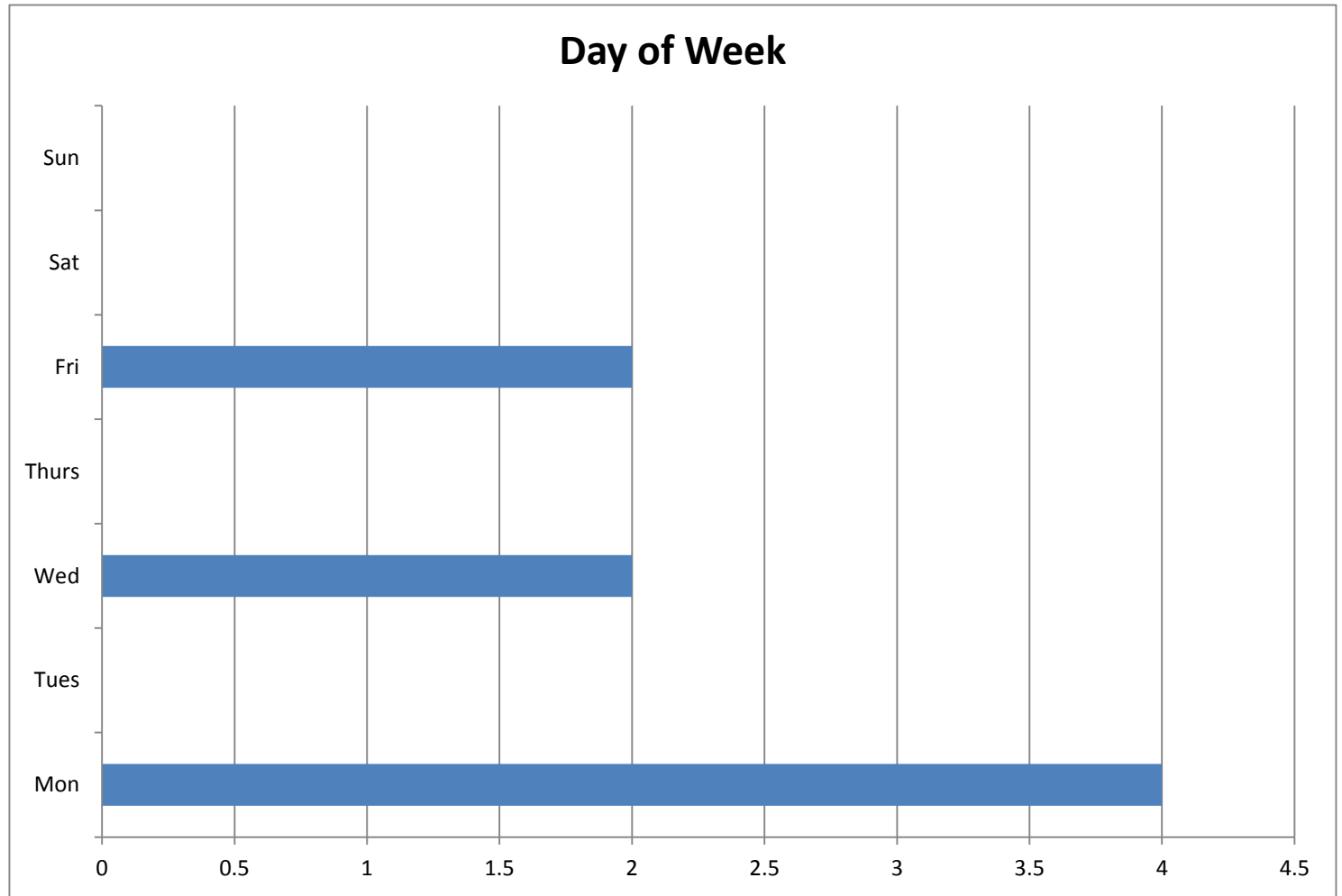


Figure 2



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| 35. | <p>If the DAPM is safety-sensitive and is in the random pool and the DAPM's name is selected for a random test, how is the DAPM made aware that their name is on the current random selection list and when does the DAPM proceed for random testing?</p> | <p>No process in place currently DAPM receives her own name on the list and tells Asst to set her random time.</p> | <p>Section 655.45(h) states: "Each employer shall require that each covered employee who is notified of selection for random drug or random alcohol testing proceed to the test site immediately. If the employee is performing a safety-sensitive function at the time of the notification, the employer shall instead ensure that the employee ceases to perform the safety-sensitive function and</p> | <p>The DAPM must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.45(h). DAPM will contact TPA to set up separate notification process for DAPM. Which will include a separate email notification to DER with password protection that only the DER has access to.</p> |
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| | | | proceeds to the testing site immediately." | |
| 42. | Did you and your contractors meet the FTA's minimum random testing rates last year? | Yes, but the DAPM was not aware of what the percentages were. | Section 655.45(a) states: "Except as provided in paragraphs (b) through (d) of this section, the minimum annual percentage rate for random drug testing shall be 50 percent of covered employees; the random alcohol testing rate shall be 10 percent. As provided in paragraph (b) of this section, this rate is subject to annual review by the Administrator." | The DAPM must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.45(a). DAPM will contact TPA to get regular reports of percentages and track the random testing done to ensure compliance. |
| 45. | Does this transit system have some method to document the post-accident decision-making process, especially decisions not to conduct a drug and alcohol test following an accident that reaches an FTA threshold? | Not currently. DER-Assistant Transit Director knew where to find information about testing thresholds, but there is no documentation plan in place. | Section 655.44(d) states: "The decision not to administer a drug and/or alcohol test under this section shall be based on the employer's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test." Section 655.71© states: "The following specific records must be maintained: (1) Records related to the collection process: ... (iv) Documents generated in connection with decisions on post-accident drug and alcohol testing." | The DAPM must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.44(d) and 655.71(c) which explains the decision making process for determining of post-accident testing is required and the required documentation process. The DAPM will use the post-accident decision tree and post-accident testing log templates that were supplied by RLS to create a clear and comprehensive post-accident testing decision and testing process. The DAPM will then ensure that any employee designated as a DER is properly trained to complete these processes in her absence. |
| 47. | Can you list and explain the FTA post-accident testing thresholds? And | Neither the DAPM- Transit Director or DER Assistant Transit Director knew thresholds well, but DER knew where to find them in | Section 655.4 defines the term "Disabling damage" as "damage that precludes departure of a motor vehicle from the scene of the | The DAPM must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part |

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| | explain disabling damage? | the regulations and training materials. | <p>accident in its usual manner in daylight after simple repairs.</p> <p>(1) Inclusion. Damage to a motor vehicle where the vehicle could have been driven, but would have been further damaged if so driven.</p> <p>(2) Exclusions. (i) Damage that can be remedied temporarily at the scene of the accident without special tools or parts.</p> <p>(ii) Tire disablement without other damage even if no spare tire is available.</p> <p>(iii) Headlamp or tail light damage.</p> <p>(iv) Damage to turn signals, horn, or windshield wipers, which makes the vehicle inoperable."</p> | 655.44 including the definition of the term disabling damage as it is used on this regulation. This statement will include a description of where this information can be found and how the DAPM and DER will keep the information readily available for reference as needed. |
| 53. | Does this company provide the contact information of a qualified Substance Abuse Professional (SAP) readily available to assist any employee who has refused a test or had a positive test? Even if the employee is to be terminated? | Not currently. They are not sure if HR would do this at time of dismissal. It has not happened so they were not sure of process. | <p>Section 655.62(a) states: "If a covered employee has a verified positive drug test result, or has a confirmed alcohol test of 0.04 or greater, or refuses to submit to a drug or alcohol test required by this part, the employer shall advise the employee of the resources available for evaluating and resolving problems associated with prohibited drug use and alcohol misuse, including the names, addresses, and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs."</p> <p>Section 40.287 states: "As an employer, you must provide to each employee (including an applicant or new employee) who violates a</p> | The DAPM must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.62(a). DAPM will use the SAP referral template provided by RLS to be used at part of the employment termination process. |

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| | | | DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to you, with names, addresses, and telephone numbers. You cannot charge the employee any fee for compiling or providing this list. You may provide this list yourself or through a C/TPA or other service agent." | |
| 56. | If the SAP determines that an employee is eligible to be reinstated, who determines that the employee is ready to be sent for a Return-to-Duty test and makes the final "fitness for duty" determination? | Based on them having a zero tolerance policy they do not know much about Return-to-Duty or Follow up testing. Will review the regulation so that they know where to find the information if they need it. | Section 40.305 states: "(a) As the employer, if you decide that you want to permit the employee to return to the performance of safety-sensitive functions, you must ensure that the employee takes a return-to-duty test. This test cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. (b) As an employer, you must not return an employee to safety-sensitive duties until the employee meets the conditions of paragraph (a) of this section. However, you are not required to return an employee to safety-sensitive duties because the employee has met these conditions. That is a personnel decision that you have the discretion to make, subject to collective | The DAPM must submit a signed statement certifying that she has read the requirements of 49 CFR Part 40.281 through 40.313 and understands of the Return-to-Duty and Follow-up testing process. This statement must also include a description of where these regulations can be found and how the DAPM would access them if needed. |

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| | | | <p>bargaining agreements or other legal requirements.</p> <p>(c) As a SAP or MRO, you must not make a "fitness for duty" determination as part of this re-evaluation unless required to do so under an applicable DOT agency regulation. It is the employer, rather than you, who must decide whether to put the employee</p> | |
| 65. | Does this transit system maintain all records related to the drug and alcohol program in a secure location with controlled access? | The records are kept in a locked cabinet in her office, however key is in her purse which was in the unlocked office out of her sight at the time of the interview. | Section 655.71(a) states: "An employer shall maintain records of its anti-drug and alcohol misuse program as provided in this section. The records shall be maintained in a secure location with controlled access." | <p>The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.71(a).</p> <p>That the employer must maintain records in a secure location with controlled access. This statement must also include an explanation from the DAPM of how this requirement will be met moving forward.</p> |
| 71. | Does the transit system have a method to identify if the MRO or C/TPA has not provided a test result in a reasonable period after the test? | Not really. They keep track of the random testing on a basic log, but do not track the date of receipt of the test result. | Section 40.17 states: "... as an employer, you are responsible for obtaining information required by this part from your service agents. This is true whether or not you choose to use a C/TPA as an intermediary in transmitting information to you. For example, suppose an applicant for a safety-sensitive job takes a pre-employment drug test, but there is a significant delay in your receipt of the test result from an MRO or C/TPA. You must not assume that "no news is good news" and permit the applicant to perform safety-sensitive duties before receiving the result. This is a violation of | The DAPM must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 40.17. DAPM needs to use the templates for testing logs given to her by RLS to create complete documentation that will allow her to better track testing and test results. |

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Records Management Interview

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| 5. | Are the following records maintained for a minimum of five years from the date of creation: (1) covered employee verified positive drug and alcohol test results; (2) documentation of refusals; (3) covered employee referrals to an SAP; (4) employer reports from SAPs; and (5) copies of annual MIS reports submitted to FTA? | Thought that it was 2 years, will make sure that the records that she has go back to 5 years. And will keep them for 5 years going forward. | Section 655.71(b)(1) states: "Records of covered employee verified positive drug or alcohol test results, documentation of refusals to take required drug or alcohol tests, and covered employee referrals to the substance abuse professional, and copies of annual MIS reports submitted to FTA [must be maintained for five years]." Section 40.311(h) states: "As an employer, you must maintain your reports from SAPs for 5 years from the date you received them." | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.71(b)(1) and 40.311(h). DAPM will make sure that all records pertaining to these areas are kept for 5 years going forward and will include in the statement a description of how the records will be stored and accessed. |
| 23. | Do the records indicate that if the reasonable suspicion alcohol test was not administered within two hours, there is a record stating the reasons the alcohol test was not promptly administered? If a reasonable suspicion alcohol test is not administered within eight hours, does the employer cease attempts to administer an alcohol test and state in the record the reasons for not administering the test? | No records, of any RS done, but they knew the 2 hour limits, were not sure of the 8 hours limit. | Section 655.43(d) states: "If an alcohol test required by this section is not administered within two hours following the determination [to test], the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination [to test], the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test." | The DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 655.43(d). DAPM will use templates provided by RLS to create a documentation process for all reasonable suspicion decision making and testing activity. |
| 66. | Do the records indicate that, after the MRO required an immediate | DAPM and DER were not aware of what an observed test was or what it involved | Section 40.67(a) states: "As an employer you must direct an immediate collection | The DAPM must provide a signed statement certifying that she has read and fully |

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| | observed collection, the employer directed an immediate collection under direct observation with no advance notice to the employee, and that the specimen was properly obtained? | and did not know when one would be required. | under direct observation with no advance notice to the employee, if: ... (2) The MRO reported to you that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed." | understands the requirements of 49 CFR Part 40.67 "When and how is a directly observed collection conducted". |
| 67. | Does the employer request the following information from the DOT-regulated employers who have employed the applicant or transferee for any period during the two years prior to the date of application or transfer: (1) Alcohol tests with a result of 0.04 or higher alcohol concentration; (2) Verified positive drug tests;(3) Refusals to be tested (including verified adulterated or substituted drug test results); (4) Other violations of DOT agency drug and alcohol testing regulations; and (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests)? | Yes, but had not documented it beyond a previous employment section on current application. | Section 40.25(a) states: " As an employer, you must, after obtaining an employee's written consent, request the information about the employee listed in Section 40.25(b). Section 40.25(b) states: "You must request the following information from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer: (1) Alcohol tests with a result of 0. 04 or higher alcohol concentration;(2) Verified positive drug tests; (3) Refusals to be tested (including verified adulterated or substituted drug test results); (4) Other violations of DOT agency drug and alcohol testing regulations; and (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-do-duty process | DAPM must provide a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 40.25(a)(b). DAPM will use the templates provided by RLS to create a documentation process for this requirement and will provide a copy of the form developed with the written statement to show how this requirement will be met going forward. |

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| | | | (e. g. , an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee." | |
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BREATH ALCOHOL TECHNICIAN

Daria Carpenter Work Pro Southeastern Medical Services

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| 5. | Did the BAT explain the testing procedure and show the employee the instructions on the back of the Alcohol Testing Form (ATF)? | No, she explained that she had been instructed to give the instructions to the person after the procedure before they signed the form. | Section 40.241 states: "As the BAT or STT you will take the following steps to begin all alcohol screening tests, regardless of the type of testing device you are using: ... (e) Explain the testing procedure to the employee, including showing the employee the instructions on the back of the ATF." | The Collector must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 40.61(e) that states the collector must explain the procedures and show the instructions on the back of the ATF. |
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URINE COLLECTION TECHNICIAN

Daria Carpenter Work Pro Southeastern Medical Services

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| 7. | Does the collector explain the basic collection procedure to the employee and show the employee the instructions on the back of the CCF? | No, collector explained that she had been instructed to show the testing instructions any time prior to having the employee sign the form. | Section 40.61(e) states: "Explain the basic collection procedure to the employee, including showing the employee the instructions on the back of the CCF." | The Collector must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 40.61(e) that states the collector must explain the procedures and show the instructions on the back of the CCF. |
| 9. | Is there a source of water for hand washing, which, if practicable, is external to the privacy enclosure? | Yes, but the collector does not have a good line of sight while the person is washing their hands. The collector should stand closer to the person while they are washing their hands instead of across the room while sitting at a desk. | Section 40.41(e)(2) states: "Provide a source of water for washing hands that, if practicable, should be external to the closed room where urination occurs. If an external source is not available, this requirement may be met by securing all sources of water and other substances that could be used for | The Collector must submit a signed statement certifying that she has read and fully understands the requirements of 49 CFR Part 40.61(e). The statement should include a description of how the collectors will monitor the hand washing process to |

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| | | | adulteration and substitution (e.g., water faucets, soap dispensers) and providing moist towelettes outside the closed room." | ensure that all substances that could be used for adulteration or substitution are not accessed. |
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