1. Materials explaining how you (the employer) implement the requirements of Part 382, and your company's policies, must be provided to each driver. These materials must be distributed prior to the start of alcohol and drug testing. Each driver must sign a receipt that he/she received a copy of the materials.

Content: Include in the materials:

* The name of the person designated by your company to answer driver questions about the materials;

* The categories of drivers who are subject to the provisions of Part 382;

* Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with Part 382;

* Specific information concerning driver conduct that is prohibited;

* The circumstances under which a driver will be tested for alcohol and/or drugs under Part 382;

* The procedures that will be used to test for the presence of alcohol and drugs, protect the driver and the integrity of the testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;

* The requirement that a driver submit to alcohol and drug tests administered in accordance with Part 382;

* An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test and attendant consequences;

* The consequences for drivers found to have violated Part 382, Subpart B, including the requirement that the driver be removed immediately from safety-sensitive functions, and procedures under Part 40, Subpart O;

* The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and

* Information concerning the effects of alcohol and drug use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem (a driver's or a coworker's); and available methods of intervening when an alcohol or drug problem is suspected,
including confrontation, referral to any employee assistance program, and/or referral to management.

Optional Provision: The materials may also include information on additional company policies with respect to alcohol and drugs. These additional policies must be clearly identified as based on your company's independent authority.

Notes: Give each trainee educational materials explaining the standard and a copy of your company policy regarding this subject. Make sure all drivers sign a statement that they have received this information before concluding your training session. This documentation must be kept on file.

Exercises: None

2. Review the drug and alcohol prohibitions. Cover each separately.

Content: Alcohol: Alcohol misuse that could affect the performance of a safety-sensitive function is prohibited. This includes:

* use while performing safety-sensitive functions;

* use during the 4 hours before performing safety-sensitive functions;

* reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater;

* use during the 8 hours following an accident, or until the driver undergoes a post-accident test; or

* refusal to take a required test.

A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 may not perform, or be permitted to perform, safety-sensitive functions for at least 24 hours.

Drugs: The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

* use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safety operate a commercial motor vehicle;

* testing positive for drugs;

* having an adulterated or substituted test specimen;
* refusing to take a required test.

Notes: Cover any additional company requirements or prohibitions. This may include items such as company policy that requires a driver to inform the company of any therapeutic drug use.

Exercises: None

3. Discuss pre-employment drug testing.

Content: Before a driver performs any safety-sensitive functions for the company, the driver must submit to testing for drugs. The company must receive a verified negative test result from the medical review officer (MRO) or consortium/third party administrator (C/TPA) prior to allowing the driver to drive or perform other safety-sensitive functions.

Before performing a drug test, the company must notify the driver that the test is required under the regulations. The notice can be oral or written.

Notes: Your company may, but is not required to, conduct pre-employment alcohol testing.

The following requirements must be met if your company chooses to conduct pre-employment alcohol testing.

1. The pre-employment test must be done before a driver performs any safety-sensitive function.

2. All drivers must be tested. Your company may not test some drivers and not others.

3. Your company must conduct the test after making a contingent offer of employment or transfer, subject to a driver's passing the pre-employment alcohol test.

4. All tests must be conducted using the Part 40 procedures.
5. A driver may not begin performing safety-sensitive functions until a test result of less than 0.04 has been received.

Exercises: None

4. Discuss post-accident testing.

Content: As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, the company must test for alcohol each surviving driver:

* if the accident involved the loss of human life; or

* if the driver receives a citation within 8 hours of the accident for a moving traffic violation and the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

* if the driver receives a citation within 8 hours of the accident for a moving traffic violation and one or more of the vehicles incur disabling damage requiring the vehicle to be transported from the scene by a tow truck or other motor vehicle.

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, the company must test for controlled substances each surviving driver:

* if the accident involved the loss of human life; or

* if the driver receives a citation within 32 hours for a moving traffic violation and the accident involved bodily injury to any person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

* if the driver receives a citation within 32 hours for a moving traffic violation and one or more of the vehicles incur disabling damage requiring the vehicle to be transported from the scene by a tow truck or other motor vehicle.

The company is obligated to provide the necessary information, procedures, and instructions to the driver to allow him/her to be tested after the accident, or to obtain emergency medical care.

A driver who is subject to post-accident testing must remain available, or the company may consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from
consuming alcohol for 8 hours following the accident, or until he/she submits to an alcohol test, whichever occurs first.

If an alcohol test is not administered within 2 hours following the accident, the company must prepare and maintain on file a record stating the reason(s) the test was not promptly administered.

If an alcohol test is not administered within 8 hours following the accident, the company must cease all attempts to administer the test and prepare and maintain on file a record stating the reason(s) the test was not promptly administered.

If a drug test is not administered within 32 hours following the accident, the company must cease all attempts to administer the test and prepare and maintain on file a record stating the reason(s) the test was not promptly administered.

In lieu of administering a post-accident test, the company may substitute a test administered by on-site police or public safety officials.

Nothing in the regulations should be construed as to require the delay of necessary medical attention for injured people following the accident. Also, the driver is not prohibited from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident, or to obtain emergency medical care.

Notes:

Exercises: None

5. Discuss random testing.

Content: Many of the requirements with regard to random testing are the same for both alcohol and drug testing. Two areas in which the regulations differ are the random testing rate and the time period when a test may be conducted.

Alcohol Testing: The random alcohol testing rate is 10 percent of the average number of driver positions.

A driver may only be tested for alcohol while he/she is performing a safety-sensitive function, immediately prior to performing or immediately after performing safety-sensitive functions.

Drug Testing: The random drug testing rate is 50 percent of the average number of driver positions.
Drug testing may be performed at any time while the driver is at work for the company.

Selection of Drivers: The selection of drivers for drug and alcohol testing must be made by a scientifically valid method. Scientifically valid methods recognized by the regulations include:

* a random number table; or

* a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

Drawing names out of a hat is not considered a scientifically valid method.

Each driver selected for testing must be tested during the selection period.

All random testing must be unannounced and testing dates must be spread reasonably throughout the calendar year.

When a driver is notified that he/she has been selected for random testing he/she must immediately proceed to the testing site. If the driver is performing a safety-sensitive function (other than driving a commercial motor vehicle) at the time of notification, he/she must stop performing the safety-sensitive function and proceed to the testing site as soon as possible.

Once an employee is randomly tested during a calendar year, his/her name must be returned to the random pool for each new selection. Each driver must be subject to an equal chance of being tested during each selection process. In other words, even though a driver has been randomly selected for and has completed a random test, his/her name goes back into the random pool and could potentially be pulled when the next selection process is conducted.

Consortium/third party administrator: A driver who employs himself/herself must implement a random alcohol and drug testing program of two or more drivers in the random selection pool. This requirement can be met by conducting random alcohol and drug testing through a consortium/third party administrator (C/TPA).

If your company conducts random alcohol and drug testing through a C/TPA, the number of drivers to be tested may be calculated for each individual employer, or may be based on the total number of drivers.
covered by the C/TPA.

Notes: If your company utilizes the services of a consortium, explain any policies or procedures your company may have in place.

Make sure your drivers understand how the random selection process is administered. One way to do this is by demonstration. Conduct a mock random selection of drivers to be tested.

Exercises: None

6. Discuss reasonable suspicion testing.

Content: The regulations require a driver to submit to an alcohol and/or drug test when a company supervisor or official has reasonable suspicion to believe the driver is using drugs or alcohol. The company supervisor or official's suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The documentation of the driver's conduct must be prepared and signed by the witness within 24 hours of the observed behavior, or before the results of the drug or alcohol test are released, whichever is earlier.

Only one supervisor or company official is required to make the observations necessary to require a test.

Section 382.603 requires that all people designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on controlled substances use. This training is used to determine whether reasonable suspicion exists to require a driver to undergo testing.

Alcohol Testing: Alcohol testing is authorized only if the observations are made during, just before, or just after the driver performs safety-sensitive functions. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not conduct the alcohol test, in order to preserve protection for the drivers.

If reasonable suspicion is observed but a reasonable suspicion test has not yet been administered, a driver shall not perform safety-sensitive functions until:

* an alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
* 24 hours have elapsed following the determination of reasonable suspicion.

The regulations do not give an employer authority to take any action, other than stated above, against a driver based solely on the driver's behavior and appearance with no test result. However, the employer may take action independent of regulatory authority.

Drug Testing: The company may require a driver to submit to a controlled substances test at any time reasonable suspicion exists while a driver is on duty. Observations may include indications of the chronic and withdrawal effects of controlled substances as well as the indications listed above.

Notes: If your company has additional procedures and/or policies make sure they are covered during this part of the training session. Point out where, in the materials distributed earlier in the session, information on your company's reasonable suspicion policy is located.

Exercises: None

7. Discuss return-to-duty and follow-up testing.

Content: Part 40, Subpart O, addresses the return-to-duty process and follow-up testing requirements.

Before returning to a safety-sensitive function, a driver who has tested positive for alcohol or drugs must undergo a return-to-duty test with the results indicating an alcohol concentration of less than 0.02 and/or a verified negative result for controlled substances use.

Return-to-duty tests need not be confined to the substance involved in the violation. If the substance abuse professional (SAP) determines that a driver needs assistance with a poly-substance abuse problem, the SAP may require, for example, alcohol tests be performed along with the required drug tests after the driver has violated the drug testing prohibition.

Upon failing a drug or alcohol test, the driver must be evaluated by the SAP and participate in the assistance program prescribed.

Following his/her return to duty, the driver is subject to unannounced follow-up testing.

The number and frequency of the tests are to be determined by the SAP, but must consist of at least six tests during the first 12 months following the driver's return to duty. Follow-up testing may be done for up to 60 months. The SAP can terminate the requirement for
follow-up testing in excess of the minimum (six tests in the first 12 months) at any time, if the SAP determines the testing is no longer necessary.

Follow-up tests need not be confined to the substance involved in the violation. If the SAP determines that a driver needs assistance with a poly-substance abuse problem, the SAP may require, for example, that alcohol tests be performed along with the required drug tests after the driver has violated the drug testing prohibition.

Follow-up testing for alcohol can only be performed when the driver is performing a safety-sensitive function, or immediately before or after performing a safety-sensitive function.

Notes: Your company policy regarding a driver's failure of an alcohol or drug test will determine how you present the return-to-duty and follow-up testing portion of this lesson.

Exercises: None

8. Describe alcohol testing procedures.

Content: Alcohol testing is done by a trained breath alcohol technician (BAT) or screening test technician (STT). This testing is done in a private setting where no one other than authorized personnel have access. The evidential breath testing or saliva testing device used must be approved by the National Highway Traffic Safety Administration (NHTSA).

When the driver arrives at the testing site the technician will ask for identification. The driver may ask the technician for identification as well. The technician will then explain the testing procedure. The technician may only supervise one test at a time, and may not leave the testing site while the test is in progress.

The technician will complete the first part of the alcohol testing form, which includes the driver's name, the company's name, and the reason for the test. The driver will be asked to complete the second part of the form stating that the driver understands that he/she is about to be tested and that all information given is correct. Note: Refusal to sign the form is considered a refusal to take the test. Refusal to take the test is treated the same way as failing a test.

Screening Test: A screening test is performed first. The mouthpiece or swab used in the test must be sealed before use, and opened in the driver's presence. If a breath testing device is used, the driver must blow forcefully into the mouthpiece of the testing device. If a saliva test is used, the driver or the technician will insert a swab in the driver's mouth to collect saliva. After the saliva is collected, the swab
will be inserted into the testing device.

Once the test is completed the technician must show the driver the results. The results may be printed on a form generated by the breath testing device or may be displayed on the breath or saliva testing device.

If the reading is less than 0.02 both the driver and the technician will sign and date the result form. The form will then be confidentially forwarded to the company.

Confirmation Test: If the reading is 0.02 or over, a confirmation test must be done with an approved evidential breath testing device (EBT). The test must be done after 15 minutes have elapsed but within 30 minutes of the first test. The driver will be asked not to eat, drink, belch, or put anything in his/her mouth. These steps are meant to prevent the build-up of mouth alcohol, which could lead to an artificially high result.

A new mouthpiece must be used for the new test and the calibration of the EBT must be checked. Again, all of this must be done in the driver's presence.

If the screening and confirmation test results are not the same, the confirmation test result is used.

Notes: Distribute samples of the forms used during this process. If possible, show the drivers the types of devices used to conduct testing.

Exercises: None

9. Describe drug testing procedures.

Content: Drug testing is done by analyzing a urine sample. Integrity of the specimen and the testing procedure is important. All handling and storage of the specimen must be tracked. A custody and control form (CCF) must be used from the point of specimen collection to the conclusion of the process (test results).

When the driver arrives at the testing site, he/she must provide positive identification. The driver may ask the collector for identification as well.

The collector will explain the basic collection procedure to the driver, including showing him/her the instructions on the back of the CCF.

The collector will direct the driver to remove outer clothing (coat, hat,
coveralls, etc.) that could be used to conceal items or substances that could be used to tamper with a specimen. The driver must also empty his/her pockets and display the items in them to the collector to ensure that no items present could be used to adulterate a specimen. The driver may keep his/her wallet.

The collector will then complete Step 1 on the CCF.

Then, the driver will be instructed to wash and dry his/her hands. At this point, he/she will not have access to water or other materials that could be used to adulterate or dilute a specimen. The driver may not wash his/her hands again until the specimen has been given to the collector.

The collector must select, or allow the driver to select, an individually wrapped or sealed collection container. Either the driver or the collector (with both parties present) must unwrap or break the seal of the collection container.

The driver will be directed by the collector to go into a room used for urination and provide a specimen of at least 45 mL, not flush the toilet, and return to the collector with the specimen. Except in the case of a monitored collection, no one is allowed in the room with the driver. Also, the collector may set a reasonable time limit for providing the specimen.

The collector must pay careful attention to the driver during the entire collection process to note any conduct that clearly indicates an attempt to tamper with a specimen.

When the driver returns with the collection container it must contain at least 45 mL of urine. The collector must check the temperature of the specimen no later than 4 minutes after the driver has given him/her the specimen. The acceptable temperature range is 90?-100? F/32?-38? C.

The collector must inspect the specimen provided for:

* unusual color;
* the presence of foreign objects or materials; or
* other signs of tampering.

If it is apparent from this inspection that the driver tampered with the specimen, the collector must immediately conduct a new collection using direct observation procedures.

The collector must take the following steps (in order), in front of the
driver, after he/she brings the urine specimen to the collector.

1. Check the box on the CCF indicating this is a split specimen collection.

2. Pour at least 30 mL of urine from the collection container into one specimen bottle to be used as the primary specimen.

3. Pour at least 15 mL of urine from the collection container into a second specimen bottle to be used as the split specimen.

4. Place and secure the lids/caps on the bottles.

5. Seal the bottles by placing tamper-evident bottle seals over the bottle caps/lids and down the sides of the bottles.

6. Write the date on the tamper-evident bottle seals.

The collector must then ensure that the driver initials the tamper evident bottle seals. This certifies that the bottles contain the specimen he/she provided.

The collector completes the collection process by directing the driver to provide his/her name, date of birth, and telephone number and sign the CCF. The collector will also provide some data on the CCF.

The collector will then place the specimen bottles and a copy of the CCF in a plastic bag and then secure the bag.

At that point, the collector will advise the driver that he/she may leave the collection site.

Then the collector must finish preparing the specimens for shipment to the testing lab. The specimens must be shipped to the lab as quickly as possible. They must be shipped within 24 hours or during the next business day.

The lab must test for the following five substances:

* marijuana metabolites;
* cocaine metabolites;
* amphetamines;
* opiate metabolites; and
* phencyclidine (PCP).
An initial test is performed on the primary sample. If this test is positive for the presence of drugs, a confirmation test will be conducted. Only samples confirmed as positive are reported as positive.

If the test result is positive, the medical review officer (MRO), will notify the driver to find out if there is a potential medical reason for the result. If it can be documented as to why the substance is being taken, and if the MRO finds it is a legitimate medical use, the result may be reported as negative to the company.

After being notified that the first test was positive, the driver has 72 hours to request a test of the split specimen. If the driver makes this request, the split specimen is sent to another certified laboratory for the test.

If the analysis of the split sample does not confirm the presence of the drug, the MRO cancels the test and reports this to the DOT, the driver and the company.

Notes: Distribute samples of the forms used during this process.
Exercises: None
10. Discuss how test results are retained.

Content: The regulations require that all drug and alcohol records be kept in a secure location with controlled access. Each driver has access to records dealing with his/her own drug and alcohol tests. The driver must request these records in writing, and the company is required to provide them promptly.

Notes: Tell your drivers where these records are maintained stressing how confidentiality is assured.
Exercises: None
11. Discuss your company's self-admission policy (if your company has this type of program).

Content: If your company chooses to establish a program that allows a driver to self-identify drug use or alcohol abuse without being subject to the referral, evaluation, and treatment requirements in Part 382 and Part 40 certain criteria must be followed.

The driver's admission must follow the steps of your company's voluntary self-identification policy. This policy must be in writing and include the following elements:

1. The policy must prohibit the company from taking adverse action against a driver for making a voluntary admission of alcohol misuse or
drug use.

2. The policy must allow the driver sufficient opportunity to seek evaluation, education, or treatment to establish control over his/her alcohol or drug problem.

3. The policy must permit the driver to return to safety-sensitive functions only upon the successful completion of an educational or treatment program, as determined by an alcohol and drug abuse evaluation expert (employee assistance professional, substance abuse professional, qualified alcohol and drug counselor, etc.).

4. The policy must ensure that before the driver returns to safety-sensitive functions he/she undergo a return-to-duty alcohol test with a result of less than 0.02 and/or a return-to-duty drug test with a verified negative result.

5. The policy may incorporate monitoring and include non-DOT follow-up testing.

The driver may not self-identify in order to avoid a test required under Part 382 regulations. He/she must make the admission of alcohol misuse or drug use before performing a safety-sensitive function.

The driver may not perform a safety-sensitive function until his/her company is satisfied that he/she has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification programs guidelines.

Notes:

Exercises: None