# Assess Your Compliance – Drug and Alcohol Program Manager

## **General**

* Do you have access to current versions of 49 CFR Part 655 and 49 CFR Part 40?
* Do you provide your FTA anti-drug and alcohol misuse policy to all covered employees?
  + Does your policy include all elements in §655.15?
* Do you ensure only employees that perform or may be called upon to perform safety-sensitive functions as defined in §655.4 are subject to FTA testing?
* Do you ensure all safety-sensitive employees receive at least 60 minutes on the effects and consequences of prohibited drug use?
* Do you ensure all employees authorized to initiate FTA reasonable suspicion testing receive at least 60 minutes of training on the indicators of probable drug use, and at least 60 minutes of training on the indicators of probable alcohol misuse?
* Do you ensure DOT testing is completely separate from non-DOT testing (if applicable)?
* Do you ensure the DOT CCF and ATF are *only* used for DOT testing, and are *always* used for DOT testing?
* Do you review CCFs and ATFs for errors, and correct, if appropriate?
* Do you inform the employee of the testing authority (i.e., FTA authority, company authority) before performing the test?
* Do you provide all information required by §40.14 to the collection site for each DOT test?
* Do you have a procedure in place to ensure DOT tests can be conducted at all times when safety-sensitive functions may be performed?
* Do you ensure all vendors and contractors (if applicable) are in compliance with Parts 655 and 40?

## **Previous Employer Testing History** (§40.25) / **Pre-Employment Testing** (§655.41, §655.42)

* Do you inquire about an applicant’s previous employer testing history in accordance with DOT requirements?
* Do you ask applicants if they have failed or refused a DOT pre-employment test in the previous two years?
* Do all applicants for a safety-sensitive position take a pre-employment drug test with a verified negative result before first performing a safety-sensitive function?
* Does pre-employment alcohol testing meet FTA requirements (if applicable)?
* Does any employee who has not performed a safety-sensitive function and has been out of the random pool for at least 90 days take a pre-employment drug test with a verified negative result before resuming safety-sensitive functions?

## **Reasonable Suspicion Testing** (§655.43)

* Is the decision to conduct reasonable suspicion testing based on specific, contemporaneous, articulable observations made by a trained supervisor/company official?
* Are employees only subject to reasonable suspicion alcohol testing just before, during, or just after the performance of a safety-sensitive function?
* If the reasonable suspicion alcohol test is not conducted within 2 hours, is there a record of the reason for the delay?

## **Post-Accident Testing** (§655.44)

* Do you and all applicable supervisors understand the post-accident testing thresholds?
* Do you and all applicable supervisors understand the time limits for drug and alcohol post-accident testing?
* Do you and all applicable supervisors understand the documentation requirements for post-accident testing?

## **Random Testing** (§655.45)

* Do random selections occur at least quarterly?
* Are random selections made by scientifically valid method?
* Do all employees covered have equal chance of being selected?
* Is the random selection list transmitted and maintained in a secure manner?
* Is random testing reasonably spread throughout the calendar year, and across all days of the week and hours of the day that safety-sensitive functions are performed?
* Do you ensure employees notified of selection for random testing proceed immediately to the testing site?
* Are employees only subject to random alcohol testing just before, during, or just after the performance of a safety-sensitive function?
* Do you only excuse employees from random testing for legitimate reasons (i.e., employee is unavailable throughout the remainder of the *entire* selection period) and maintain a record of any excusals?
* Do you meet the minimum annual testing rates (25% drug, 10% alcohol)?

## **Non-Negative Test Results** (§655.35, §655.46)

* Do you know what action to take upon notification of:
  + An employee’s alcohol test ≥ 0.02, but < 0.04?
  + An employee’s alcohol test ≥ 0.04?
  + An employee’s verified positive drug test?
  + An employee’s refusal to submit to testing?
* Is a SAP referral provided to any covered employee (including an applicant) who fails or refuses a DOT test?

## **Return-to-Duty and Follow-Up Testing** (§655.47)

* Do you receive a written evaluation and follow-up testing plan from the SAP?
* Is follow-up testing administered according to the SAP’s plan?
* Are return-to-duty and follow-up tests conducted under direct observation?
* Do you know what to do if a return-to-duty or follow-up test is not directly observed?

## **Maintenance of Records** (§655.71)

* Are drug and alcohol testing records maintained in a secure location with controlled access?
* Are the following records maintained for at least 5 years?
  + Verified positive drug test results
  + Alcohol tests results greater or equal to 0.04
  + Documentation of refusals to test
  + SAP Referrals
  + Copies of annual MIS reports submitted to FTA
  + Return-to-duty and follow-up test results
* Are the following records maintained for at least 3 years?
  + Previous DOT employer records request documentation
* Are the following records maintained for at least 2 years?
  + Random selection lists
  + Reasonable suspicion testing documentation
  + Post-accident testing documentation
  + Employee training documentation
* Are the following records maintained for at least 1 year?
  + Negative test results

## **MIS Report** (§655.72)

* Do you submit by March 15?
* Does your report contain only FTA drug and alcohol testing information?
* Do you ensure the accuracy and timeliness of reports submitted by contractors/subrecipients (if applicable)?