

DEPARTMENT OF TRANSPORTATION

DRUG AND ALCOHOL-FREE DEPARTMENTAL WORKPLACE

DRUG AND ALCOHOL TESTING GUIDE

Departmental Human Resource Service
Departmental Drug Office

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CHAPTER I. GENERAL PROVISIONS

A. ASSISTANT SECRETARY FOR ADMINISTRATION

The Assistant Secretary for Administration is responsible for:

1. ensuring the consistent implementation of this Order throughout the Department of Transportation (DOT);
2. establishing necessary procedures to carry out this Order; and,
3. designating the DOT MRO.

B. HEADS OF OPERATING ADMINISTRATIONS (OAs)

The Heads of OAs, including the Office of the Secretary, and the Office of the Inspector General, are responsible for implementing this Order within their organization and appointing Drug Program Coordinators (DPC) and Employee Assistance Program (EAP) managers or coordinators.

C. DEPARTMENTAL DRUG OFFICE (DDO)

The DDO is responsible for policy development and implementation and management of the drug and alcohol testing and awareness programs within DOT. The DDO will:

1. serve as principal agent in administering all contracting functions necessary to ensure effective and efficient operation of the drug and alcohol testing program (this includes obtaining statements from collectors and BATS);
2. conduct announced or unannounced site visits to ensure adherence to DOT drug and alcohol testing policy and procedures;
3. ensure that records related to drug and alcohol test results are handled in a confidential manner, consistent with prevailing and other legal requirements;
4. assist the MRO in performing administrative record keeping functions;
5. monitor the current or pending status of an employee who has a verified positive drug-test result or a confirmed alcohol concentration of 0.04 or higher, and advise the MRO, SAP, or EAP manager or coordinator, as appropriate;

6. monitor the current or pending status of return-to-duty and/or follow-up tests of an employee who has a confirmed alcohol concentration of 0.01 to ensure appropriate action is taken;
7. ensure OA have supervisory training program to explain the requirements of this Order;
8. maintain appropriate statistical records at the Departmental level (OAs should maintain their own statistics), including numbers of employees and applicants tested and test results, and assure that such records are free from personal identifying information; and,
9. Provide training/briefing to OA unions and DPCs on the drug or alcohol testing requirements.

D. DEPARTMENTAL MEDICAL REVIEW OFFICER (DMRO)

The DMRO, in accordance with HHS criteria, is a licensed physician (Medical Doctor or Doctor of Osteopathy), responsible for receiving laboratory results generated by the Department's drug testing program. The DMRO has knowledge of substance abuse disorders and has medical training to interpret and evaluate an individual's confirmed positive result together with his or her medical history and any other relevant biomedical information. (See Chapter IX, Medical Review Officer).

E. DRUG PROGRAM COORDINATORS (DPC)

The Drug Program Coordinators (DPCs) are responsible for implementing this Order and managing the day-to-day operation of the drug and alcohol testing and awareness program within their OAs. DPCs do not arrange for collection contractor statements, this is a function performed by the DDO. All urine collection contractor or BAT testing issues must be brought to the immediate attention of the DDO for resolution. DPCs:

1. serve as the principal contact with the urine collection and alcohol testing contractor(s), including Aviation Medical Examiners (AME), to ensure the effective operation of the drug and alcohol program within their OA or FAA regional office. DPCs must utilize collection contractors and BATs that are assigned to their regions and are not permitted to arrange for other collection or alcohol testing teams without the approval of the DDO;
2. ensure supervisors and employees are notified of random testing;
3. ensure that applicants for TDPs are identified by the personnel office and tested prior to appointment;

4. arrange for reasonable suspicion, post-accident, follow-up, and voluntary testing when required;
5. serve as the testing site coordinator, as necessary;
6. receive notification from the DMRO or FMRO of verified positive and/or substituted or adulterated drug test results consistent with confidentiality procedures;
7. notify appropriate management officials and employees of verified positive and/or substituted or adulterated drug test results, or alcohol misuse concentrations consistent with confidentiality procedures; and,
8. implement the education and awareness portion of the drug and alcohol testing program, ensuring that:
 - (a) training and education sessions, mandatory for supervisors, are scheduled and given regarding the policies and procedures of the drug and alcohol testing program, EAP, and rehabilitation, and that a method to track training participation for the DDO is established;
 - (b) films, pamphlets, and promotional materials are publicized and disseminated to all employees;
 - (c) resources required to implement all applicable parts of the testing and awareness program are identified to the OA.
 - (d) conduct site coordinator training/refreshers training at all facilities/locations at least yearly; as resource allow,
9. develop and maintain OA drug and alcohol testing statistical reports concerning drug/ and or alcohol testing numbers, follow-up program, supervisory and employee training and education; and
10. conduct site visits of facilities (HQ and/or field offices) where random testing is occurring to ensure management is in compliance with this Order. Any collection contractor or breath alcohol testing issues identified during the site visit will be reported to and resolved by the DDO. Site audits are not limited to DPCs and may include DDO staff and management officials of OAs where testing is being performed.

F. EMPLOYEE ASSISTANCE PROGRAM (EAP) MANAGERS OR COORDINATORS

The Employee Assistance Program Managers or Coordinators shall be designated by the appropriate management official to participate with the MRO, SAP and EAP contractor

personnel in evaluation and diagnosis under the Diagnostic Statistical Manual IV-TR (and subsequent editions), counseling, and referral of employees. All progress reports must contain sufficient information which allows the MRO to:

1. determine whether an individual is ready to return to his or her safety- and/or security position. (Note: Employees in security-sensitive positions cannot be returned to duty without the approval of their security servicing organization.) EAP managers or coordinator will:
2. assist the DPC with substance abuse training provided to supervisor and with other drug-alcohol free workplace program training and awareness activities.
3. participate with the MRO, SAP, EAP contractor personnel, and/or DPC in evaluation, diagnosis, counseling and referral of employees to assure that an employee entering into a substance abuse rehabilitation program receives appropriate treatment;
4. assist employees, as required with substance abuse information and referral to appropriate outside treatment programs;
5. obtain progress reports and discharge summaries from treatment facilities and EAP counselors and assist the MRO or SAP in evaluating treatment efforts and employee progress and compliance;
6. ensure that EAP counselors, SAPs, and treatment facilities are aware of the nature of the safety- and security-sensitive work of DOT to assure return-to-duty recommendations are appropriately made; and
7. assist managers and supervisors in dealing with employees found to be in violation of this Order or suspected of having substance abuse problems.

G. OA HUMAN RESOURCE OFFICES (HR).

Vacancy announcements for TDPs must state that prior to being selected for the position, the individual must pass a drug and/or alcohol test. The vacancy announcement should also state the position is subject to random drug and/or alcohol testing. If the applicant is conditionally selected for the position, he or she must pass a drug and/or alcohol test. Prior to offering a TDP to an applicant, the HR office must have received confirmation of a negative drug test result from the DPC. This information must be provided without using the individual's personally identifiable information, except via secure fax, electronically or in person. Any information provided electronically must be encrypted. See Chapter IV, paragraph B.1. for additional HR information regarding applicants.

H. SITE COORDINATOR (SC)

The Site Coordinator (SC) is designated by an appropriate management official to assist the collector or BAT on the actual day of collection or testing at locations where the DPC is not present. The SC will:

1. coordinate the scheduling and testing of employees selected for testing with the collector or BAT, appropriate supervisor, and DPC;
2. ensure employees are selected from the random test lists in accordance with the procedures outlined in the DOT Drug and Alcohol Drug Testing Guide;
3. assist the collector or BAT with logistical arrangements;
4. convey the results of alcohol tests to the supervisor of the employee and to the DPC; and
5. convey any problems that occurred during testing to DPC. Problems concerning collectors or BATs must be reported to the DDO for resolution.

I. SUPERVISOR

The supervisor of an employee who has violated a drug or alcohol prohibition, or has engaged in other alcohol-related misconduct, as prescribed by this Order, shall:

1. ensure the employee is not assigned safety-sensitive and/or security-sensitive duties;
2. ensure that appropriate disciplinary action is initiated;
3. cooperate with recommended rehabilitation efforts of the employee; and
4. ensure adherence to all policies and procedures contained in this Guide.

Failure of a supervisor/manager to adhere to these procedures will be documented in writing and provided to the DDO through appropriate chain of command. The supervisor/manager will be subject to OA disciplinary action for failure to adhere to policies and procedures contained in this Order.

J. CONTRACTUAL SERVICES

Urine collection, laboratory analysis and breath alcohol testing will be provided through contractors.

K. SAFEGUARDING OF RECORDS RELATED TO DRUG AND ALCOHOL TEST RESULTS

1. Drug test results are protected under the provisions of the Privacy Act, 5 U.S.C. §552a and the Supplemental Appropriations Act, 1987 (Public Law 100-71, section 503(e)), and

may not be released in violation of these statutes. Disclosure of drug test results under the "routine use" exception to the Privacy Act's disclosure prohibition is strictly limited. Until specific statutes exist for the disclosure of alcohol test results, alcohol test results will be handled with the same Privacy Act safeguards as drug test results.

2. The Department has a responsibility to the NTSB (under the Independent Safety Board Act Amendments of 1990) to report the results of a post-accident or reasonable suspicion confirmed positive drug test, if a written request to the Secretary for such information is made. The request for information must be made in the course of investigating an accident or incident that is within the jurisdiction of the NTSB. Subsequent to such a request, the NTSB shall be furnished any report of a confirmed positive test result for such tests(s) verified by the MRO or a Field Medical Review Officer (FMRO) and any underlying laboratory records documenting the confirmed positive test result. Until statutes are developed specifically for the release and reporting of alcohol test results, alcohol test results shall be disclosed to the NTSB in the same manner as drug test results. The Office of the Assistant Secretary for Administration shall be responsible for complying with any request from the NTSB for this information.

L. TRANSMISSION OF TEST RESULTS

1. Drug test results shall be transmitted electronically by the laboratory to the designated Medical Review Officer (MRO) in a manner consistent with the Privacy Act.
2. Drug test results shall not be communicated orally by the contract laboratory.
3. Alcohol test results will be printed and copies will be provided by the BAT to the employee, the SC or DPC, and the DDO.

M. RELEASE OF TEST RESULTS

1. All employees tested for either drugs or alcohol will receive written notification of their test results. Such notification will be provided by the MRO through the DPC for drug tests, and the contractor for alcohol tests.
2. Confirmed positive drug test results shall be disclosed by the laboratory only to the MRO.
3. A verified positive drug test result shall be mailed only to the employee's home address.
4. The DDO or the DPC will provide confirmed alcohol concentrations greater than 0.02 to an MRO who will be serving as a Substance Abuse Professional (SAP).
EXCEPTION: Employees in the follow-up testing program will be reported to the

MRO with a confirmed alcohol concentration less than 0.02 to determine non-compliance.

5. After the MRO has completed all responsibilities necessary to interpret and evaluate positive drug test results, the MRO in coordination with the DPC shall disclose a verified positive drug test result only to the employee, appropriate Employee Assistance Program (EAP) Coordinator, appropriate servicing security organization and any supervisory management official having authority to take adverse personnel action against the employee. The SAP is also authorized to release any alcohol test results in the same manner. For applicants, the MRO or SAP in coordination with the DPC shall disclose a drug or alcohol test result only to the appropriate servicing personnel office.
6. For reasonable suspicion, post-accident, and follow-up testing, the MRO will notify the appropriate DPC of drug test results, who will inform the employee. The Breath Alcohol Technician (BAT) will notify the employee, the SC or DPC, and the DDO of alcohol test results. The DPC will notify the appropriate management official and the appropriate servicing security organization of both drug and alcohol test results.
7. In the case of applicants, the appropriate servicing personnel office will be notified of the drug or drug and alcohol test results by the DPC through the MRO or BAT, respectively.

N. RECORDS MAINTENANCE AND RETENTION

1. All random test lists generated by the DDO for each OA (see Chapter II, Random Testing, paragraph A.1., "Employee Identification") shall be clearly annotated, dated, signed, and forwarded to the DDO. The official list, on which every name has been clearly annotated in order to ensure a complete record of all actions, shall be signed and dated by the SC/DPC and returned to the DDO as soon as possible. The DDO shall maintain all donor lists in such a manner as to prevent unauthorized access to information contained therein. The DDO will maintain official test list records.
2. Records resulting from the testing of employees for use of illegal drugs (e.g., control forms, negative test results, confirmed positive test results, medical records made available to the MRO by the individual tested, and [MRO verification statement (see Chapter IX, Medical Review Officer, paragraph B.2.d., "Review")]) shall be retained and filed in Office of Personnel Management (OPM) Government-wide (GOVT) system of records under the Privacy Act entitled "Employee-Medical File System Records" (OPM/GOVT-10). (The OPM notice amending OPM/GOVT-10 to include records resulting from drug testing of employees in the system was published in the *Federal Register* (52 FR 22564) (1987) and subsequently reissued (57 FR 35,698, 35,714, 35,722) (1992).

3. Where appropriate, records resulting from the testing for illegal drugs of persons who have applied to OPM or DOT for Federal employment and current and former DOT employees submitting applications for other positions in DOT for which testing for illegal drugs is required, shall be retained and filed in OPM Government-wide system of records under the Privacy Act entitled "Recruiting, Examining, and Placement Records" (OPM/GOVT-5). (The OPM notice amending OPM/GOVT-5 to include records resulting from drug testing of applicants in the system was published in the *Federal Register* (52 FR 22564) (1987) and subsequently reissued (57 FR 35,698, 35,714, 35,722) (1992).
4. Records resulting from the testing of employees for use of alcohol will be handled with the same Privacy Act safeguards, as set for in paragraphs N.2. and N.3., until specific statutes exist for the disclosure of alcohol test results.

O. SPECIAL REQUIREMENTS FOR COMMERCIAL DRIVERS LICENSE (CDL) HOLDERS

1. All alcohol testing (on employees and applicants other than those whose position requires a CDL) conducted by the Department shall be done in accordance with the policies and procedures contained in DOT Order 3910.1D and this guide. This guide provides detailed procedures that are consistent with 49 CFR Part 40, Subpart C that will be used for alcohol testing of covered employees other than CDLs.
2. The Federal Highway Administration has added regulations on controlled substances (i.e., drugs) and alcohol use and testing to the Federal Motor Carrier Safety Regulations to comply with the requirements of the Act. Those employees of DOT whose positions require a CDL will be subject to the FHWA requirements for motor carriers, as well as DOT Order 3910.1D.
3. As required by 49 CFR Part 382, all urine collections for drug testing on employees in, and applicants for, positions requiring CDLs, are regulated by 49 CFR Part 40. The split-specimen procedure contained in 49 CFR § 40.25 must be used for all drug testing of DOT employees and applicants for the test to be valid.
4. Employees and applicants for positions requiring CDLs are subject to the provisions of 49 CFR Part 382 with related alcohol testing being regulated by 49 CFR Part 40. DOT shall make exclusive use of evidential breath testing devices (EBTs), approved by and placed on the NHTSA "Conforming Products List of Evidential Breath Measurement Devices" (CPL), for performing alcohol testing under DOT Order 3910.1D.

CHAPTER II. RANDOM TESTING

A. PROCEDURES PRIOR TO ACTUAL TESTING

1. Employee Identification

- a. The DDO shall generate random test lists for each OA identifying all employees selected for random drug or drug and alcohol testing. Employees not on the list shall not be tested. The lists will contain the following information for each employee selected.

- Name of employee
- Occupational series and title
- Donor ID
- Gender
- Duty location/facility address
- Test list will specify the type of testing (i.e drugs, alcohol or drug and alcohol)

- b. The lists shall be subdivided by OA region and contain the name and phone number of the appropriate DPC. Each list shall also provide the name and mailing address for the appropriate MRO.

2. Contractor Notification and Scheduling

At least 5 calendar days prior to each day of testing, the DDO shall provide the contractor and the DPC with a list of employees selected for drug or drug and alcohol testing. The contractor, upon arrival at the designated site, shall provide a copy of the list to the SC.

3. Operating Administration Notification

- a. The contractor shall provide each OA DPC general information as to the projected testing schedule on a monthly basis.
- b. It is the responsibility of the DPC to contact the contractor at least 3 business days prior to the test date to confirm:
- (1) the specific sites where testing is to be conducted;

- (2) the name and phone number of the SC and/or facility manager; and,
- (3) ensure variation of the testing time schedule in relation to alcohol testing.

4. **Facility/Site Notification**

- a. Before the contractors are dispatched the DPC shall notify the appropriate management official located at the site.
- b. When the DPC is not physically located at the site, a SC will be required to assist the contractor.

5. **Supervisor Notification**

- a. The DPC/SC shall notify the selected employee's first level supervisor approximately 1 hour prior to the actual time of test.
- b. **In situations where the first level supervisor is unavailable, the next higher management official shall be contacted. Note: On some occasions the DPC may make the notification to employee when needed.**
- c. The DPC/SC shall provide the supervisor with any information to be conveyed to the employee. (See below in paragraph A.6, "Employee Notification.")

6. **Employee Notification**

- a. Approximately 15-30 minutes before the actual test, the supervisor/DPC shall verbally and privately inform the employee that he/she has been identified through a random selection process for drug and/or alcohol testing. The employee shall be clearly informed as to the time and exact location to report for testing and instructed to take appropriate photo identification. Acceptable identification includes DOT employee identification with photo or, if unavailable, a driver's license with photo.
- b. Every effort shall be made by the supervisor /DPC to personally provide the above information to the employee to avoid any misunderstandings. In addition, a copy of "Random Drug Testing Program Checklist for Employees" (see Appendix B) may be given to each employee designated for random testing at the OA's discretion.

- c. The supervisor shall be knowledgeable about the drug and alcohol testing program and able to provide information in response to employee questions that may extend beyond the information provided in written notices.
- d. The supervisor shall immediately report to the DPC/SC any problems encountered during employee notification. These problems are to be annotated on the test list by the DPC/SC. The DPC/SC shall assume the employee has received proper notification in the absence of any such call from the supervisor.

7. Unavailability of Employee

When an employee selected for random testing is unavailable for legitimate reasons (e.g., working different shift, travel, leave), the DPC/SC shall annotate the list indicating the specific reason.

8. Test Lists

Instructions for identifying employees to be tested from the random test list are attached to the Site Coordinator's Checklist (see Appendix B). Test lists will specify whether an employee will be subject to drug testing only or drug and alcohol testing combined. Testing designated position (TDP) determined in accordance with DOT 3910.1D (see Appendix A). The official test list shall be annotated, signed, dated, and returned by the contractor to the DDO in a timely manner. All other copies of the list will also be returned to the DDO by the contractor.

9. Union Observer

A union representative is allowed in the testing area *only* if there is a labor-management agreement and the donor has requested the presence of a union representative. In all other circumstances, *only* the employee and the contractor shall be in the testing area. If a union representative “shows up” at the testing site without a request from the donor, they must be refused entry into the testing area.

B. PROCEDURES DURING SPLIT-SPECIMEN URINE COLLECTION

1. Standard Split-Specimen Collection Procedures (Unobserved)

To ensure that chain of custody and specimen control are maintained, the collector shall follow the procedures as specified below:

- a. The collector shall adhere strictly to the schedule. Inability to adhere to the schedule shall be reported immediately to the appropriate DPC/SC.

- b. Upon employee's arrival at the testing site, the collector shall request the donor to present photo identification. If the donor does not have proper identification, this shall be noted on the Drug Testing Custody and Control Form (NOTE: The Drug Testing Custody and Control Form is also referred to as the control form. These terms are synonymous). The collector shall notify the DPC/SC to obtain guidance on action to be taken. The DPC/SC shall then contact the employee's supervisor to confirm identification of the donor.
- c. The collector shall complete the pretest information on the control form which serves as an identification document for the urine sample collected. If the employee fails to provide he/her SSN the collector should write "NOT GIVEN" in the remarks section of the control form. Employee SSN are not a requirement.
- d. The collector shall require the donor to remove any unnecessary outer garments (e.g., coat or jacket) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen. Also, all personal belongings (e.g., purse or briefcase) must remain with outer garments; the donor may, however, retain his/her wallet. The collector directs the donor to empty his or her pockets and display the item(s) to ensure that no item(s) are present that could be used to adulterate the specimen, the donor places the item(s) back into the pockets and the collection procedure continues. If the donor refuses to show the collector the items in his or her pockets, this is considered a "refusal to test". If an item is found that appears to have been brought to the collection site with the intent to adulterate the specimen, a direct observation collection procedure is used. The collector or site coordinator will make every effort to contact the DPC if a direct observation test is to be done. If the item(s) appears to be inadvertently brought to the collection site, the collector shall secure the item(s) and continue with the normal collection procedure. The collector shall note any unusual behavior or appearance of the donor on the control form.
- e. The donor shall be instructed to wash and dry his/her hands prior to urination. After washing hands, he/she shall remain in the presence of the collector and not have unsupervised access to water fountains, faucets, soap dispensers, cleaning agents, or any other materials which could be used to adulterate the specimen.
- f. To deter the dilution of specimens at the testing site, toilet bluing agents shall be placed in the toilet bowl for each test so the water in the toilet bowl always remains blue. There should not be any other unsecured source of water (e.g., shower or sink) in the enclosure where urination occurs.
- g. The specimen shall be provided in the privacy of a stall or otherwise partitioned area that allows for individual privacy. If the testing site is a public rest room, it must be secured during the testing procedure and the collector

shall remain in the rest room area but outside the stall until the specimen is collected. The collector shall note on the control form any unusual behavior.

- h. The donor shall be asked to void into a wide mouth disposable collection container capable of holding at least 60 milliliters (ml). The donor may be asked to void directly into a specimen bottle capable of holding at least 60 ml.
- i. The donor should be allowed to wash his/her hands after the specimen has been provided and submitted to the collector.
- j. Upon receiving the specimen from the donor, the collector shall determine that it contains at least 45 ml of urine. In the event the donor is unable to provide a sufficient quantity of urine after the first attempt, the donor will remain at the collection site for up to 3 hours and drink fluids not to exceed 40 ounces. However, the donor is not required to drink fluids. If at the time of the second attempt the donor is unable to provide a specimen, the collector will annotate the CCF indicating the individual is a shy bladder. The collector also annotates the CCF of the times the collections were attempted.
- k. Immediately after collection, the collector shall determine the temperature and conduct an inspection to determine the color and any signs of contaminants. Any unusual findings resulting from the inspection shall be noted on the control form. The time from urination to delivery of the sample for temperature measurement is critical and in no case shall exceed 4 minutes. The donor will be asked to observe the reading of the temperature and the recording of the reading on the control form. If the temperature of the specimen is outside the range of 32- 38 degrees C/90- 100 degrees F, this gives reason to believe the specimen has been tampered with by the donor. After consultation with and approval by the DPC, another specimen shall be collected under direct observation and both specimens forwarded to the laboratory. Any specimen suspected to be adulterated should always be forwarded to the laboratory for testing. (See paragraph C., "Direct Observation Collection.")
- l. After determining the specimen temperature, the collector, in the presence of the donor, shall pour the urine into 2 specimen bottles, hereinafter referred to as Bottle A and Bottle B, using the following procedures:
 - (1) Pour 30 ml into Bottle A and a minimum of 15 ml into Bottle B.
 - (2) A copy of the control form will accompany both bottles processed under split specimen procedures.
 - (4) Both bottles shall be sealed and labeled in view of the donor. The collector shall date each label and instruct the donor to initial each

- label. Refusal to initial the label shall be noted on the label by the collector.
- (5) The donor shall be asked to read and sign a certification statement certifying that the donor provided his/her urine to the collector; that the specimen bottles were sealed with tamper-proof seals in his/her presence; and that the information provided on the form and on the labels affixed to the specimen bottles is correct. Refusal to sign this statement shall be noted on the control form by the collector.
 - (6) The collector shall complete the control form for the collection process.
 - (7) Both bottles shall be shipped in a single shipping container, together with the control form, and the split specimen copy of the control form, to the laboratory.
 - (8) A copy of the control form shall be forwarded to the appropriate MRO and a copy to the DDO. All specimens should be shipped as soon as possible after collections for that day are completed.
- m. If the test of Bottle A is verified positive by the MRO, the MRO shall report the result to the agency. At that time, the donor may request, through the MRO, that Bottle B be tested in another DHHS certified laboratory, under contract with DOT, for presence of the drug(s) for which a positive result was obtained in the test of Bottle A. Only the donor may make such a request. The MRO shall honor such a request if it is made within 72 hours of the donor's having received notice that he or she tested positive. The result of this test shall be transmitted to the MRO without regard to the cutoff levels used to test Bottle A.
 - n. Any action taken as a result of an MRO-verified positive drug test (e.g., removal from performing a safety-sensitive function) may proceed whether Bottle B is, or is not, tested.
 - o. If the result of the test on the split specimen fails to reconfirm the verified positive result reported for the primary specimen (Bottle A), the MRO shall void the primary test result. The MRO shall notify the DDO and the OA when a split specimen has failed to reconfirm the result from the primary specimen; DOT shall contact the Substance Abuse and Mental Health Administration (SAMHSA), within HHS. SAMHSA shall investigate and attempt to determine the reason for the inconsistent results between the primary and the split specimens. HHS shall report its findings to DOT including recommendations

and/or actions taken to prevent the reoccurrence of inconsistent results between the two specimens.

- p. While performing the collection part of the procedures, it is essential that the urine specimens and accompanying custody and control document be under the control of the collector. The collector shall not leave his or her work area, even momentarily, without securing the specimens and documentation, unless another collector remains in the work area. The specimens should be packaged for mailing before the collector leaves the site.
- q. The Federal Drug Testing Custody and Control Form shall be utilized for maintaining control and accountability from point of collection to final disposition of specimens. These forms contain a pre-printed specimen identification number and unitary seals. It is the collector's responsibility to assure that this form is properly executed in accordance with HHS Guidelines and this Guide. With each transfer of possession, the chain of custody area on the control form shall be signed and dated by the individual releasing the specimens and by the individual accepting the specimens, with the purpose for transferring possession noted. Should another collector handle the specimen within the sight of the donor, this does not constitute a change of possession. Every effort shall be made to minimize the number of persons handling the specimens. The collector shall assure that the control form is complete and shipped with each bottle.
- r. The specimen bottles shall be tightly capped, properly labeled and securely sealed to eliminate the possibility of undetected tampering. The collector and the individual providing the specimens shall always have the specimens within their sight prior to them being sealed and labeled. The collector shall arrange to ship the specimens to the drug testing laboratory after collection of urine specimens is complete.

C. DIRECT OBSERVATION COLLECTION PROCEDURES

- a. Collection under direct observation shall not be made by the collector except with proper DOT (e.g., DDO, DPC) authorization.
- b. Authorization for direct observation collections may be granted when facts and circumstances provide a reasonable basis to conclude that the person to be tested:
 - (1) is under the influence of drugs at the time of the test;
 - (2) has previously been confirmed by the agency to be an illegal drug user;

- (3) is seen to have equipment or apparatus used to tamper with urine samples; and/or,
 - (4) has just given a specimen, and the temperature measurement indicates possible adulteration or substitution.
 - (5) the MRO has ordered a recollection for an invalid or diluted specimen.
- c. To ensure that chain of custody and specimen control are maintained, the collector shall follow the procedures for direct observation collections.
- (1) After receiving proper DOT authorization, the collector shall inform the employee that collection will be done under direct observation. Collection under direct observation shall be conducted by same gender collectors in all cases.
 - (2) Only the donor and collector shall be in the toilet area when the collection is made.
 - (3) The collector shall position himself/herself in such a manner during collection so that he/she can be certain that the specimen passed directly from the donor's body into the specimen container.
 - (4) The direct observation of the collection of a urine specimen is highly confidential, and no information shall be released concerning the observation other than the fact that it was performed, except to the designated DPC and MRO, as required.
 - (5) The collector shall document the control form to indicate that the sample was collected under direct observation.

D. PROCEDURES DURING ALCOHOL TESTING

1. Standard Alcohol Testing Procedures

Only evidential breath testing devices (EBT) as prescribed in, and further defined by, DOT 3910.1D, shall be used for performing alcohol testing under this guide.

- a. A DPC/SC shall be present during alcohol testing procedures or shall be immediately available to the BAT.
- b. The BAT shall adhere strictly to the schedule. Inability to adhere to the schedule shall be reported immediately to the appropriate DPC/SC.

- c. No unauthorized persons shall be permitted access to the testing location when the EBT remains unsecured or, in order to prevent such persons from seeing or hearing a testing result, at any time when testing is being conducted.
- d. The BAT shall supervise only one employee's use of the EBT at a time. The BAT shall not leave the alcohol testing location while the testing procedure for an employee is in progress.
- e. Upon the employee's arrival at the alcohol testing site, the BAT shall request the individual to present photo identification. If the individual does not have proper identification, the BAT shall notify the DPC/SC to obtain identification by an agency representative. This information shall be noted in the remarks section of the alcohol testing form. The DPC/SC shall contact the employee's supervisor to confirm identification of the donor. Following identification, the BAT shall explain the testing procedure to the employee.
- f. Refusal by an employee to provide an adequate amount of breath, or to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT in the remarks section of the form. The testing process shall immediately be terminated and the BAT shall notify the SC or the DPC of the termination.
- g. If an event occurs during the testing process which invalidates the test, the BAT shall note the problem in the remarks section. Both the individual and the BAT shall initial or sign the remark. In this case, the test is deemed invalid and the SC, or the DPC, and individual shall be so advised.
- h. If a screening or confirmation test cannot be completed, or if any event occurs that would invalidate the test, the BAT shall, if practicable, begin again (e.g., new screening or confirmation test, as applicable), using a new alcohol testing form with a new sequential test number. If a test cannot begin again due to the unavailability of an EBT, the test shall be declared invalid, and the testing process shall stop.

E. ADMINISTRATION OF THE SCREEN TEST

- a. Before the screen test is administered for each employee, the BAT shall inquire of the donor if he/she has consumed any food or drink or smoked in the past 15 minutes. If this inquiry results in a satisfactory response, the BAT shall proceed with the test. If the employee has, then a 15 minute waiting period will be observed and the BAT will direct the employee not to eat, drink, smoke, belch or put any substance in their mouth during this waiting period.

- b. The BAT shall ensure that the EBT registers 0.00 on an air blank. If the EBT reading is greater than 0.00, the BAT shall conduct one more air blank. If the EBT does not register 0.00 on that attempt, testing shall not proceed using that instrument. However, testing of the employee may continue using another EBT. Any EBT taken out of service because of failure to perform air blanks shall not be used for testing until a check of external calibration is conducted and the EBT found to be within tolerance limits.
- c. All alcohol testing sites shall afford visual and aural privacy to the individual being tested. The alcohol testing site shall be secured, and no unauthorized persons shall be permitted access to the testing site at any time when testing is occurring or when the EBT remains unsecured. The BAT shall not leave the testing site while preparations for testing or testing of an employee are in progress.
- d. An individually-sealed mouthpiece shall be opened in view of the employee and BAT and attached to the EBT in accordance with the manufacturer's instructions.
- e. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained. If the employee attempts and fails to provide a sufficient amount of breath, the BAT may provide another opportunity to the individual to do so if it is believed that there is a strong likelihood that it could result in providing a sufficient amount of breath. The employee may be allowed up to 3 attempts to provide a sufficient volume of breath.
- f. If the result of the screening test is an alcohol concentration of less than 0.02, no further testing is authorized. The BAT shall transmit a test result of negative to the SC and DPC in a confidential manner, as necessary. (***Except as provided in h. below***)
- g. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmatory test shall be performed. (***Except as provided in h. below***)
- h. Employees in the follow-up testing program have an abstinence requirement from all substances including alcohol. If the result of a screening test is 0.01 or greater, the employee will be required to take an alcohol confirmation test. If a confirmation test is greater than or equal to 0.01 and less than 0.02, the employee will be referred to EAP and a FAA Flight Surgeon for an evaluation to determine whether or not the employee has violated the abstinence requirement. A confirmation test result of 0.02 or greater is considered a violation of the abstinence agreement.
- i. The BAT shall show the employee the result displayed on the EBT. The BAT shall, in all cases, affix the test-result printout to the form in the designated space,

using a method that will provide clear evidence of removal (e.g., tamper-evident tape).

- j. If the EBT prints the test results directly onto the form, the BAT shall show the employee the result displayed on the EBT.
- k. In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT and employee shall complete the form by signing the certifications and dating in the appropriate sections. If the employee does not sign the certification, the BAT shall note the employee's failure to sign or initial in the remarks section of the form.
- l. In the event the result displayed on the EBT does not match the printed result, the BAT shall note the disparity in the remarks section. Both the employee and the BAT shall initial or sign the remark. The test is invalid and the SC and employee shall be so advised.

F. ADMINISTRATION OF THE CONFIRMATION TEST

The confirmation test will be a second test and may be carried out on the same EBT as the screen test.

- a. The BAT shall instruct the employee not to eat, drink, smoke, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screen test, and shall not be less than 15 minutes. The BAT shall explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol from leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instructions. If the BAT becomes aware that the employee has not complied with the instructions, the BAT shall so note in the remarks section of the form.
- b. The procedures in E.a. through E.l. in this chapter. A new mouthpiece shall be used for the confirmation test.
 - (1) Before the confirmation test is administered for each employee, the BAT shall ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, the BAT shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument.

- (2) Any EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the EBT is found to be within tolerance limits.
- (3) The BAT shall show the employee the result displayed on the EBT. The BAT shall, in all cases, affix the test-result printout to the form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).
- (4) If the EBT prints the test results directly onto the form, the BAT shall show the employee the result displayed on the EBT.
- (5) In the event that the result displayed on the EBT does not match the printed result, the BAT shall note the disparity in the remarks section. Both the employee and the BAT shall initial or sign the remark. The test is invalid and the DPC and/or SC and employee shall be so advised.
- (6) In the event that the screen and confirmation test results are not identical, the confirmation result is deemed to be the final result upon which any disciplinary action under this guide shall be based.
- (7) Procedures for handling any confirmed alcohol concentrations of .02 or greater are found in Chapter X, Disciplinary Actions.

G. REPORTING ALCOHOL TEST RESULTS

The BAT shall transmit the test results to the DDO and/or DPC in a confidential manner.

- a. The BAT shall mail the DDO copy 1 of the alcohol testing form.
- b. The BAT shall mail the DPC copy 3 of the alcohol testing form.

H. PROCEDURES FOR HANDLING UNUSUAL SITUATIONS

Procedures for resolving unusual situations (e.g., Failure of Employee to Report to Testing Site) are found in Chapter VIII of this Guide.

CHAPTER III. REASONABLE SUSPICION TESTING

A. PROCEDURES PRIOR TO ACTUAL COLLECTION

1. Management Determination of Reasonable Suspicion

Reasonable suspicion does not require certainty; however, mere "hunches" are not sufficient to meet this standard. Reasonable suspicion testing will be ordered only by a management official with the concurrence of appropriate legal counsel in the OA. This belief must be based on specific objective facts and reasonable inferences drawn from these facts in the light of experience.

- a. Reasonable suspicion testing is required of an employee in a TDP when management believes that the employee is either using illegal drugs whether on or off duty, or misusing alcohol on duty.
- b. Reasonable suspicion testing may also be required of an employee in a non-TDP position when management believes that the employee is engaging in on-duty drug use or is drug impaired while on duty. Reasonable suspicion testing for alcohol of an employee in a non-TDP is not authorized.
- c. The determination that reasonable suspicion exists to require an employee a drug test shall be based upon: observable phenomena, such as direct observation of drug use and/or the physical symptoms of being under the influence of a drug; or, information provided either by reliable and credible sources or independently corroborated.
- d. The determination that reasonable suspicion exists to require an appropriate TDP to undergo an alcohol test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, and/or body odors of the employee. If an alcohol test is not conducted within 2 hours following a determination of reasonable suspicion, the OA must prepare and submit a report to the DDO, stating the reasons the test was not promptly conducted. If the same alcohol test required is not conducted within 8 hours following the determination to perform a reasonable suspicion test, the OA must stop all attempts to conduct the alcohol test and must also state in the memorandum the reasons for not conducting the test. The memorandum must be provided to the DDO within five business days after the scheduled test.

2. **Documentation**

Documentation shall be developed describing the circumstances which formed the basis that reasonable suspicion exists to authorize such testing. This documentation shall be maintained in accordance with Privacy Act requirements and applicable procedures. This documentation will be retained by the DPC. If a personnel action results, it will also be retained in the adverse action file maintained in the OA, or other system of records, if appropriate.

3. **Contractor Notification**

- a. The DPC shall notify the contractor immediately when a determination is made by management to conduct reasonable suspicion testing. The notification shall include the following data.
 - Name of employee
 - Occupational series and title
 - Social security number
 - Gender
 - Organizational code/routing symbol
 - Duty location/facility address
 - Test (i.e drugs, alcohol or drug and alcohol)
 - SC/Point of Contact
- b. The contractor shall respond as expeditiously as possible after notification by the DPC and in accordance with contractual agreements. Requests for reasonable suspicion testing may occur at any time or day of the week and at any location. An approximate time of arrival at the agreed upon testing site shall be given to the DPC.
- c. If the contractor will not make the time limits described in paragraph A.1.d., above, he/she must immediately contact the DPC.

4. **Departmental Drug Office Notification**

Concurrent with contractor notification, the DPC shall verbally notify the DDO that reasonable suspicion testing procedures have been initiated. If this occurs outside of the DDO's normal business hours, this notification shall be made within 4 hours of the first normal workday for the DDO.

5. **Supervisor Notification**

- a. The DPC shall notify by telephone the employee's immediate supervisor or, in his/her absence, the next higher management official that reasonable suspicion testing procedures have been initiated.
- b. The DPC shall provide the supervisor with the estimated time and location of collection and any necessary information to be conveyed to the employee.

6. **Employee Notification**

- a. The supervisor or management official shall provide the employee with specific written notice that he/she is being tested for reasonable suspicion and instruct the employee to take appropriate photo identification. Acceptable identification includes a DOT employee photo identification, or, if unavailable, a driver's license with photo. In circumstances where written notice cannot be timely served, the employee may be verbally notified, followed by confirmation in writing. A standard letter is provided in Appendix B. The specific written notice shall include the following information:
 - (1) a precise and detailed statement describing all relevant circumstances which formed the basis for the decision to conduct reasonable suspicion drug and/or alcohol testing;
 - (2) assurance that the quality of testing procedures is tightly controlled, that the tests used to confirm use of illegal drugs and/or alcohol misuse are highly reliable, and that test results will be handled with maximum respect for individual confidentiality, consistent with safety and security;
 - (3) notice of the opportunity and procedures for submitting supplemental medical documentation that may support a legitimate use for a specific drug;
 - (4) the consequences of a verified positive drug test, a confirmed alcohol concentration, or refusal to be tested, including disciplinary action;
 - (5) the availability of professional substance abuse counseling by certified addictions counselors and referral services, including the name and telephone number of the local EAP coordinator; and ,
 - (6) the exact date, time and location for the test.
- b. The supervisor shall be knowledgeable about the drug and alcohol testing program and able to provide information in response to employee questions that may extend beyond the information provided in written notices.

- c. The supervisor shall immediately report to the DPC, by telephone, any problem encountered during employee notification that would preclude testing. The DPC shall assume the employee has received proper written notification in the absence of any such call from the supervisor.

B. PROCEDURES DURING REASONABLE SUSPICION TESTING

1. Standard Drug Collection Procedures (Unobserved) or Direct Observation

The collector shall follow "Standard Split-Specimen Collection Procedures (Unobserved)," outlined in Chapter II, paragraph B.1. with the following exceptions, unless there is suspicion to believe the employee may tamper, adulterate, or substitute his/her sample, in which case, Direct Observation Collection Procedures detailed in Chapter II, paragraph, C will be followed.

- a. When completing the control form for the testing process, the collector shall take care to ensure the form is annotated to indicate "reasonable suspicion" testing.

2. Standard Alcohol Testing Procedures

The BAT shall follow Standard Alcohol Testing Procedures outlined in Chapter II, paragraph D.1.

- a. When completing the Alcohol Testing Form, the BAT shall take care to ensure the "Reasonable Suspicion/Cause" box is annotated.

CHAPTER IV. PRE-EMPLOYMENT/PRE-APPOINTMENT TESTING

A. INDIVIDUALS SUBJECT TO PRE-EMPLOYMENT OR PRE-APPOINTMENT TESTING

1. Coverage

All applicants for TDPs will be tested prior to employment/appointment. This includes current employees in non-TDPs who are applying for covered positions and all external applicants for covered positions.

2. Details

Official or unofficial details. TDP Employees who are officially or unofficially detailed to non-TDP duties are subject to pre-appointment testing prior to returning to their TDP if the detail is 90 days or more. An unofficial detail is considered to be any temporary assignment taken without the appropriate personnel action.

- a. Employees in non-TDP's who are officially or unofficially detailed or assigned collateral TDP duties (90 days or more) are subject to pre-appointment testing prior to appointment into the position or performance of the assigned collateral duties.
- b. The TDP occupying the position can be subject to all reasons of testing in accordance with DOT 3910.1D.

B. PROCEDURES PRIOR TO ACTUAL COLLECTION

1. DPC Notification

The servicing personnel office shall notify the DPC as soon as possible when it has been determined that an applicant/employee is to be scheduled for drug or drug and alcohol testing. Testing should be restricted to individuals tentatively selected for covered positions. The drug or drug and alcohol tests should be the last action taken prior to the offer of employment. Notification to the DPC shall include the following information.

- Name of applicant/employee
- Occupational series and title
- Social security number

- Gender
- Organization codes/routing symbol
- Recommended date and location for testing (most often the home area of the applicant/employee)
- Test (i.e., drugs only or drugs and alcohol)

2. **Contractor Notification**

The DPC shall notify the contractor of the above requirements, in addition to providing the name and address of the appropriate MRO. This notification may be verbal, however, written confirmation is required. The DPC will then provide the appropriate information concerning the contractor to the servicing personnel office so they may inform the applicant/employee.

The FAA may utilize Aviation Medical Examiners (AME) as collectors for pre-employment or pre-appointment drug testing. The AMEs will be required to follow the procedures of DOT 3910.1D and this guide. An AME may also perform the functions of a BAT during alcohol testing, provided that the AME is qualified under the provisions for training as required by DOT 3910.1D.

3. **Test Scheduling and Applicant Notification**

- a. The DPC will arrange a date, time and location for the drug or drug and alcohol test with the applicant or employee.
- b. The DPC will then notify the contractor of the date, time, and location for the pre-employment or pre-appointment test.
- c. The contractor will notify the DPC if an applicant or an employee fails to appear.

C. PROCEDURES DURING SPLIT-SPECIMEN COLLECTION

The collector shall follow "Standard Split-Specimen Collection Procedures (Unobserved)," outlined in Chapter II, paragraph B.1.

D. PROCEDURES DURING ALCOHOL TESTING

The BAT shall follow "Procedures During Alcohol Testing" in Chapter II, paragraph D.1.

CHAPTER V. POST-ACCIDENT AND POST-INCIDENT TESTING

A. GENERAL

1. Covered Events

- a. Testing for the presence of drugs and alcohol will be conducted following an accident/incident or other occurrence that involves one or more of the following:
 - A fatality;
 - Requiring medical treatment away from the accident site;
 - Substantial damage to aircraft or vehicles, and/or substantial damage to other property; or
 - Other unsafe practices as defined by OA orders or regulations, such as operational errors, runway incursions, etc.

2. Determination That Drug and Alcohol Testing Will Be Conducted

The decision to subject an employee to a post-accident test shall be made using the best information that is reasonably available to management at or about the time of the accident or incident. Determination shall be made in the following manner:

- a. First the appropriate management official in the OA will determine whether reasonably available, whether the accident or incident meets the criteria listed in the paragraph above in this chapter.
- b. Second, the OA will take all practical steps to identify employees who must undergo post-accident or post-incident testing.
- c. Third, proper notification must be given to the employee in accordance with paragraph C.5. of this chapter. Testing must be accomplished as soon as practicable after the accident or incident.
- d. No employee will be subject to post-accident or post-incident testing until the proper notification and steps outlined above in A.2.a through A.2.c of this chapter are satisfied.
- e. Whenever possible, a drug test must be completed within 4 hours after the accident or incident. If a required post-accident or post-incident test is not conducted within four hours, the OA must prepare and submit a report to the

DDO stating the reasons the test was not promptly conducted. If a post-accident or post-incident drug test has not been completed with 5-calendar days following the accident or incident, the OA must stop all attempts to conduct a drug test and submit the same report.

- f. If a required post-accident or post-incident test for alcohol is not conducted within 2 hours following the accident or incident, the OA must prepare and submit a report to the DDO stating the reasons the test was not promptly conducted. If a required post-accident or post-incident alcohol test is not conducted within 8 hours following the accident or incident, the OA must cease all attempts to conduct an alcohol test and must prepare and submit the same report.

B. QUALIFYING ACCIDENT

1. Covered Events

Post-accident testing shall be conducted after any of the following events:

- a. Aviation accidents defined as any accidents (air to air, ground to ground, or air to ground) that involve one or more of the following.
 - (1) A fatality;
 - (2) A serious injury; defined as any injury which;
 - (a) requires immediate hospitalization;
 - (b) results in a fracture of any bone (except simple fractures of fingers, toes, nose);
 - (c) causes severe hemorrhages, nerve, muscle or tendon damage;
 - (d) involves any internal organ; or,
 - (e) involves second or third degree burns, or any burns affecting more than 5 percent of the body surface.
 - (3) Substantial damage to aircraft means damage or failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowlings, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades; and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wing tips are not considered substantial damage.

b. Non-Aviation Accidents

- (1) Substantial damage to vehicles means damage which precludes departure of any vehicle from the scene of an accident in its unusual manner in daylight after simple repairs. Substantial damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, windshield wipers that makes them inoperative.
- (2) Substantial damage to other property.
- (3) Employees who are required to have a CDL, and are involved in an accident, as defined in 49 CFR 390.5 (tow away and medical assistance criteria), while performing their safety-sensitive function are covered by the testing requirements of 49 CFR Part 382.

c. Operational Errors

- (1) Operational errors, including but not limited to, near midair collisions will not result in drug testing unless the error(s) qualifies under the definitions of paragraph B.1.a. (aviation accidents). If operational errors qualify under paragraph B.1.a., the procedures of post accident testing set forth in this Guide shall apply.
- (2) Provided, however, that testing of employees following operational errors that are not defined in paragraph B.1.a (aviation accidents) shall be conducted if the Regional Division Manager, or appropriate management official determines that credible evidence exists which creates a reasonable suspicion that substance abuse and/or alcohol misuse by the employee may be involved. Drug and alcohol testing will be conducted in conformity with the guidelines of "Reasonable Suspicion Testing," Chapter III, of this Guide.

C. POST-ACCIDENT NOTIFICATION PROCEDURES**1. Contractor Notification**

- a. In coordination with the DDO, the DPC shall notify the contractor immediately after a determination is made by management to conduct post-accident testing. The notification shall include the following data.
 - Name of employee.
 - Occupational series and title.
 - Social security number.
 - Gender.
 - Organizational code/routing symbol.
 - Duty location/facility address.
 - Designated collection site (rest room) location.
 - Name and address of appropriate MRO.
 - Type (i.e., drugs only or drugs and alcohol)
 - SC/Point of Contact
- b. The contractor shall respond as expeditiously as possible after notification by the DPC and in accordance with contractual agreements. Requests for post-accident testing may occur at any time or day of the week and at any location. An approximate time of arrival at the agreed upon collection site shall be given to the DPC.
- c. If the contractor is unable to make the time limits described in paragraph A.2. above, he/she must immediately contact the DPC.

2. Departmental Drug Office Notification

- a. Concurrent with contractor notification, the DPC shall verbally notify the DDO that post-accident procedures have been initiated. If such procedures are implemented outside of the DDO's normal business hours, this notification shall be made within 4 hours of the first normal workday for the DDO.
- b. Whenever an accident or incident has occurred that is within the investigative jurisdiction of the National Transportation Safety Board (NTSB), and where management has determined to conduct drug or alcohol testing on an employee because his or her performance, at or about the time of the accident, provides reason to believe that such performance may have contributed to the circumstances of such accident or incident, the head of the OA must prepare a report. The report shall discuss the circumstances concerning the amount of

time required to complete such testing. This report must be submitted to the within 24 hours to the DDO by the DPC. In the case of FAA, the report will be provided by FAA HQ Internal Substance Abuse Program to the DDO within 48 hours.

- c. If testing is not accomplished within the appropriate timeframe a memorandum is to be prepared with an explanation as to why the test was not accomplished in a timely manner. The memorandum is to be addressed to the Office of the Secretary, Assistant Secretary for Administration and sent to the DDO. The memorandum is to be provided at the same time the post-accident/post incident report is provided to the DDO within five business days of the accident or incident. In the case of FAA, the report will be provided by FAA HQ Internal Substance Abuse Program to the DDO.

3. **Supervisor Notification**

- a. The DPC shall notify by telephone the employee's immediate supervisor or, in his/her absence, the next higher management official that post-accident drug collection and alcohol testing procedures have been initiated.
- b. The DPC shall provide the supervisor with the estimated time and location of drug collection and/or alcohol testing and any other information needed to be conveyed to the employee.

4. **Documentation**

Documentation shall be developed describing the circumstances which formed the basis for authorizing post accident testing. This documentation shall be maintained in accordance with Privacy Act requirements and applicable procedures. This documentation will be retained in the adverse action file maintained in the OA, or other system of records, if appropriate.

5. **Employee Notification**

- a. After the determination that an accident or other occurrence qualifies as a covered event, the identification of each employee whose work performance may have been a contributing factor, and the decision by the proper management official that identified employee(s) cannot be excluded, the employee(s) shall be provided written notification that testing is required. The procedures for making these determinations are set forth in paragraph A.2 of this chapter.
- b. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the OA to have refused to

submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

- c. A covered employee shall refrain from using alcohol within 8 hours, or within a longer period as required by the OA, following an accident in which management either has not discounted his or her involvement as a contributing factor to the cause of the accident or has not completed a post accident test.
- d. A standard notice letter is provided in Appendix B of this guide. The written notice shall include the following information:
 - (1) reasons for the drug or drug and alcohol tests, consistent with DOT policy;
 - (2) assurance that the quality of testing procedures is tightly controlled, that the test used to confirm use of illegal drugs and/or alcohol misuse are highly reliable, and that test results will be handled with maximum respect for individual confidentiality, consistent with safety and security;
 - (3) notice of the opportunity and procedures for submitting supplemental medical documentation that may support a legitimate use for a specific drug;
 - (4) consequences of a confirmed positive drug test result, a confirmed alcohol concentration of 0.04 or greater, or refusal to be tested, including disciplinary action; and,
 - (5) availability of substance abuse counseling and referral services including the name and telephone number of the local EAP counselor.
- e. The supervisor or management official will further instruct the employee to take appropriate photo identification when called for testing. Acceptable identification includes a DOT employee photo identification, or, if unavailable, a driver's license with photo.
- f. The supervisor shall be knowledgeable about the drug and alcohol testing program and should be able to provide information in response to employee questions that may extend beyond the information provided in written notices.
- g. The supervisor shall immediately report to the DPC by telephone any problem encountered during employee notification that would prevent testing. The

DPC shall assume the employee has received proper notification in the absence of any such call from the supervisor.

D. PROCEDURES DURING TESTING

1. The contractor shall follow “Standard Split-Specimen Collection Procedures (unobserved),” Chapter II, paragraph B.1. for drug testing and “Procedures During Alcohol Testing,” Chapter II, paragraph C for alcohol testing.
2. The Department generally does not collect post-accident urine specimens or conduct breath alcohol testing while the employee is at the hospital. It may only be done under the following conditions:
 - a. the donor is aware of his or her surroundings, as determined by hospital staff; testing is conducted by DOT contractor personnel prior to the employee’s release from the hospital;
 - b. hospital medical personnel must not object to the specimen collection and/or breath alcohol testing procedure;
 - c. a management official from the facility involved is present at the hospital for the collection/testing procedure;
 - d. a collector of the same gender is present for the urine collection (or a same gender monitor is available), and
 - e. split-specimen testing procedure outlined the DOT Drug and Alcohol Testing Guide are adhered to.

CHAPTER VI. VOLUNTARY TESTING

A. PROCEDURES PRIOR TO ACTUAL COLLECTION

1. Employee's Request for Testing

- a. A DOT employee in a non-TDP may volunteer for drug testing by submitting a request in writing to his/her immediate supervisor. The request shall include the following data.
 - Name of employee
 - Occupational series and title
 - Social security number
 - Gender
 - Organizational code/routing symbol
 - Duty location/facility address
- b. The supervisor shall forward requests to the DPC.
- c. Employees can *not* volunteer for alcohol testing.

2. Acknowledgment and Confirmation of Employee Request

The DPC shall, within 10 working days of his/her receipt of a request for voluntary testing, provide to the requesting employee 2 copies of an acknowledgment notice of that request. A standard notice is provided in Appendix B. This notice shall include the following information.

- a. The notice will acknowledge the employee's request for voluntary testing.
- b. The notice will provide an explanation of the consequences of failing to meet DOT test requirements (see Chapter X, paragraph D).
- c. An explanation of the consequences of a positive test result (see Chapter X, paragraph C.) will be provided.
- d. The notice will include a statement that testing shall be scheduled at the earliest possible time consistent with the best interests of the

Department. Every effort shall be made to schedule the employee's voluntary test on the same day that other testing is scheduled at the employee's duty location.

- e. A statement signed and dated by the employee acknowledging receipt of this notice will also be included. The employee shall be instructed to return this signed copy no later than 10 working days after receipt and that failure to do so will be viewed as a withdrawal of the request.

3. **Test Scheduling**

- a. The DPC shall forward one copy of the employee's signed acknowledgment notice to the DDO.
- b. The DPC will schedule testing at the earliest possible time. However, in the interest of economy to the Government, the DPC shall coordinate all voluntary testing with other types of testing being scheduled.

4. **Contractor Notification**

The contractor shall be notified by the DPC in the same manner as Random Testing, Chapter II.

5. **Operating Administration Notification**

The OAs shall be notified by the DPC that voluntary testing has been scheduled in the same manner as random testing procedures.

6. **Supervisor Notification**

- a. The DPC/SC shall notify the employee's first level supervisor approximately 1 hour prior to the actual testing.
- b. In situations where the first level supervisor is unavailable, the next higher management official shall be contacted.
- c. The DPC/SC shall provide the supervisor with any information to be conveyed to the employee. (See paragraph 7a in this chapter)

7. Employee Notification

- a. Approximately 15-30 minutes prior to the actual collection, the supervisor shall verbally and privately inform the employee that he/she is scheduled for voluntary drug testing. The employee shall be clearly informed as to the time and exact location to report for testing and instructed to take appropriate photo identification. Acceptable identification includes DOT employee identification with photo or, if unavailable, a driver's license with photo.
- b. Every effort shall be made by the supervisor to personally provide the above information to the employee to avoid any misunderstandings.
- c. The supervisor shall be knowledgeable about the drug testing program and should be able to provide information in response to questions that may extend beyond the information provided in written notices.
- d. The supervisor shall immediately report to the DPC by telephone any problem encountered during employee notification that would prevent testing. The DPC shall assume the employee has received proper notification in the absence of any such call from the supervisor.

8. Cancellation by Employee

An employee may, up until the time collection procedures begin, submit a written request to the supervisor canceling voluntary testing.

B. PROCEDURES DURING COLLECTION

Standard split-specimen procedures will be followed in accordance with Random Testing, Chapter II, paragraph B.1. The "other" box on chain of custody form shall be annotated and "voluntary" shall be written in the space provided.

CHAPTER VII. FOLLOW-UP AND RETURN-TO-DUTY TESTING**A. PROCEDURES PRIOR TO ACTUAL COLLECTION****1. Test Scheduling**

- a. Prior to an employee's return to the performance of a safety- or security-sensitive function, after engaging in conduct prohibited by this order, the employee shall undergo a return-to-duty test. A covered employee shall be subject to follow-up testing for a minimum of one year after returning to safety or security duties unless it is medically determined that a longer period is required. In cases where the MRO or SAP, based on clinical evidence or the employee's history, has reason to believe that the employee may be a polysubstance abuser, the return-to-duty and subsequent follow-up tests under this order is authorized to include testing for both drugs and alcohol. An employee in a non-TDP shall be subject to follow-up testing for one year after completion of the initial phase of the rehabilitation program. An employee in a non-TDP shall *not* be subject to alcohol testing during the follow-up period.
- b. The EAP manager/counselor and the MRO shall complete a Follow-up Testing Worksheet. The worksheet shall be submitted to the DPC who shall provide a copy to the DDO.
- c. The DDO shall implement an individualized follow-up testing plan after a negative return-to duty test and shall continue for at least one year from the first follow-up test.
- d. The DPC is responsible for scheduling testing, monitoring testing and ensuring compliance with the follow-up testing plan. The DDO must be immediately informed of any change in status of an individual in the follow- up program.

2. Operating Administration Notification

The OAs shall be notified on a monthly basis of the testing requirements by the DDO.

3. Supervisor Notification

- a. The DPC/SC shall notify the employee's supervisor approximately 1 hour prior to the actual testing.

- b. In situations where the first level supervisor is unavailable, the next higher management official shall be contacted.
- c. The DPC/SC shall provide the supervisor with the information to be conveyed to the employee. (See paragraph 4.a. below).

4. **Employee Notification**

- a. Before follow-up testing begins, the employee will be provided with written notice that he/she has been entered in the Follow-up Drug and Alcohol Testing program and will be subject to unannounced drug and/or alcohol testing. Drug testing is conducted using direct observation procedures. A standard notice letter can be found in Appendix B.
- b. On the day of testing, approximately 15-30 minutes prior to actual testing, the supervisor or management official shall notify the employee that he/she has been scheduled for follow-up drug and/or alcohol testing. The employee shall be clearly informed as to the exact time and location for the test and instructed to take appropriate photo identification. Acceptable identification includes a DOT employee photo identification or, if unavailable, a driver's license with photo.
- c. The supervisor shall be knowledgeable about the drug and alcohol testing program and able to provide information in response to employee questions that may extend beyond information provided in written notices.
- d. The supervisor shall immediately report to the DPC by telephone any problem encountered during employee notification that would prevent testing. The DPC shall assume the employee has received proper notification in the absence of any such call from the supervisor.

5. Unavailability of Employee

- a. When an employee scheduled for follow-up testing is unavailable for legitimate reasons (e.g., on travel, leave), the supervisor shall promptly notify the DPC/SC.
- b. The DPC shall arrange a new date and time for testing with the contractor and promptly notify the employee's supervisor by telephone of the new schedule.
- c. The DPC shall annotate the list indicating the reason for rescheduling and the new date and time of the test.

B. PROCEDURES DURING TESTING

1. Testing will be accomplished under direct observation for drugs. The control form shall be marked "Follow-up" as the reason for test. Except as follows, procedures are the same as for unobserved collections specified in Chapter II, paragraph B for drug collections.
 - a. The collector, who shall be of the same gender as the employee, will serve as the observer.
 - b. The collector shall position himself/herself in such a manner during collection so that he/she can be certain that the specimen passed directly from the employee's body into the specimen container.
 - c. The direct observation of the collection of a urine specimen is highly confidential, and no information shall be released concerning the observation other than the fact that it was performed.
 - d. The collector shall document the control form to indicate the sample was collected under direct observation.
2. The alcohol testing procedures are the same as outlined in Chapter II, Section D, "Procedures During Alcohol Testing."

CHAPTER VIII. UNUSUAL SITUATIONS**A. FAILURE TO REPORT TO TESTING SITE****1. Random, Reasonable Suspicion, Post Accident, and Follow-up**

- a. If the employee fails to appear for a scheduled drug or alcohol test, the contractor shall immediately notify the DPC/SC who shall immediately contact the employee's supervisor.
- b. The supervisor shall initiate appropriate action in accordance with Chapter X, Disciplinary Action, paragraph D.1., "Failure of Employee to Report to Designated Testing Site."

2. Pre-Employment/Pre-Appointment

- a. If the employee/applicant fails to appear for a scheduled drug or alcohol test, the contractor shall immediately notify the DPC who shall immediately contact the servicing personnel office.
- b. The servicing personnel office shall contact the employee/applicant to determine the reason for the failure to report to the testing site. If appropriate, testing may then be rescheduled. No final offer of employment shall be made until a negative drug test result and a passed alcohol test, if applicable, has been received.

B. REFUSAL TO PROVIDE URINE SPECIMEN AND/OR BREATH SAMPLE AT THE SITE

In the event an individual refuses to provide a urine specimen or an adequate alcohol sample, the following procedures shall apply.

1. Random, Reasonable Suspicion, Post Accident, and Follow-up

- a. The employee shall be informed by the contractor that the DPC/SC will be contacted.
- b. The contractor shall document the refusal on the control form.

- c. The DPC/SC will advise the employee to report to the worksite supervisor and await further instructions.
- d. The DPC/SC shall contact the employee's supervisor. The supervisor shall initiate action in accordance with Chapter X, Disciplinary Action, paragraph D.3., "Refusal of Employee to "Provide Urine Specimen or Adequate Breath Sample at the Testing Site."

2. **Pre-Employment/Pre-Appointment**

- a. In the event an employee scheduled for pre-appointment testing refuses to provide a urine specimen or breath sample, the following procedures shall apply.
 - (1) The DPC/SC will advise the employee to report to the worksite supervisor and await further instructions.
 - (2) Current employees of DOT shall be deemed to have withdrawn their application for the covered position.
- b. In the event an applicant refuses to provide a urine specimen or breath sample, the following procedures shall apply.
 - (1) The contractor shall immediately notify the DPC, who will inform the servicing personnel office.
 - (2) Applicants who are not current DOT employees shall be refused employment. No final offer of employment in a TDP will be made until a negative drug test result and a negative alcohol test, if applicable, have been received.

C. **FAILURE TO PROVIDE URINE SPECIMEN**

If the employee fails to provide at least 45 ml of urine, the following procedures shall apply.

1. **Random, Reasonable Suspicion, Post Accident, and Follow-up**

- a. In the event the donor is unable to provide a sufficient quantity of urine after the first attempt. The donor will be instructed to remain at the collection site and drink fluids for up to 3 hours but not to exceed 40 ounces total of fluid. The employees supervisor should be alerted to the fact that the employee has not yet provided a specimen, and the employee shall be directed to continue to drink fluids.

- b. At the end of 3 hours if the donor is unable to provide a specimen, the collector will annotate the CCF that this individual is a shy bladder. The collector also annotates the times the collections were attempted.
- c. The donor will be immediately referred to the MRO who will make a determination concerning the donor's inability to provide a specimen. The MRO may require the donor to be evaluated by another physician as soon as practical after the attempted collections. The cost for this evaluation will be paid by the donor. If the MRO determines there was not a valid medical reason, it will be regarded as refusal to test and action will be initiated to remove the employee from Federal service. If the MRO determines there was a valid medical reason for inability to provide a sufficient specimen, there will be no further attempts to collect a specimen for this test.
- d. The DPC shall contact the employee's supervisor. The supervisor shall initiate appropriate action in accordance with Chapter X, Disciplinary Action, paragraph D.3, "Refusal of Employee to Provide a Urine Specimen or Adequate Breath Sample at the Testing Site."

2. **Pre-Employment/Pre-Appointment**

- a. The employee or applicant will be given a reasonable period of time to provide a specimen.
- b. The employee or applicant shall remain at the collection site and be instructed to drink at least 8 ounces of fluid each half hour to facilitate urination (not to exceed 40 ounces).
- c. If at the end of the waiting period the individual still cannot provide a 45 ml specimen, this inability shall be recorded by the collector on the control form, and the DPC will be contacted.
- d. The DPC shall contact the servicing personnel office and inform them of this failure. If appropriate, testing will be rescheduled. No final offer of employment in a TDP will be made until a negative drug test result has been received.

D. INABILITY TO PROVIDE ADEQUATE BREATH FOR TESTING.

1. **Random, Reasonable Suspicion, Post Accident, and Follow-up**

If an employee is unable to provide a sufficient amount of breath after 3 attempts, or alleges that he or she is unable to provide a sufficient breath because of a medical condition, the following procedures shall apply.

- a. The BAT shall note in the remarks section of the alcohol testing form and immediately inform the DPC/SC of the employees inability to provide sufficient amount of breath.
- b. The DPC/SC shall immediately contact the employee's supervisor.
- c. The employee's supervisor shall direct the employee to contact an FAA Flight Surgeon, as soon as practicable after the attempted provision of breath, for an evaluation concerning the employee's medical ability to provide an adequate amount of breath. The employee shall make available to the Flight Surgeon all relevant medical history and records. The employee shall be removed from safety related duties while the Flight Surgeon is reviewing his/her case.
- d. If the Flight Surgeon determines, in his or her medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The Flight Surgeon shall provide a written statement of this determination to the DPC and the appropriate management official and the employee shall be returned to safety related duties.
- e. If the Flight Surgeon determines there is no medical explanation which could satisfactorily explain the inability of the employee to provide an adequate amount of breath, the Flight Surgeon shall provide a written statement of this determination to the appropriate management officials. The DPC shall contact the employee's supervisor. The supervisor shall initiate appropriate action in accordance with Chapter X, Disciplinary Action, paragraph D.2., "Refusal of Employee to Provide a Urine Specimen or Adequate Breath Sample at the Testing Site."

2. **Pre-Employment/Pre-Appointment**

- a. If an employee or applicant cannot provide a sufficient amount of breath, it shall be recorded by the BAT on the alcohol form, and the DPC shall be contacted.
- b. The DPC shall contact the servicing personnel office and inform them of this failure. If appropriate, testing will be rescheduled. No final offer of employment in a TDP will be made until a passed alcohol test has been received.

E. TAMPERING, ADULTERATION, OR SUBSTITUTION OF URINE SAMPLES**1. Random, Reasonable Suspicion, Post Accident, Follow-up, and Voluntary**

- a. When the collector, in his/her professional judgment, determines the employee has tampered, adulterated, or substituted his/her sample, the collector shall:
 - (1) request the employee to remain at the testing site, preferably in the presence of a second collector;
 - (2) contact the DPC/SC to detail the reasons for this determination; and,
 - (3) document these reasons in writing before proceeding further.
- b. The DPC shall take the following action.

(Note: Although prior consultation with appropriate legal staff is not required, the DPC is not prohibited from requesting legal review.)

- (1) Authorize, where circumstances clearly warrant, the collection under direct observation, in accordance with procedures specified in Standard Split-Specimen Collection Procedures (Direct Observation), Chapter II, B.2., and instruct the collector to forward both samples to the laboratory. The first control form is to be recorded with the appropriate reason for test (i.e., Random, Reasonable Suspicion, etc.), the second test will be marked "other" and annotated with the reason, e.g., "temperature out of range.") In questionable cases, the DPC shall consult with the DDO.
- (2) Document the collector's phone call, circumstances warranting direct observation, and final decision, including rationale.
- (3) Contact the employee's supervisor when appropriate. The supervisor shall initiate action in accordance with Chapter X, Disciplinary Action, paragraph E., "Tampering, Adulteration, or Substitution of Urine Samples, or Attempts to Disable an EBT Device."

2. Pre-Employment/Pre-Appointment

- a. Should the collector, in his/her professional judgment, determine the employee or applicant has tampered, adulterated, or substituted his/her sample, the collector shall:

- (1) contact the DPC/SC to detail the reasons for this determination; and,
 - (2) document these reasons in writing before proceeding further.
- b. The DPC shall document the collector's phone call and contact the servicing personnel office. Applicants who are not current employees shall be refused employment. Current employees of DOT shall be deemed to have withdrawn their application for the covered position and may be subject to disciplinary action.

F. TAMPERING WITH, OR ATTEMPTS TO DISABLE, THE EBT DEVICE

Should the BAT, in his/her professional judgment, determine that the employee has tampered with or attempted to disable the EBT device, the contractor shall:

1. Random, Reasonable Suspicion, Post Accident, and Follow-up

- a. notify the SC who shall instruct the employee to report to the work site supervisor and await further instructions;
- b. contact the DPC/SC to detail the reasons for this belief; and,
- c. document these reasons in writing before proceeding further.
- d. The DPC shall take the following action.

(Note: Although prior consultation with appropriate legal staff is not required, the DPC is not prohibited from requesting legal review.)

- (1) Document the BAT's phone call.
- (2) Contact the employee's supervisor when appropriate. The supervisor shall initiate action in accordance with Chapter X, Disciplinary Action, paragraph E.2., "Tampering With, or Attempts to Disable, the EBT Device."

2. Pre-Employment/Pre-Appointment

- a. contact the DPC/SC to detail the reasons for this belief and document these reasons in writing before proceeding further.

- b. The DPC shall document the BAT's phone call and contact the servicing personnel office.
- b. Any non-DOT employee shall be refused employment.
- c. Current employees of DOT shall be deemed to have withdrawn their application for the covered position and may be subject to disciplinary action.

G. CANCELLED ALCOHOL TESTS.

An alcohol test shall be invalid under the following circumstances:

1. A device other than an EBT as described in DOT 3910.1D is used for the test.
2. The next external calibration of an EBT produces a result that differs by more than the tolerance stated in the manufacturer's Quality Assurance Plan (QAP) from the known value of the test standard. In this event, every test result of 0.02 or above obtained on the device since the last valid external calibration check shall be invalid.
3. The BAT does not observe the 15-minute waiting period prior to a confirmation test.
4. The BAT does not perform an air blank before the screening or confirmation test which results in a reading of 0.00.
5. The BAT does not print and sign his or her name on the BATF as required, or the BAT fails to note on the form that the individual has failed or refused to sign the form as required.
6. An EBT fails to print a confirmation test result, or the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.
7. The BAT does not perform an air blank of the EBT before a screen or confirmatory test, or an air blank does not result in a reading of 0.00 prior to the administration of the test.

CHAPTER IX. MEDICAL REVIEW OFFICER, FIELD MROS, AND SUBSTANCE ABUSE PROFESSIONALS

A. GENERAL

1. Departmental Medical Review Officer.

The Departmental Medical Review Officer (MRO), in accordance with Department of Health and Human Services (HHS) criteria, is a licensed physician (Medical Doctor or Doctor of Osteopathy), responsible for receiving laboratory results generated by the agency's drug testing program. The MRO has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive result together with his or her medical history and any other relevant biomedical information. The MRO shall:

- a. receive, review, and interpret all confirmed positive drug test results submitted to DOT from the drug testing laboratory, prior to release of verified positive test results to management officials or DPCs;
- b. examine alternative medical explanations for a confirmed positive drug test result, including conducting employee medical interviews, reviewing the employee's medical history, or reviewing other relevant biomedical factors and medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication;
- c. determine if there is a legitimate medical explanation for the confirmed positive drug test result, and if so, declare that the result is consistent with legal drug use and take no further action other than reporting the test result as negative;
- d. determine, based on review of inspection reports, quality control data, multiple samples, and other pertinent information, if the result is scientifically insufficient for further action and, if so, cancel the test result;
- e. provide oversight to assure that any DOT employee required to enter into a substance abuse rehabilitation program receives appropriate treatment;
- f. provide guidance, direction, and oversight to Field MROs, DPCs, and EAP managers, coordinators, and service providers in areas of recognition, diagnosis, intervention, treatment, and medical practice factors in substance abuse; and,

- g. advise and assist management in planning and overseeing the substance abuse program.

2. **Field MROs.**

In the FAA, certain physicians within the field structure are designated as "Field" MROs (FMROs). FMROs may perform many of the functions of the MRO within their assigned geographical area of responsibility. This includes the examination of alternative medical explanations for the laboratory report of a confirmed positive drug test, by interview of the employee, review of medical history, and documentation of other relevant biomedical factors.

- a. Upon completion of the above and consideration of the information obtained, the Departmental MRO is consulted and appraised of the results and recommendation. At that time the laboratory report shall be:
 - (1) verified as positive; adulterate and or substituted
 - (2) downgraded to negative;
 - (3) canceled because of insufficient scientific evidence; or,
 - (4) held, pending receipt of additional information, *e.g.*, quantitative level of drug, split-specimen test, or special tests ordered by the Departmental MRO.
- b. When the drug test report is verified, the FMRO proceeds with the notification of appropriate parties, and if rehabilitation is chosen by the employee, works with the EAP manager/coordinator in the formulation of a program.
- c. The FMRO determines when an employee has been sufficiently rehabilitated to return to regular duties, orders the return-to-duty test, approves the aftercare program, and sets the frequency of follow-up testing.

3. **Substance Abuse Professional (SAP).**

A licensed physician (Medical Doctor or Doctor of Osteopathy; *e.g.*, an FAA Flight Surgeon), or a licensed or certified psychologist, social worker, or employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with the knowledge of, and clinical experience in, the diagnosis and treatment of drug- and alcohol-related disorders.

4. **Communications**

- a. Communications regarding sensitive medical information (drug and alcohol test results, medical records reviews, medical interviews, consultations with treating physicians, etc.) will be conducted in a manner that assures confidentiality. Medical details in individual cases will be restricted to communications between health care professionals and only as required to arrive at a decision regarding a positive drug test result or return-to-duty for employees who have entered a substance abuse program.
- b. Telephone communication is permitted for the purpose of acquiring medical or other information necessary to arrive at a determination in individual cases.
- c. Transmittal of written medical information will be by sealed envelope labeled: "To be opened by addressee only." This would include drug and alcohol test results, medical record and interview information, communications between an EAP manager/coordinator and/or DPC an MRO, handling of drug and alcohol forms, etc.

B. TEST RESULTS

1. **Receipt**

- a. Drug test results on Bottle A from the contract laboratory will be received via computer. Results of analysis of Bottle B may be submitted via overnight courier or other appropriate means.
- b. During periods of computer outages, reports shall be sent from the laboratory contractor via overnight courier.

2. **Review**

- a. The medical review of each positive drug test result must be performed by the MRO or an FMRO, a licensed physician with knowledge of substance abuse disorders. The purpose of the review is to determine if the positive result is evidence of illegal drug use.
- b. There may be circumstances in which formal verification cannot be made immediately because of the need to obtain additional information. For example, a positive result for opiates or amphetamines may be due to legitimate prescribed use of such drugs. In such situations the MRO or FMRO will obtain documentation needed for a final decision in as expeditious a manner as possible.

- c. The MRO or FMRO shall undertake the evaluation of alternative explanations of a positive test result. This may include the conduct of employee/applicant medical interviews, review of an individual's medical history or the review of other biomedical factors. Any requests for medical information shall be made by the MRO directly to the employee/applicant to ensure maximum confidentiality.
- d. Each positive test report shall have a verification statement signed by the Departmental MRO to the effect that:
 - (1) the positive test result has been verified as positive, or
 - (2) the medical review has identified a legitimate medical reason for the positive test result, and the result has been downgraded to a negative report.

3. **Distribution**

- a. Negative reports will be forwarded to the appropriate DPC, so that the DPC can provide employees with the results of their tests. For applicants, the appropriate DPC will be given a copy of the negative test report and will notify the servicing personnel office.
- b. A confirmed positive drug test result shall not be distributed until a review has been conducted by the MRO or FMRO and the positive test result has been verified.
- c. A copy of the signed verified positive test report will be sent through the DPC to the appropriate management official. That official shall provide the report to the servicing personnel specialist. Care should be taken to safeguard the confidentiality of the report. The report will be maintained in a secure filing system (see Chapter I, paragraph N., Records Maintenance and Retention). No other copies of the verified positive test report will be made or maintained.

4. **Notification**

- a. **Drug Test Results**
 - (1) After verification of a positive drug test result by the MRO or FMRO, the DPC shall notify the coordinator of the Employee Assistance Program, in which the employee is receiving counseling or treatment or is otherwise participating, and the management official having authority to initiate appropriate personnel actions. The management

official will inform the employee. For applicants, the DPC will notify the servicing personnel office.

- (2) Notification of management officials by the DPC shall normally be accomplished the same day as verification of the positive drug test result by the MRO or FMRO.
- (3) A copy of the verified positive drug test report shall be provided by the DPC to the employee at his/her home address in an envelope clearly labeled "To be opened by addressee only."

b. Alcohol Test Results.

- (1) ***Employees in the follow-up testing program have an abstinence requirement from all substances including alcohol. If the result of a screening test is 0.01 or greater, the employee will be required to take an alcohol confirmation test. If a confirmation test is greater than or equal to 0.01 and less than 0.02, the employee will be referred to EAP and a FAA Flight Surgeon for an evaluation to determine whether or not the employee has violated the abstinence requirement. A confirmation test result of 0.02 or greater is considered a violation of the abstinence agreement***
- (2) Result less than 0.02. If the result of the screening test is an alcohol concentration of less than 0.02, (***except as provided in b.(1) above***), no further testing is authorized. The BAT shall then report the results of the passed alcohol test to the SC or DPC in a confidential manner.
- (3) Result of 0.02 or greater. If the result of the screening test is equal to 0.02 or greater (***except as provided in b.(1) above***), a confirmation test shall be performed in accordance with the DOT Order and the DOT Guide.
- (4) Result less than 0.02. If the result of the confirmation test is an alcohol concentration of less than 0.02, no further testing is authorized (***except as provided in b.(1) above***). The BAT shall then report the results of the passed alcohol test to the SC or DPC in a confidential manner.
- (5) Result of 0.02 or greater. If the result of the confirmation test results is equal to 0.02 or greater (***except as provided in b.(1) above***), the BAT shall report to the SC or DPC, in a confidential manner, that the individual has not passed the alcohol test.
- (6) Alcohol concentrations of 0.02 or greater. If the BAT reports test results for an employee with an alcohol concentration of 0.02 or greater

on a confirmation test (*except as provided in b.(1) above*), the SC or DPC shall immediately contact the employee's supervisor. The supervisor must take immediate action to assure that the employee in question does not perform, or ceases to perform, safety-sensitive functions.

C. REINSTATEMENT OF EMPLOYEE TO SAFETY/SECURITY DUTIES

1. MRO Responsibilities

The MRO or SAP is responsible for determining when an employee may be medically cleared to return to critical safety/security duties.

2. Reinstatement of Security Clearances

The determination to reinstate the employee's security clearance will be made by the employee's security organization in accordance with DOT Order 1630.2B and any OA directive. The determination should be reported to the DDO and the DPC within 2 weeks of the appropriate servicing security organization being notified. Until a suspended security clearance is reinstated, the employee may not perform security related duties that would require access to classified national security information. If the clearance is revoked, managers must contact their servicing Human Resource Office to determine an appropriate course of action.

3. EAP Responsibilities

To assist the MRO in determining whether an employee is fit to return to safety/security duties, the EAP coordinator shall provide the MRO with the following minimum information.

- a. Evaluation reports which include, as a minimum, a professional opinion regarding the type of substances used in the past, extent or frequency of use, results of any tests given, prognosis, follow-up recommendations, and a conclusion on whether the employee is attending and cooperating with treatment.
- b. Admission summary, interim progress reports and discharge summary where inpatient treatment or evaluation is involved.
- c. Where outpatient therapy or counseling is required beyond the initial evaluation, progress reports at least quarterly.

CHAPTER X. DISCIPLINARY ACTION

A. GENERAL

1. Coverage

Disciplinary action for prohibited drug- and alcohol-related misconduct shall be taken under each of the circumstances described below. All disciplinary procedures and actions shall be taken pursuant to the applicable law and regulation. This chapter sets forth steps that management officials and supervisors shall follow in taking appropriate action.

2. Drug and Alcohol Use - Effect on Mission

Determination by the agency to initiate action to remove an employee in a TDP from Federal service on the basis of illegal drug use or alcohol misuse is warranted since such misconduct is inconsistent with the mission of the agency and the nature of the employee's duties. Accordingly, removal will promote the efficiency of the service. Prior to initiating appropriate disciplinary action against an employee in non-TDP, management officials and supervisors shall determine if the disciplinary action will promote the efficiency of the service.

3. Required Guidance/Consultation

Prior to initiating any disciplinary action against any employee, management officials and supervisors shall secure guidance from their servicing personnel or labor and employee relations staff. When appropriate, such offices shall contact agency legal counsel.

4. Refusal to Enter or Successfully Complete a Substance Abuse Rehabilitation Program.

The agency shall initiate action to *remove* a covered employee, or initiate appropriate disciplinary action against an employee in a non-TDP, up to and including removal, who refuses to enter or fails to successfully complete counseling or a rehabilitation program under the EAP. A determination that the employee has failed rehabilitation, may be made on the basis of off-duty drug or alcohol-related misconduct, or the employee not adhering to the terms of the rehabilitation plan.

B. ACTIONS BASED ON ON-DUTY USE OF ALCOHOL, OR ON-DUTY USE OR POSSESSION, OR TRAFFICKING OF ILLEGAL DRUGS, OR REPEATED DRUG AND ALCOHOL MISCONDUCT

1. On-duty use, possession, trafficking of illegal drugs.

- a. The agency shall initiate action to *remove* a covered employee from Federal service, or initiate appropriate disciplinary action, up to and including removal, against an employee in a non-TDP where it has been determined that the employee has engaged in on-duty use or possession of illegal drugs, or illegal drug trafficking (*e.g.*, sale, manufacture, growth, distribution, or transportation).
- b. Upon the agency's determination of such violation, the supervisor shall assign an employee in a TDP to non-safety or non-security duties if such duties are available. The supervisor shall also be responsible for obtaining documentation of all relevant details to support any disciplinary action taken against such an employee based on the use, possession, or trafficking.
- c. The action to initiate removal of any DOT employee from the Federal service shall be taken for such cause as will promote the efficiency of the service consistent with the procedural requirements of 5 C.F.R. §752.404; DOT Order 3770.1C, Subject: Disciplinary and Adverse Actions and Appeals, dated September 1, 1980, as amended; applicable collective bargaining agreements; and other statutes, orders, and regulations.
- d. No opportunity to enter a substance abuse rehabilitation program will be offered to employees in a TDP. If, in the case of a non-TDP, the OA determines that removal is not appropriate, a substance abuse rehabilitation program shall be offered whenever the EAP or SAP recommends participation in a rehabilitation program.

2. On-duty use of alcohol.

- a. The agency shall initiate action to *remove* a covered employee from Federal service, or may initiate appropriate disciplinary action against an employee in a non-TDP, up to and including removal, where it has been determined that the employee has engaged in on-duty use of alcohol.
- b. Upon the agency's determination of such violation, the supervisor shall assign an employee in a TDP to non-safety or non-security duties if such duties are available. The supervisor shall also be responsible for obtaining documentation of all relevant details to support any disciplinary action taken against such an employee based on the use of alcohol.

- c. The action to initiate removal of any DOT employee from the Federal service shall be taken for such cause as will promote the efficiency of the service consistent with the procedural requirements of 5 C.F.R. §752.404; DOT Order 3770.1C, Subject: Disciplinary and Adverse Actions and Appeals, dated September 1, 1980, as amended; applicable collective bargaining agreements; and other statutes, orders, and regulations.
- d. No opportunity to enter a substance abuse rehabilitation program will be offered to employees in a TDP. If, in the case of a non-TDP, the OA determines that removal is not appropriate, a substance abuse rehabilitation program shall be offered whenever the EAP or SAP recommends participation in a rehabilitation program.

3. Repeated Drug or Alcohol Misconduct

- a. The agency shall initiate action to **remove** an employee from Federal service who has a **second** violation of conduct prohibited by DOT Order 3910.1D. After a first determination of an off-duty drug or alcohol violation, a verified positive drug-test result, or a confirmed alcohol concentration of 0.04 or greater, or a failure to maintain a required abstinence period shall qualify as repeated misconduct.
- b. Upon second determination of any off-duty drug or alcohol violation, in accordance with paragraph a. above, the supervisor shall assign the employee to non-safety or non-security duties if such duties are available. An employee who possesses a security clearance shall no longer have access to classified information. ***The determination to reinstate an employee's security clearance, if it has been suspended, will be made by the employee's security organization in accordance with DOT M 1630.2. Should the clearance not be reinstated, the employee must not perform any security related duties in conjunction with their TDP responsibilities. If the only TDP responsibilities available are security in nature, the employee must be reassigned to non-TDP functions, if possible.***
- c. The action to initiate removal of any DOT employee from the Federal service shall be taken for such cause as will promote the efficiency of the service consistent with the procedural requirements of 5 C.F.R. §752.404; DOT Order 3770.1C, Subject: Disciplinary and Adverse Actions and Appeals, dated September 1, 1980, as amended; applicable collective bargaining agreements; and other statutes, orders, and regulations.
- d. No opportunity to enter a substance abuse rehabilitation program will be offered to employees in a TDP. If, in the case of a non-TDP, the OA determines that removal is not appropriate, a substance abuse rehabilitation program shall be offered whenever the EAP or SAP recommends participation in a rehabilitation program.

C. ACTIONS BASED ON VERIFIED POSITIVE URINALYSIS OR A CONFIRMED ALCOHOL CONCENTRATION OF 0.04 OR GREATER, OR ABSTINENCE PERIOD FAILURES

1. **First determination of either a verified positive urinalysis or a confirmed alcohol concentration of 0.04 or greater.**
 - a. The agency shall initiate action to *remove* a covered employee from Federal service, or initiate appropriate disciplinary action against an employee in a non-TDP, up to and including removal, in the case of off-duty use of illegal drugs as determined by a verified positive drug-test conducted under the Department's program. Likewise, the agency shall initiate action to *remove* a covered employee from Federal service in the case of off-duty misuse of alcohol as measured by an alcohol concentration of 0.04 or greater on a confirmation test conducted under the Department's program.
 - b. Upon receipt of either the first occurrence of a verified positive urinalysis finding that an employee uses illegal drugs or the first occurrence of a confirmed alcohol misuse concentration of 0.04 or greater, the supervisor shall assign an employee in a TDP to non-safety or non-security duties if such duties are available. An employee who possesses a security clearance shall no longer have access to classified information shall be suspended pending completion the initial phase of a substance abuse program. (See Chapter IX, paragraph C2).
 - c. The supervisor shall issue a covered employee a proposed removal letter which shall be held in abeyance while the employee is offered a conditional opportunity for substance abuse rehabilitation. The supervisor shall refer the employee to the appropriate DOT Employee Assistance Program.
 - d. The supervisor shall issue to an employee in a non-TDP a letter proposing or effecting appropriate disciplinary action, up to and including removal, which shall be held in abeyance while the employee is offered a conditional opportunity for substance abuse rehabilitation. If the employee agrees to accept DOT's offer of rehabilitation in writing, a decision letter will inform the employee that his/her removal or disciplinary action will be held in abeyance pending successful completion of the rehabilitation program and his/her refraining from any further illegal drug use or alcohol misuse.
 - e. If a covered employee refuses to accept DOT's offer of substance abuse rehabilitation, the appropriate deciding official shall proceed with the issuance of a final decision letter on the proposed removal consistent with the procedural requirements of 5 C.F.R. §752.404; Performance Management, Chapter III, effective April 1, 1996; applicable collective bargaining agreements; and other statutes, orders, and regulations.

- f. If the employee in non-TDP refuses to accept DOT's offer of substance abuse, the deciding official shall take appropriate disciplinary action.

2. **Abstinence period failures.**

- a. The agency shall initiate action to ***remove*** a covered employee from Federal service who fails to maintain abstinence from alcohol during a required period. An abstinence period shall include either the pre-duty or post-accident period of restriction for alcohol use. ***Abstinence period also include those employees who are in the follow-up testing program and are subject to abstinence requirements, from all substances including alcohol.***
- b. Upon either the first occurrence of a covered employee failing to maintain abstinence from alcohol during a required period the supervisor shall assign the employee to non-safety or non-security duties if such duties are available. An employee who possesses a security clearance shall no longer have access to classified information. Access to such material shall be suspended pending completion the initial phase of a substance abuse program. (See Chapter IX, paragraph C.2).
- c. ***Employees who are in the follow-up testing program and have an abstinence requirement will be removed from safety-sensitive duties until re-evaluated and an appropriate assessment is made by EAP and an FAA Flight Surgeon. Two or more occurrences of this violation may result in removal from Federal Service.***
- d. The supervisor shall issue a covered employee a proposed removal letter which shall be held in abeyance while the employee is offered a conditional opportunity for substance abuse rehabilitation. The supervisor shall refer the employee to the appropriate DOT Employee Assistance Program.
- e. If a covered employee refuses to accept DOT's offer of substance abuse rehabilitation, the appropriate deciding official shall proceed with the issuance of a final decision letter on the proposed removal consistent with the procedural requirements of 5 C.F.R. §752.404; Performance Management, Chapter III, effective April 1, 1996; applicable collective bargaining agreements; and other statutes, orders, and regulations.

D. ACTIONS BASED ON FAILURE TO COMPLY WITH PROCEDURES DURING TESTING**1. Failure of Employee to Report to Designated Testing Site**

- a. Upon notification by the DPC that an employee has failed to appear for a scheduled drug or alcohol test, the supervisor shall discuss with the employee the reason(s) for failing to appear. If the employee provides a legitimate reason(s) for failing to report, no disciplinary action may be taken.
- b. If an employee in a TDP does not provide a legitimate reason(s) for failing to report, the supervisor shall document the failure in writing and initiate action to remove the employee from the Federal service for such cause as will promote the efficiency of the service consistent with the procedural requirements of 5 C.F.R. §752.404; Performance Management, Chapter III, effective April 1, 1996; applicable collective bargaining agreements; and other statutes, orders and regulations.
- c. If an employee in a non-TDP does not provide a legitimate reason(s) for failing to report, the supervisor shall document the failure in writing and initiate appropriate disciplinary action.
- d. No opportunity to enter a substance abuse rehabilitation program will be offered to employees in a TDP. If, in the case of a non-TDP, the OA determines that removal is not appropriate, a substance abuse rehabilitation program shall be offered whenever the EAP or SAP recommends participation in a rehabilitation program.

2. Refusal to empty pockets when directed to do so by the collector

- a. Upon notification by the DPC that an employee has refused to empty his or her pockets by the collector, the supervisor shall be responsible for documenting all relevant details to support any disciplinary action taken against an employee, including the employee's reason.
- b. The supervisor shall initiate action to remove an employee in a TDP from the Federal service for such cause as will promote the efficiency of the service consistent with the procedural requirements of 5 C.F.R. §752.404; Performance Management, Chapter III, effective April 1, 1996; applicable collective bargaining agreements; and other statutes, orders and regulations.
- c. No opportunity to enter a substance abuse rehabilitation program will be offered to employees in a TDP. If, in the case of a non-TDP, the OA determines that removal

is not appropriate, a substance abuse rehabilitation program shall be offered whenever the EAP or SAP recommends participation in a rehabilitation program.

3. **Refusal of Employee to Provide a Urine Specimen or Adequate Breath Sample at the Testing Site**
 - a. Upon notification by the DPC that an employee has refused to provide a urine specimen or an adequate breath sample at the testing site, the supervisor shall be responsible for documenting all relevant details to support any disciplinary action taken against an employee, including the employee's reason(s).
 - b. The supervisor shall initiate action to remove an employee in a TDP from the Federal service for such cause as will promote the efficiency of the service consistent with the procedural requirements of 5 C.F.R. §752.404; Performance Management, Chapter III, effective April 1, 1996; applicable collective bargaining agreements; and other statutes, orders, and regulations.
 - c. The supervisor shall document the failure in writing and initiate appropriate disciplinary action against an employee in a non-TDP.
 - d. No opportunity to enter a substance abuse rehabilitation program will be offered to employees in a TDP. If, in the case of a non-TDP, the OA determines that removal is not appropriate, a substance abuse rehabilitation program shall be offered whenever the EAP or SAP recommends participation in a rehabilitation program.

E. ACTIONS BASED ON TAMPERING, ADULTERATION, OR SUBSTITUTION OF URINE SAMPLES, OR ATTEMPTS TO DISABLE AN EBT DEVICE

1. **Tampering, Adulteration, or Substitution of Urine**
 - a. Upon notification by the DPC that an employee has tampered, adulterated, or substituted his/her urine specimen, the supervisor shall be responsible for documenting all relevant details to support any disciplinary action taken against an employee.
 - b. The supervisor shall initiate action to remove an employee in a TDP from the Federal service for such cause as will promote the efficiency of the service consistent with the procedural requirements of 5 C.F.R. §752.404; Performance Management, Chapter III, effective April 1, 1996; applicable collective bargaining agreements; and other statutes, orders, and regulations.
 - c. No opportunity to enter a substance abuse rehabilitation program will be offered to employees in a TDP. If, in the case of a non-TDP, the OA determines that removal is not appropriate, a substance abuse rehabilitation program shall be

offered whenever the EAP or SAP recommends participation in a rehabilitation program.

2. **Tampering With or Attempts to Disable the EBT Device**

- a. Upon notification by the DPC that an employee has tampered with or attempted to disable an EBT device, the supervisor shall be responsible for documenting all relevant details to support any disciplinary action taken against an employee.
- b. The supervisor shall initiate action to remove an employee in a TDP from the Federal service for such cause as will promote the efficiency of the service consistent with the procedural requirements of 5 C.F.R. §752.404; DOT Order 3770.1C, Subject: Disciplinary and Adverse Actions and Appeals, dated September 1, 1980, as amended; applicable collective bargaining agreements; and other statutes, orders, and regulations.
- c. No opportunity to enter a substance abuse rehabilitation program will be offered to employees in a TDP. If, in the case of a non-TDP, the OA determines that removal is not appropriate, a substance abuse rehabilitation program shall be offered whenever the EAP or SAP recommends participation in a rehabilitation program.

F. **OTHER ALCOHOL-RELATED CONDUCT**

1. **Alcohol Concentrations Equal to or Greater Than 0.02 But Less Than 0.04.**

- a. A covered employee subject to alcohol testing must be removed from safety-sensitive functions if the result of any agency alcohol test produces an alcohol concentration equal to or greater than 0.02 but less than 0.04 on a confirmation test. Any employee testing in a not-ready-for-duty status shall not perform his or her safety-sensitive functions for the remainder of the shift. This employee shall not return to his or her safety-sensitive functions until the start of his or her next regularly scheduled shift, provided that shift occurs no sooner than 8 hours after the alcohol test was conducted.
- b. First occurrence. An employee who engages in this misconduct shall be placed in non-safety-sensitive work for the remainder of the shift. In addition, the employee shall be issued a letter of warning which includes an explanation of the consequences of any subsequent determination of a not-ready-for-duty status.
- c. Subsequent occurrence. An employee who engages in this misconduct (*i.e.*, repeated occurrences of a not-ready-for-duty status), generally within 24 months of the first occurrence, shall be dismissed from the worksite and shall be charged Absent Without Leave (AWOL) for the remainder of the shift,

since the employee, although physically present at the worksite, is not able and available for his or her assigned duties. Appropriate disciplinary action shall be initiated as necessary.

- d. No CDL holder tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, nor shall he/she be permitted to perform safety-sensitive functions, until the start of his/her next regularly scheduled duty period, but not less than 24 hours following administration of the test.

CATEGORIZATION OF EMPLOYEES FOR TESTING

Testing Designated Positions (TDPs). - Safety/Security Critical - These are positions characterized as having critical safety or security responsibilities, related to the mission of the Department. The job functions associated with these positions have a direct and immediate impact on public health and safety, the protection of life and property, law enforcement, or national security. These positions require the highest degree of trust and confidence. ***Employees whose position require access to Confidential, Secret, Top Secret information are included as TDPs regardless of their organization or occupation.***

Drug-only TDPs. E.O. 12564 requires drug testing of safety- and security-sensitive positions in DOT. Drug and alcohol TDPs. The Omnibus Act mandates drug and alcohol testing for FAA employees whose duties include responsibility for safety-sensitive functions and for any other DOT employee whose position requires a CDL. The Omnibus Act does not mandate drug and alcohol testing for other safety-sensitive employees outside FAA, or for any security-sensitive employees within DOT. Since the requirement for a CDL is not specific to a particular occupational series, this appendix does not identify every position in DOT which requires this licensure. The Operating Administrations must maintain the CDL employee listing and coordinate updates with the DDO.

Non-TDPs. All positions that are not designated as TDPs are designated as non-TDPs

Position Coverage By Occupation. The categorization of all other DOT positions is accomplished within the context of their Departmental element and their job duties within that organization. To assure overall consistency, category determinations for including or excluding positions as either a TDP or a non-TDP will be made by the Assistant Secretary for Administration in consultation with the Departmental organization. References to a given job, occupational series or family include all supervisors and employees in the occupation regardless of pay plan, unless otherwise noted.

Justification Statements For TDPs. With the exception of positions requiring a CDL, each determination by the Departmental element to include a particular job occupation as a TDP shall be supported by a justification statement clearly describing why the job is safety/security critical and specifying the adverse consequences that would likely occur if an incumbent in that position were to use illegal drugs, or where appropriate, misuse alcohol. A current justification statement for each job or occupation included as a TDP shall remain on file with the Assistant Secretary for Administration, who reserves the right to review each justification statement to assure overall consistency with the DOT drug program and among varying occupations throughout the Department and make appropriate recommendations.

TDPs BY DOT OPERATING ADMINISTRATION

OA- Office of the Secretary	Series	Drug Only	Drug &Alcohol
Motor Vehicle Dispatcher	GS-2151	X	X^a
Motor Vehicle Operators	WG-5703	X	X^a
^a Positions requiring CDL's are subject to both drug and alcohol testing			

OA- Office of Inspector General	Series	Drug Only	Drug &Alcohol
Criminal Investigators	GS-1811	X	
Motor Vehicle Operators	WG-5703	X	X^a
^a Positions requiring CDL's are subject to both drug and alcohol testing			

OA- Federal Highway Administration	Series	Drug Only	Drug &Alcohol
Transportation Equipment Operation Family	WG-57XX	X	X^a
^a Positions requiring CDL's are subject to both drug and alcohol testing.			

OA- Federal Motor Carrier Administration	Series	Drug Only	Drug &Alcohol
Highway Safety Specialists	GS-2125^a	X	
Motor Carrier Safety Specialists	GS-2123^a	X	
^a Includes only those GS-2123 and GS-2125 positions with day-to-day responsibilities for field operations of inspection and enforcement.			

OA-Federal Aviation Administration	Series	Drug Only	Drug &Alcohol
Misc title for Program Manager/Director of Flight Inspection Programs	FG/FV301/340^b		X
Program Support Specialist	FG/FV301^c		X
Computer Specialists in Technical Operations in ARTCC	FG/FV334^e		X
Engineering Technicians in ATO Technical Operations	FG/FV802^e		X
Aerospace Engineering Technicians	FG/FV802^b		X
Engineers in ATO Technical Operations	FG/FV8XX^e		X
Electronics Technicians in Airway Facilities	FG/FV856^e		X
Electronics Technicians	FG/FV856^b		X
Aerospace Engineers	FG/FV861^f		X
Civil Aviation Security Specialists in Office of Airports	FG/FV1801^f		X
Certification Safety Inspectors	FG/FV1801ⁱ		X
Criminal Investigators	FG/FV1811^f		X
Aviation Safety Inspectors	FG/FV1825^f		X
Quality Assurance Specialist (Aerospace and Electrical)	FG/FV1910^b		X
Airway Transportation System Specialist in Airway Facilities	FG/FV2101^e		X
Airway Transportation System Specialist in Airway Facilities	FG/FV2101^c		X
Engineering Research Psychologist in Aircraft Certification Service	FG/FV180^f		X
Air Traffic Control Specialists	FG/FV2152^f		X
Air Traffic Assistants	FG/FV2154^g		X
Airspace Systems Inspection/Flight Test Pilots	FG/FV2181		X
Aviation Technical System Specialist	FG/FV2186^b		X
Maintenance Mechanics in Airway Facilities	WG-2729^h		X

Transportation Equipment Operation Family	WG-57XX ^e		X
<p>a Positions requiring CDLs are subject to both drug and alcohol testing.</p> <p>b Only those positions in TOW, Technical Operations Service Unit (Aviation systems Standards), assigned to the Aeronautical Center that have certification responsibilities and their first level supervisors, except for those positions associated with the former AOS-200, National Airway Systems Engineering Division.</p> <p>c Only those individuals assigned certification responsibilities and their first level supervisors.</p> <p>d Except FG/FV-802 employees assigned to Field Maintenance Party staff and Facilities and Equipment staff.</p> <p>e Position provide direct support for the NAS and their first level managers.</p> <p>f Only FG/FV-1801, FG/FV-1811, FG/FV-1825, FG/FV-861, FG/FV-189 and FG/FV-2152 employees who are required to take periodic physical exams to retain medical clearances.</p> <p>g Except Traffic Assistant (Simulation), FG/FV-2154, positions at the Technical Center, Atlantic City, NJ.</p> <p>h Except those individuals who are not targeted for safety related positions (will never certify equipment) and/or assigned to Field Maintenance Party staff positions.</p> <p>i Only those Office of Airports employees who are responsible for conducting safety and certification inspection compliance with safety requirements in 14 CFR Part 139</p>			

OA-Federal Railroad Administration	Series	Drug Only	Drugs & Alcohol
RSS HQ			
Program Manager	ES-0340	X	
Railroad Safety Series	ES-2121	X	
RSS HQ &FIELD			
Drug & Alcohol Program Specialist	GS-0301	X	
Industrial Hygienists	GS-0690	X	
General Engineers	GS-0801 ^a	X	
Civil & Structural Engineers	GS-0810 ^a	X	
Mechanical Engineers	GS-0830 ^a	X	
Electronic Engineers	GS-0855 ^a	X	
Railroad Safety Series	GS-2121	X	
RSS FIELD			
Transportation Specialist Series	GS-2101	X	
The term "FIELD" is defined as any position with a duty station outside of Washington, DC.			
<p>a Includes only Headquarter RRS positions assigned to work in the discipline specific areas of: Hazardous Materials, Motive Power & Equipment, Operating Practices, Signals & Train Control, Track and Structures. Also includes Positive Train Control (PTC), and Passenger Safety.</p>			

OA- National Highway Traffic Safety Administration	Series	Drug Only	Drug &Alcohol
Auto Enforcement Investigators	GS-1801	X	
Criminal Investigator	GS-1811	X	
Motor Vehicle Operators	WG-5703	X	X^a
a Positions requiring CDL's are subject to both drug and alcohol testing			

OA- Federal Transit Administration	Series	Drug Only	Drug &Alcohol
Motor Vehicle Operators	WG-5703	X	X^a
a Positions requiring CDL's are subject to both drug and alcohol testing			

OA- Saint Lawrence Seaway Development Corporation	Series	Drug Only	Drug &Alcohol
Lock and Dam Operators	WG-5426^b	X	
Vessel Traffic Controllers	GS-2150^b	X	
Transportation Equipment Operation Family	WG-57XX^b	X	X^a
a Positions requiring CDL's are subject to both drug and alcohol testing			
b Employees in other series who periodically perform the duties of Vessel Traffic Controllers, Lock and Dam Operators and Heavy Transportation or Marine Equipment Operators are also included as TDPs.			

OA- Maritime Administration	Series	Drug Only	Drug &Alcohol
Engineers (Watchstander)	WM-5352	X	
Marine General Utility Maintenance Mechanics (Deck/Engine)	WM-5352	X	
Transportation Equipment Operations Family	WG-57XX	X	
a Positions requiring CDL's are subject to both drug and alcohol testing			

OA- Pipeline and Hazardous Materials Safety Administration	Series	Drug Only	Drug &Alcohol
General Engineers (Pipeline)	GS-801^a	X	
Petroleum Engineers	GS-881^a	X	
Transportation Specialists	GS-2101^a	X	
Compliance Investigator	GS-1801^a	X	
a Includes only those GS-801, GS-881, and GS-2101 positions with responsibilities for field operations of inspection and enforcement.			

OA-United States Coast Guard	Series	Drug Only	Drug &Alcohol
Firefighters	GS-0081	X	X^a
Search and Rescue Specialists/Controllers	GS-0301	X	

Lead Command Center Controller	GS-0301	X	
District Command Center Operations & Training Specialist	GS-0301	X	
Search and Rescue Controller (COP)	GS-0301	X	
Medical Officer	GS-0602^b	X	
Nurse	GS-0610	X	
Marine Science Technician	GS-1311	X	
Criminal Investigators	GS-1811	X	
Vessel Traffic Controllers	GS-2150	X	
Vessel Traffic Control Specialist	GS-2150	X	
Vessel Traffic Service Training Coordinator	GS-2150	X	
Vessel Traffic Management Specialist	GS-2150	X	
Vessel Traffic Control Instructor	GS-2150	X	
Marine Traffic Controllers (Pilots)	GS-2150	X	
Electronics Mechanics	WG-2604	X	
Integrated Systems Mechanic	WG-2610	X	
Aircraft Electricians	WG-2892^c	X	
Instrument Mechanics	WG-3359^c	X	
Metals Inspectors	WG-3801^c	X	
Sheet Metal Mechanics (Aircraft)	WG-3806^c	X	
Sheet Metal Workers	WG-3806^c	X	
Shipwright Foreman	WS-5220	X	
Transportation Equipment Operation Family	WG-57XX	X	Xa
Aircraft Oxygen Equipment Mechanics	WG-8201^c	X	
Aircraft Pneudraulic Systems Mechanics	WG-8268^c	X	
Aircraft Engine Mechanics	WG-8602^c	X	

Aircraft Overhaul Leader/Supervisor	WI/WS-8801	X	
Aircraft Mechanical Parts Repairers	WG-8840^c	X	
Aircraft Mechanics	WG-8852^c	X	
<p>a Positions requiring CDL's are subject to both drug and alcohol testing.</p> <p>b Coast Guard Training Center, Petaluma, CA</p> <p>c Only those individuals located at the Aviation Logistics Center.</p>			

OA-Transportation Security Administration	Series	Drug Only	Drugs & Alcohol
Transportation Security Screeners	SV-0019		X^a
Intelligence Operations Specialist	SV-0132	X	
Stakeholder Liaisons	SV-0301		X
Federal Security Directors	SV-0340	X^b	
Industrial Engineers	SV-0896		X
Civil Aviation Security Specialists	SV-801		X^c
Criminal Investigators	SV-811		X^d
Aviation Safety Inspectors	SV-825		X
Transportation Specialists	SV-101		X
Transportation Assistants	SV-102		X
Transportation Equipment Operation Family	SV-7XX		X^e

a Includes Lead and Supervisory Transportation Security Screeners.

b Includes executive Federal Security Directors and Deputy Federal Security Directors.

c Includes Supervisory and non-supervisory Civil Aviation Security Specialists, Federal Air Marshals, Transportation Security Specialists, Law Enforcement Officers, and, all employees in this series employed in such positions as Screening Manager, Assistant Federal Security Director for Screening, and Scheduling Operations Officer.

d Includes Supervisory Criminal Investigator (Assistant Federal Security Director for Law Enforcement)

e Positions requiring CDL's are subject to both drug and alcohol testing.

Note: All employees in positions requiring a top secret clearance are automatically covered for drug testing. All employees in positions not listed or not included in the foot notes above (a-e) on this page and whose duties include responsibilities for safety-sensitive functions, i.e. functions having a direct and immediate impact on the safety of members of the public or other Federal employees, are covered for drug testing.

APPENDIX B

CHECK LISTS AND STANDARD LETTERS

After formatting and inserting information specific to the Operating Administration, notices should contain the standard paragraphs as written in this Appendix. Variations in these notices should be cleared with the DPC and DDO.

APPENDIX B

CHECK LISTS AND SAMPLE LETTERS

After formatting and inserting information specific to the Operating Administration, notices should contain the standard paragraphs as written in this Appendix. Variations in these notices should be cleared with the DPC and DDO.

In using the Sample Letters and Standard paragraphs provided, extreme care must be taken in composing the final letter to an employee. There are three categories of employees in DOT relating to drug and alcohol testing. Certain of the standard paragraphs may not be appropriate.

The three categories are:

1. All DOT employees are subject to post-accident and reasonable suspicion drug testing under Executive Order 12564;
2. Employees in safety- and security-sensitive positions which are not covered by the Omnibus Transportation Employee Testing Act are subject to all types of drug testing, when applicable; and,
3. Employees covered by the Omnibus Transportation Employee Testing Act are subject to all types of drug testing and to alcohol testing, when applicable.

Only employees covered by the Act are subject to alcohol testing under the DOT Order. Also, depending on the circumstances, reasonable suspicion and follow-up testing of employees covered by the Act may be limited to either drugs or alcohol.

Information in the letters that is underlined is applicable only to the employees covered in the Act.

DRUG AND ALCOHOL TESTING CHECKLIST FOR DRUG PROGRAM
COORDINATORS

To ensure confidentiality of the random test list, the Departmental Drug Office (DDO) provides the list to the Drug Program Coordinator and the contractor normally only a few days before testing is scheduled. On this test list you will find the names of employees eligible for testing, the chosen day(s) for testing, and the predetermined number to be tested on each day. The process by which employees are selected is a random selection computer program. The number of employees selected for drug or drug and alcohol testing is determined by a preset percentage. If an employee is unavailable for testing, the next employee on the list will be notified to report for testing. This process continues until the predetermined number of tests for that day is done or the list for that day is exhausted, whichever comes first. All information relating to the test list must be kept confidential.

- Upon receipt of the test list, identify the exact locations, addresses and facility managers of the selected testing sites.
- After determining the number of employees on the list at each testing location, ensure that the testing can be accomplished within the test day. Any potential problems should be immediately reported to the DDO. The maximum number of random drug tests that will be done on any single day in any single location is approximately 24 for drugs and alcohol. Lists will be broken down by work discipline and location.
- At least 72 hours before testing is scheduled at a facility, contact the collection contractor and/or the alcohol-testing contractor to coordinate testing. You should provide the collector and/or BAT with the address and specific directions to the testing facility and discuss any special security or other potential building obstacles.
- Provide collector and/or BAT with name and phone number of contact at the facility.
- Establish time of arrival, appropriate time collection/testing should begin, number of tests targeted, and projected length of testing with the contractors,
- Inform the collector and/or BAT of your availability, location, and a telephone number where you, or an alternate contact, can be reached during the specific testing period.
- Before the collector and/or BAT are dispatched, notify the facility, manager of the time testing is scheduled to begin.

(CONTINUED)

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

DRUG AND ALCOHOL TESTING CHECKLIST FOR DRUG PROGRAM
COORDINATORS (CONTINUED)

- Instruct the Facility Manager to review his/her program checklist packet and to alert the Site Coordinator.
- Referring to the Checklist for Site Coordinators, discuss the procedures directly with the Site Coordinator.
- Remind the Facility Manager/Site Coordinator that tests must be conducted under circumstances that ensure the employee's privacy and dignity.
- Immediately report any problems encountered during the testing process to the DDO.

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

DRUG AND ALCOHOL TESTING CHECKLIST FOR DRUG PROGRAM
COORDINATORS

COMMERCIAL DRIVERS LICENSE (CDL) HOLDERS

To ensure confidentiality of the random test list, the Departmental Drug Office (DDO) provides the list to the contractor who normally provides it to the Drug Program Coordinator only a few days before testing is scheduled. On this test list you will find the names of employees eligible for testing. The process by which employees are selected uses a simple random selection process. From a database of all eligible CDL holders, the computer program randomly selects the names of employees to be tested based on a preset percentage. An employee is eligible for testing throughout the 3 month testing cycle. This process continues until the employees have been tested, or a new cycle has begun, whichever is first. All information relating to the test list must be kept confidential.

- Upon receipt of the test list, identify the exact locations, addresses and facility managers of the selected employees.
- After determining the number of employees on the list at each testing location, ensure that the testing can be accomplished within the testing cycle. Any potential problems should be immediately reported to the DDO.
- Several days before testing is scheduled at a facility, contact the collection contractor and/or the alcohol-testing contractor to coordinate testing. You should provide the collection contractor and/or BAT with the address and specific directions to the testing facility and discuss any special security or other potential building obstacles.
- Provide BAT with name and phone number of contact at the facility.
- Establish time of arrival, number of tests targeted, and projected length of testing with the contractors. Inform the contractors of your availability, location, and a telephone number where you can be reached during the specific testing period.
- Before the contractors are dispatched, notify the facility manager of the time testing is scheduled to begin.
- Instruct the Facility Manager to review his/her program checklist packet and to alert the Site Coordinator.

(CONTINUED)

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

DRUG AND ALCOHOL TESTING CHECK LIST FOR DRUG PROGRAM
COORDINATORS

COMMERCIAL DRIVERS LICENSE HOLDERS (CONTINUED)

- Referring to the Checklist for Site Coordinators, discuss the procedures directly with the Site Coordinator.
- Remind the Facility Manager/Site Coordinator that tests must be conducted under circumstances that ensure the employee's privacy and dignity.
- Immediately report any problems encountered during the testing process to the DDO.

DRUG AND ALCOHOL TESTING GUIDE

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

DRUG TESTING CHECKLIST FOR SITE COORDINATORS

Some employees located at your facility have been identified for random drug testing by urinalysis. Please be assured that the selection of these employees in no way reflects that the agency has cause to suspect usage of illegal drugs in your facility. The process by which employees are selected is a random selection computer program. The number of employees selected for drug or drug and alcohol testing is determined by a preset percentage. If an employee is unavailable for testing, the next employee on the list will be notified to report for testing. This process continues until the predetermined number of tests for that day is done or the list is exhausted, whichever comes first. You have been selected to serve as the Site Coordinator (SC) for your facility for today's testing.

- Upon arrival at the facility, the collector, who is a contract employee, will provide the official test list (YELLOW COPY) to you. Under no circumstances will any employee not identified on this list be tested. NOTE: The test list contains all employees at your facility who are eligible for random testing today. From that list, a predetermined number will be tested. (See attached instructions for identifying employees for testing.) It is unlikely that everyone on the list will be available for testing today. Some employees will not be available for legitimate reasons such as shift work, training, leave, etc. If a situation should occur where work operations would be seriously affected by testing, you should alert the Drug Program Coordinator (DPC) and the Facility Manager immediately. The maximum number of random tests that will be done on any single day is 24.
- Identify and secure the "best possible" site for testing and employee waiting areas, in consultation with the BAT.
- Contact employee's supervisor approximately 1 hour prior to the actual test identifying their employee that need to be tested. Advise the supervisor to notify the employee 15-30 minutes prior to the actual collection. The supervisor must clearly inform employee of exact time and location to report and to take photo identification.
- If the supervisor informs you that an employee will not be available for testing, annotate the test list with official no show reason (e.g.; working different shift, travel, leave).

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

DRUG TESTING CHECKLIST FOR SITE COORDINATORS (CONTINUED)

- Ask supervisor to remind employees to remove anything that could be used to adulterate, substitute and/or dilute their specimen from their pockets.
- Employees should normally be scheduled to report to the collection site at 15-minute intervals.
- If a employee shows up for testing and states he or she is unable to provide a specimen for a scheduled collection, the collector requests that the donor enter the restroom or stall and attempt to provide a specimen. The employee demonstrates his or her inability to provide a specimen when he or she comes out of the restroom or stall with an empty collection container. A employee cannot verbally state that he or she is unable to provide a specimen. He or she must make an attempt. The collector will note the time of the first attempt on the CCF. If the donor states that he or she could provide a specimen after drinking some fluids, the donor may drink up to 40 ounces of fluid distributed reasonably through a period of up to 3 hours. For example, an 8 ounce glass of water every 30 minutes, but not to exceed a maximum of 40 ounces over a period of 3 hours. However, the donor is not required to drink any fluids during this waiting time.
- Sign and date the annotated official test list and give to the collector for forwarding to the DPC.
- Keep ALL information relating to the test list, e.g., names of employees, number of employees tested, confidential and do not share with anyone.
- Immediately report **any** problems encountered during the collection process to the attention of the DPC and Facility Manager. Any problem encountered during the employee notification process shall be recorded on the official test list.

Attachment (Instructions for Identifying Employees for Testing.)

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

ALCOHOL TESTING CHECK LIST FOR SITE COORDINATORS

Some employees located at your facility have been identified for random alcohol testing. Please be assured that the selection of these employees in no way reflects that the agency has cause to suspect alcohol misuse in your facility. The process by which employees are selected is a random selection computer program. The number of employees selected for drug or drug and alcohol testing is determined by a preset percentage. If an employee is unavailable for testing, the next employee on the list will be notified to report for testing. This process continues until the predetermined number of tests for that day is done or the list is exhausted, whichever comes first. You have been selected to serve as the Site Coordinator (SC) for your facility for today's testing.

- Upon arrival at the facility, the BAT, who is a contract employee, will provide the official test list (SALMON COPY) to you. Under no circumstances will any employee not identified on this list be tested. NOTE: The test list contains all employees at your facility that are eligible for random testing today. From that list, a predetermined number will be tested. (See attached instructions for identifying employees for testing.) It is unlikely that everyone on the list will be available for testing today. Some employees will not be available for legitimate reasons such as shift work, training, leave, etc. Tests are scheduled over a period of time, so that no more than two or three employees should be absent from the worksite at any given time. If a situation should occur where work operations would be seriously affected by testing, you should alert the Drug Program Coordinator (DPC) and the Facility Manager immediately.
- Identify and secure the "best possible" site for testing and employee waiting areas, in consultation with the BAT.
- Contact employee's supervisor approximately 1 hour prior to the actual test identifying their employee that need to be tested. Advise the supervisor to notify the employee 15-30 minutes prior to the actual collection. The supervisor must clearly inform employee of exact time and location to report and to take photo identification.
- If the supervisor informs you that an employee will not be available for testing, annotate the test list with official no show reason (e.g.; working different shift, travel, leave).
- Employees should normally be scheduled to report to the testing site at 15-minute intervals.

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

**ALCOHOL TESTING CHECK LIST FOR SITE COORDINATORS
(CONTINUED)**

- If an employee who is notified to report for testing is unable to provide a sufficient quantity of breath, the BAT will notify you. The employee will be given a reasonable period of time to provide a breath sample. If at the end of the waiting period the employee still cannot provide a breath sample, the BAT will notify the SC and the DPC. The SC/DPC will notify the employee's supervisor.
- Sign and date the annotated official test list and give to the BAT for forwarding to the DDO.
- Keep all information relating to the test list, e.g., names of employees, number of employees tested, confidential and do not share with anyone.
- Immediately report any problems encountered during the testing process to the attention of the DPC and Facility Manager. Any problem encountered during the employee notification process shall be recorded on the official test list.

Attachment (Instructions for Identifying Employees for Testing.)

DRUG OR DRUG AND ALCOHOL TESTING (NON-CDL)

INSTRUCTIONS FOR IDENTIFYING EMPLOYEES FOR TESTING

It is the responsibility of the Site Coordinator (SC) to "work the list" and identify a preset number of employees for random drug or drug and alcohol testing. The following procedure should be used in administering random drug or drug and alcohol tests at all testing locations.

First, the SC will note the preset collection goal. This is printed at the top right-hand corner of the test list, and is the **MAXIMUM** number of employees who will be identified for random testing, per test list, on the particular day in which collections occur. This collection goal is also important because it is used to help the SC determine the approximate amount of time that it should take to complete the collections.

Second, the rule-of-thumb is fifteen minutes per collection, not counting the time it takes to identify the employees to be tested and set up the rest room. The total collection time for drug testing may be extended by three hours in the case where an employee is unable to provide a urine specimen. The SC should identify a window of time that testing should occur. The window of time does not mean that testing should stop at the end of the window. This is just used to identify employees who should be tested. Testing should be complete once the collection goal has been accomplished or all the employees are tested for the day. The window of time should be calculated by taking the goal and multiplying it by 15 minutes and divide that by 60. This will estimate the time it may take to conduct testing.

Third, the identification process starts with the SC determining whether or not the employee name in question is scheduled to be at work during the expected time when collections will be occurring. The SC begins with the first employee name on the test list (which are listed in random order), and determines if that employee will be available for testing. If the answer is 'Yes' then that employee is identified for testing. (The answer would be No if, for example, the total collection time was estimated to last approximately one hour, and the employee was not scheduled to report to work for another six hours.) The SC repeats this question-and-answer process, moving down the list in **SEQUENTIAL ORDER**, for each employee name on the test list until the collection goal, or the bottom name on the list, has been reached, whichever comes first.

Fourth, the SC will notify, using the appropriate supervisors, the employees identified for testing in the **MOST EFFICIENT ORDER** possible. For example, the twentieth employee on the test list could be the ninth name identified, but would be the first person tested if the SC knows that this employee is scheduled to leave work in an hour.

Lastly, in the face of change, the SC must be able to make a proper and fair decision when the need arises. For example, when a test list totaling thirty employee names has been presented, the preset collection goal would be ten. Assume that the SC works

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sequentially through the first twenty-one names to obtain the preset collection goal of ten. However, during testing the SC discovers that the tenth employee designated for testing has become unavailable for testing through the normal exclusionary process (e.g., he/she calls in sick, and will not report to work during the expected collection time-period). Immediately upon this discovery, the SC will go back to the test list, and, beginning at the twenty-second name (where he/she previously left off), choose a new tenth employee for testing. Since the original tenth person was never notified.

Should any questions arise during testing that the SC cannot answer, each test list contains the telephone numbers of the appropriate Drug Program Coordinator, and the Departmental Drug Office.

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

CHECKLIST FOR FACILITY MANAGERS

Some employees located in your facility have been identified for random drug or drug and alcohol testing. Please be assured that the selection of these employees in no way reflects that the agency has cause to suspect usage of illegal drugs or alcohol misuse in your facility. The process by which employees are selected is a random selection computer program. The number of employees selected for drug or drug and alcohol testing is determined by a preset percentage. Please read the information provided to familiarize yourself with the collection process. If you have previously experienced testing at your facility and are already familiar with the process, review the information so that you might provide advice to others who need assistance.

- When random drug or drug and alcohol testing is scheduled to be conducted, the Drug Program Coordinator (DPC) will notify you before the collector and/or BAT is scheduled to arrive.
- You or your management level designee should serve as Site Coordinator. (See Attachment- Checklist for Site Coordinators, and Instructions for Identifying Employees for Testing)
- Upon arrival at the facility, the collector and/or BAT, who are contract employees, will provide the official test list to the Site Coordinator. Under no circumstances will any employee not on this list be tested. NOTE: The test list contains all employees at your facility who are eligible for random testing today. From that list, a predetermined number will be tested. It is unlikely that everyone on the list will be available for testing today. Some employees will not be available for legitimate reasons such as shift work, training, leave, etc. Tests are scheduled over a period of time, so that no more than two or three employees should be absent from the worksite at any given time. If a situation should occur where your work operations would be seriously affected by testing, the Site Coordinator should alert you. The maximum number of random urinalysis drug tests and alcohol tests that will be done on any single day is approximately 24 each.
- All tests must be conducted under circumstances that ensure the employee's privacy and dignity. Information relating to the test lists; e.g., names of employees, number of employees tested, must be kept confidential and will not be shared with anyone.
- Immediately report any problems encountered during the collection process to the attention of the DPC. If you have any questions, call the DPC or the Departmental Drug Office on (202) 366-9440.

2 Attachments (Checklist for Site Coordinators, and Instructions for Identifying Employees for Testing)

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

CHECKLIST FOR SUPERVISORS

Some of your employees have been identified for random drug or drug and alcohol testing. Please be assured that the selection of these employees in no way reflects that the agency has cause to suspect usage of illegal drugs in your facility. The process by which employees are selected is a random selection computer program. The number of employees selected for drug or drug and alcohol testing is determined by a preset percentage. If an employee is unavailable for testing, the next employee on the list will be notified to report for testing, This process continues until the predetermined number of tests for that day are done or the list is exhausted, whichever comes first. Please read this entire Checklist to familiarize yourself with the testing process. If you have previously experienced testing at your facility and are already familiar with the process, review the information so that you might provide advice to others who need assistance. '

On the actual date that random drug or drug and alcohol testing is scheduled to be conducted, your Drug Program Coordinator (DPC) or Site Coordinator (SC) will notify you which of your employees have been selected for testing and the proposed schedule. This information is confidential. The following procedures should be followed in notifying employees of the testing process.

- Approximately 15-30 minutes prior to the actual testing, inform the employee privately, that he/she has been identified through a random selection process for drug or drug and alcohol testing. Clearly inform the employee as to the time and exact location to report for testing and instruct him/her to take photo identification.
- Advise the employee to remove anything that could be used to adulterate, substitute and/or dilute their specimen from their pockets.
- Employees normally will be scheduled to report to the testing site at 15-minute intervals. Coordinate any scheduling changes necessary to maintain work operations with the DPC/SC. Do not make any unilateral changes.
- In no instance will an employee not identified on the official test list, which is maintained by the Site Coordinator during collection/testing, be tested.
- Government contractors, who will ensure the process is properly administered, will perform the testing. Advise employees to be prepared to provide a urine specimen and/or breath sample at the scheduled testing time.
- Give the attached Checklist for Employees, which provides helpful information about the testing process, to scheduled employees.

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

CHECKLIST FOR SUPERVISORS (CONTINUED)

- When an employee selected for random testing is unavailable for legitimate reasons (e.g., working different shift, travel, leave), you must inform the Site Coordinator, who will annotate the random test list to indicate the reason that employee is not being tested.

NOTE: Once a facility has been notified of testing, any leave requests submitted by employees for the testing day should be carefully scrutinized.

- Immediately report any problems encountered during employee notification to the SC. Employees who fail to cooperate with the testing procedures will be subject to disciplinary actions consistent with Departmental regulations. You must obtain guidance from your servicing personnel, labor and employee relations and legal offices in these instances.
- If an employee who is notified to report for testing is unable to provide a sufficient quantity of urine, the SC will notify you. The employee will be given a reasonable period of time to provide a specimen. As a general rule for drug testing, the employee is given 3 hours after the first attempt to provide an adequate urine sample. If the determines that the employee is essential to work operations, he/she may allow the employee to return to the worksite while waiting to provide a specimen. The Site Coordinator will alert you to the fact that the employee has not yet provided a sample, and you should direct him/her to continue to drink liquid. If at the end of the 3 hour period the employee still cannot provide a specimen, the site coordinator will contact you and the employee must be referred to the Medical Review Officer (MRO) for evaluation. If the MRO determines that no medical reason exists for the employee's failure to provide an adequate urine sample, the employee is subject to disciplinary action consistent with Departmental regulations.
- If an employee who is notified to report to testing is unable to provide an adequate breath sample, the SC will notify you. The employee will be given a reasonable period of time to provide an adequate breath sample. If the employee fails to provide an adequate breath sample at the time of testing, the BAT may provide another opportunity to the employee to do so if it is believed that there is a strong likelihood that it could result in providing a sufficient amount of breath. The employee may be allowed up to 3 attempts to provide a sufficient volume of breath. If at the end of the 3 attempts the employee is still unable to provide an adequate breath sample, the site coordinator will contact you and the employee must be referred to the Medical Review Officer (MRO) for evaluation. If the MRO determines that no medical reason exists for the employee's failure to provide an adequate breath sample, the employee is subject to disciplinary action consistent with Departmental regulations.

- If you have any questions or concerns, you should share them with your DPC.

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

CHECKLIST FOR EMPLOYEES RANDOM DRUG TESTING

You have been identified through a process of random selection for drug or drug and alcohol testing. Please be assured that your selection and the selection of other employees in your facility for such testing in no way reflects that the agency has any specific cause to suspect the usage of illegal drugs or alcohol misuse. You have been selected for testing by a random computer program. The number of employees selected for testing is determined by a preset percentage. If an employee is unavailable for testing, the next employee on the list will be notified to report for testing. This process continues until the predetermined number of tests for that day is done or the list is exhausted, whichever comes first. Please take a few minutes to read the following information, which describes your role in the testing process.

- Remove everything from your pockets that could be used to adulterate, substitute or dilute your urine specimen prior to reporting to the collection site.
- Present required photo identification to the collector.
- Remove any unnecessary outer garments, e.g., coat, jacket. All personal belongings (e.g., purse, briefcase) must remain with outer garment(s). You may retain your wallet. When instructed, remove all items from your pockets and show the items to the collector.
- When instructed by collector, wash and dry your hands.
- You may provide the specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. If you are unable to provide a sufficient quantity, you will be given a reasonable period of time to provide an adequate specimen. As a general rule, you will be allowed 3 hours after your first attempt. If at the end of the waiting period you still cannot provide a specimen you will be referred to the Medical Review Officer. If the MRO determines that no medical reason exists for your failure to provide an adequate urine sample, you will be subject to disciplinary action consistent with Departmental regulations.
- Note the temperature reading on the bottle and verify that the temperature was correctly recorded by the collector in the proper space on the form.
- When instructed by the collector, complete the Drug Testing Custody and Control Form. Lastly, read, fill in the information requested, sign, and date the certification statement certifying that the specimen in Bottle A and Bottle B is yours, and came from your body at the time of collection.

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

CHECKLIST FOR EMPLOYEES RANDOM DRUG TESTING (CONTINUED)

- Should the results of the laboratory test for the specimen you give be confirmed positive, the Medical Review Officer (MRO) will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications being taken at this time as a "memory jogger." **THIS LIST IS NOT NECESSARY AND IS SOLELY FOR YOUR PERSONAL USE.** If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 4 Donor) of the Drug Test Custody and Control Form. **DO NOT LIST ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE YOUR COPY WITH YOU.**

- If you have any questions or concerns, share them with the Site Coordinator, your supervisor, or your Drug Program Coordinator.

RANDOM DRUG AND ALCOHOL TESTING PROGRAM

CHECKLIST FOR EMPLOYEES RANDOM ALCOHOL TESTING

You have been identified through a process of random selection for drug or drug and alcohol testing. Please be assured that your selection and the selection of other employees in your facility for such testing in no way reflects that the agency has any specific cause to suspect the usage of illegal drugs or alcohol misuse. You have been selected for testing by a random computer program. The number of employees selected for drug testing is determined by a preset percentage. If an employee is unavailable for testing, the next employee on the list will be notified to report for testing. This process continues until the predetermined number of tests for that day is done or the list is exhausted, whichever comes first. Please take a few minutes to read the following information, which describes your role in the testing process.

- Present required photo identification to the BAT.
- The BAT will inquire if you have consumed any food or drink, or smoked within the past 15 minutes. If the response is positive, you may be asked to wait before proceeding with the test.
- The BAT will explain the testing process before proceeding with the screening test.
- When instructed by the BAT, complete step 2 of the Alcohol Testing Form.
- The BAT will proceed with the alcohol-screening test. If the result is less than 0.02, you and the BAT will complete the Alcohol Testing Form and you may return to your work site. If the result is greater than, or equal to 0.02 you will be required to take a confirmation test.
- If you are required to take a confirmation test, the BAT will instruct you not to eat, drink, smoke or belch during a 15-minute waiting period. This is to prevent any accumulation of mouth alcohol from leading to an artificially high reading. If you do not observe this instruction, you will still be tested at the end of the 15-minute period and it will be noted on the Alcohol Testing Form.
- During the 15-minute waiting period you will be instructed to read a notice concerning instructions if the confirmation **test is** greater than **or** equal to 0.04.
- If the result of the confirmation test is greater than or equal to 0.02 but less than or equal to 0.039, you will be placed-in not-ready-for-duty status. If the result of the confirmation test is equal to or greater than 0.04, you will be subject to disciplinary action.

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- Upon completion of the confirmation test, the BAT will instruct you to complete the Alcohol Testing Form.
- If you fail to provide an adequate breath sample anytime during the screening or confirmation test, you will be given 30 minutes to provide an adequate breath sample. You will be required to remain at the testing site. If at the end of the 30 minutes you still are unable to provide an adequate breath sample you will be referred to the Medical Review Officer (MRO) for evaluation. If the MRO determines that there is no medical reason for the failure to provide an adequate breath sample, you will be subject to disciplinary action consistent with Departmental regulations.
- If you have any questions or concerns, share them with the Site Coordinator, your supervisor, or your Drug Program Coordinator.

SAMPLE LETTER USING STANDARD PARAGRAPHS

NOTICE TO EMPLOYEE SUBJECT TO REASONABLE SUSPICION DRUG
TESTING

[Date]

Subject:

INFORMATION: Notice of Reasonable Suspicion Testing for Illegal Drugs

From: (Supervisor **or** Management-Official)

To: (Employee)

Pursuant to Public Law 102-143, Title V ("the Act"), Executive Order 12564 ("Drug-Free Federal Workplace"), the Department of Transportation (DOT) has initiated a comprehensive program to achieve the goal of a drug and alcohol-free workplace in DOT. This program is set forth in DOT Order 3910. 1D (Drug and Alcohol-Free Departmental Workplace).

It has been determined by agency officials that sufficient grounds exist to authorize collection of a urine specimen and/or breath sample from you on the basis of reasonable suspicion. This drug and/or alcohol test is being performed because management has formed a reasonable belief that you are using illegal drugs and/or misusing alcohol.

[NOTE: The supervisor or management official must provide a separate statement describing all relevant circumstances which formed the basis for the decision to conduct reasonable suspicion drug testing.]

Drug testing for the Department is performed through urinalysis by an independent contract laboratory certified by the Department of Health and Human Services (HHS). The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate. HHS certification provides for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for drugs and confirmation by gas chromatography/mass spectrometry. The initial screen of your specimen will include validity testing which means the specimen is tested for signs of adulteration or substitution.

To assure that the urine sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The total of these procedures is known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A DOT Medical Review Officer (MRO) will review a

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confirmed positive test result reported by the laboratory before a determination is made that an employee has used illegal drugs. You will be given an opportunity to report to the MRO all prescription and over-the-counter drugs you have taken that could explain a positive drug test result.

Alcohol testing for the Department is performed through the use of Evidential Breath Testing, (EBT) devices by an independent alcohol-testing contractor. The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate.

If it has been determined that you are using illegal drugs off duty by means of this drug test or any other means and/or misusing alcohol, you will be provided the opportunity to use the services of the Department's Employee Assistance Program (EAP). Through this program, you will receive counseling and learn about the availability of rehabilitation. Information concerning the EAP may be obtained from your immediate supervisor or by contacting, your local EAP coordinator.

If you are an employee in a critical safety/security position within the meaning of DOT Order 3910. 1D, and it is determined that you are using illegal drugs off duty, or misusing alcohol, you will be assigned to non-safety or non-security duties. You may be returned to safety or security duties when a determination is made that such action would not pose a danger to public health or safety or the national security. In addition, if a determination is made that you are using illegal drugs off duty or misusing alcohol on-duty you will be subject to unannounced follow-up testing for one year after your return to safety or security duties unless it is medically determined that a longer period is required. Refusal to enter or successfully complete a rehabilitation/abatement program will be grounds for removal from the Federal service. If you test positive for drugs a second time as a result of any subsequent drug test or a second determination of illegal drug use by you is made, you also will be subject to removal. If you fail a second alcohol test or a second determination of alcohol misuse is made, you also will be subject to removal.

Refusal to submit to testing or failure to cooperate with the testing procedures will be grounds for disciplinary action, including, in appropriate cases, removal from the Federal service.

If you have other questions after providing a urine specimen and/or breath sample, please contact your servicing personnel office or Drug Program Coordinator.

SAMPLE LETTER USING STANDARD PARAGRAPHS

NOTICE TO EMPLOYEE SUBJECT TO POST-ACCIDENT DRUG TESTING

[Date]

INFORMATION: Notice of Post-Accident Drug Testing

From: (Supervisor or Management Official)

To: (Employee).

Pursuant to Public Law 102-143, Title V (the Act), Executive Order 12564 ("Drug-Free Federal Workplace"), the Department of Transportation (DOT) initiated a comprehensive program to achieve the goal of a drug- and alcohol-free work place in DOT. This program is set forth in DOT Order 3910.1D ("Drug and Alcohol-Free Departmental Workplace").

In conformity with Chapter V, paragraph A.a. of DOT's "Drug and Alcohol Testing Guide," the agency management has determined that sufficient grounds exist to authorize collection of a urine specimen and/or alcohol breath test from you based on possible contribution of your performance to an accident or occurrence which qualifies as a covered event, as defined by paragraph B. I.a.(1 through (c) of the Guide.

Your specimen will be subjected to drug testing performed through urinalysis by an independent contract laboratory certified by the Department of Health and Human Services (HHS). The testing methodology reflects the scientific and technical procedures necessary to assure that results are highly reliable and accurate. HHS certification provides for strict quality control procedures. These procedures include an initial screen of the urine sample for drugs and confirmation by gas chromatography/mass spectrometry. The initial screen of your specimen will include validity testing which means the specimen is tested for signs of adulteration or substitution.

Strict chain of control procedures will be used when collecting and transferring the specimen. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. If the laboratory reports a confirmed positive test result, a Medical Review Officer (MRO) will review it before any determination is made regarding your use of illegal drugs. You will be given an opportunity to report to the MRO all prescription and over-the-counter drugs you have taken that could explain a positive drug test result.

Alcohol testing for the Department is performed through the use of Evidential Breath Testing (EBT devices by an independent alcohol-testing contractor. The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate.

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If a verified positive test result shows that you are using illegal drugs and/or misusing alcohol, you will be provided the opportunity to use the services of the Department's Employee Assistance Program (EAP). Through this program, you will receive counseling and learn about the availability of rehabilitation. Information concerning the EAP may be obtained from your immediate supervisor or by contacting your local EAP coordinator.

If you are an employee in a critical safety/security position within the meaning of DOT Order 3910. 1D, and a confirmed positive test shows that you are using illegal drugs, you will be assigned to non-safety or non-security duties. You may be returned to safety or security duties after a determination is made that your return to those duties would not pose a danger to public health or safety or the national security. In addition, if a determination is made that you are using illegal drugs, you will be subject to unannounced follow-up testing for a period of at least 1 year after your return to safety or security duties. Refusal to enter or successfully complete a rehabilitation/abatement program will be grounds for removal from the Federal service. If you test positive a second time as a result of any subsequent drug test, or if a second determination of illegal drug use by you is made, you also will be subject to removal.

Refusal to submit to testing or failure to cooperate with the testing procedures will be grounds for disciplinary action, including, in appropriate cases, removal.

If you have other questions after providing a urine specimen and/or breath sample, please contact your servicing personnel office or Drug Program Coordinator.

SAMPLE LETTER USING STANDARD PARAGRAPHS

NOTICE TO EMPLOYEE REQUESTING VOLUNTARY DRUG TESTING

(Date)

Subject: INFORMATION: Acknowledgment of Request for Voluntary Drug Testing

From: (Drug Program Coordinator)

To: (Employee)

This notice will acknowledge your recent written request to volunteer for agency drug testing. Executive Order 12564 ("Drug and Alcohol-Free -Federal Workplace"), among other things, requires agencies to establish "a program for voluntary employee drug testing." The Department of Transportation (DOT) has initiated a comprehensive program to achieve the goal of a drug and alcohol-free workplace in DOT. This program, including the program for voluntary employee drug testing, is set forth in DOT Order 39 10. 1D ("Drug and Alcohol-Free Departmental Workplace').

The DPC will schedule a collection of your urine specimen as soon as practicable. Every effort will be made to schedule this collection on the same day that other specimen collections are scheduled at your duty location. You are hereby asked to sign and date the attached statement, acknowledging receipt of this notice. I request that you complete this statement no later than 10 working days after receipt of this notice. Your failure to return the completed statement to me by that time will be viewed as a withdrawal of your request for drug testing.

Drug testing for the Department is performed through urinalysis by an independent contract laboratory certified by the Department of Health and Human Services (HHS). The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate. HHS certification provides for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for drugs and confirmation by gas chromatography/mass spectrometry. The initial screen of your specimen will include validity testing which means the specimen is tested for signs of adulteration or substitution.

To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The total of these procedures is known as the chain of custody. The test result from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the laboratory will be reviewed by a Medical Review Officer (MRO) before a determination is made that an employee has used illegal drugs. You will be given an opportunity to report to the MRO

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all prescription and over-the-counter drugs you have taken that could explain a positive drug test result.

If it has been determined that you are using illegal drugs off duty by means of this drug test or any other means, you will be provided the opportunity to use the services of the Department's Employee Assistance Program (EAP). Through this program, you will receive counseling and learn about the availability of rehabilitation. Information concerning the EAP may be obtained from me or by contacting your local EAP coordinator.

If you are an employee in a critical safety/security position within the meaning of DOT Order 3910.1D, and it is determined that you are using illegal drugs off duty, you will be assigned to non-safety or non-security duties. You may be returned to safety or security duties when a determination is made that such action would not pose a danger to public health or safety or the national security. In addition, if a determination is made that you are using illegal drugs off duty, you will be subject to unannounced follow-up testing for a period of at least 1 year after your return to safety or security duties. Refusal to enter or successfully complete a rehabilitation/abatement program could be grounds for removal. If you test positive a second time as a result of any subsequent drug test or a second determination of illegal drug use by you is made, you also will be subject to removal.

If you have other questions after providing a urine specimen, please contact your servicing personnel office or Drug Program Coordinator.

SAMPLE ACKNOWLEDGMENT OF EMPLOYEE'S RECEIPT OF NOTICE

I acknowledge receiving notice from the DPC concerning procedures for submitting to voluntary agency drug testing and the consequences of a confirmed positive drug test result; substituted or adulterated specimen; or refusing to cooperate with collection procedures.

I understand that failure to sign and return this acknowledgment within 10 working days after receipt of notice will be viewed as a withdrawal of my request for voluntary drug testing.

Printed **or** Typed Name

Signature of Employee

Date

SAMPLE LETTER USING STANDARD PARAGRAPHS

NOTICE TO EMPLOYEES SUBJECT TO FOLLOW-UP DRUG TESTING

[Date]

Subject: INFORMATION: Notice of Follow-up Testing for Illegal Drugs

From: (Supervisor or Management Official)

To: (Employee)

When you elected to enter the Department's Employee Assistance Program, you were advised that you would be subject to follow-up testing for illegal drug use and/or alcohol misuse. You have completed the initial phase of your rehabilitation/abatement program and have been referred for unannounced follow-up testing. When you are notified to report for testing, be prepared to present photo identification to the collector and/or BAT.

Drug testing for the Department is performed through urinalysis by an independent contract laboratory certified by the Department of Health and Human Services (HHS). The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate. HHS certification provides for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for drugs and confirmation by gas chromatography/mass spectrometry. The initial screen of your specimen will include validity testing which means the specimen is tested for signs of adulteration or substitution.

To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The total of these procedures is known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A DOT Medical Review Officer (MRO) will review a confirmed positive test result reported by the laboratory before a determination is made that an employee has used illegal drugs. You will be given an opportunity to report to the MRO all prescription and over-the-counter drugs you have taken that could explain a positive drug test.

Alcohol testing for the Department is performed through the use of Evidential Breath Testing (EBT) devices by an independent alcohol-testing contractor. The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate.

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If you test positive for drugs you will be subject to removal. If you have an alcohol screening test 0.01 or greater, you will be required to take an alcohol confirmation test. If a confirmation test is greater than or equal to 0.01 and less than 0.02, you will be referred to EAP and the MRO for an evaluation to determine whether or not the employee has violated the abstinence requirement. A confirmation result of 0.02 or greater is considered a violation of the abstinence requirement and you will be subject to removal.

If you have other questions after providing a urine specimen and/or breath sample, please contact your servicing personnel office or Drug Program Coordinator.

APPENDIX C

DEFINITIONS

APPENXIC C

DEFINITIONS

Adulterated specimen. A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Air blank. A reading by an evidential breath testing device (EBT) of ambient air containing no alcohol.

Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol concentration (or content). The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath testing device.

Alcohol testing (or Urine Collection) site. The place designated by DOT where individuals are required to present themselves for the purpose of providing breath for alcohol testing, or urine for drug testing.

Alcohol use. The consumption of any beverage, mixture, or preparation, including any prescription or non-prescription medication, containing alcohol.

Breath Alcohol Technician (BAT). A person who instructs and assists individuals in the alcohol testing process and operates the EBT.

Canceled test.

- (1) Drug Testing. The result reported by the Medical Review Officer (MRO) when a specimen has been reported to the MRO as invalid result (and the donor has no legitimate explanation) or rejected for testing, when a split specimen fails to reconfirm, or when the MRO determines that a fatal flaw or unrecovered correctable error exists in the forensic records, or which this Order otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test. A retest is only authorized if a negative test is required (i.e., a return-to-duty, follow-up tests and pre-employment tests).
- (2) Alcohol Testing. An alcohol test that has a problem identified that cannot be or has not been corrected, or which this Order otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test. A retest is only authorized if a negative test is required (i.e., a return-to-duty, follow-up tests and pre-employment tests).

Chain of Custody Document. A form used to document the security of the specimen and all aliquots of a specimen. The document, which may account for an individual specimen, aliquot, or batch, must include the names and signatures of all individuals who handled the specimen or aliquots and the date and purpose of the access.

Collector. A person who instructs and assists donors at a collection site and receives the specimen provided by the donor.

Confirmation test.

- (1) Drug confirmation test. A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.
- (2) Alcohol confirmation test. A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.
 - a. Confirmed alcohol positive test – a confirmation alcohol measurement of 0.04 or greater.
 - b. Not-ready-for-duty – a confirmation alcohol measurement of greater than or equal to 0.02 and less than or equal to 0.039 for pre-employment, random, post-accident and/or post incident and reasonable suspicion test.
 - c. Return-to-duty or follow-up alcohol test – a confirmation alcohol measurement of 0.02 or greater is considered noncompliance with the Treatment/Rehabilitation Plan. A level less than 0.02 requires a medical review to determine non-compliance.

Cutoff. The decision point or value used to establish and report a specimen as negative, positive, adulterated, substituted, or invalid.

Departmental Medical Review Officer (DMRO). A licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving the laboratory results generated by the Department's drug testing program. The DMRO is appointed by the DOT/OST Assistant Secretary for Administration and may be on the staff of another Operating Administration) OA. See Chapter VII for DMRO responsibilities. For purposes of this Order when the term MRO is used, it refers to either the DMRO or Field Medical Review Officer (FMRO).

Dilute specimen. A urine specimen with creatinine and specific gravity values that are lower than expected but are still within the physiologically producible ranges of human urine.

Evidential breath testing device (EBT). A breath testing device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential

testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Field Medical Review Officer (FMRO). In the FAA, physicians in the field are designated as FMRO. FMROs may perform many of the functions of the DMRO within his or her assigned geographical area of responsibility. See Chapter VII for FMRO responsibilities.

Illegal drug use. The use of substances prohibited by law and as described in this Order, including the misuse of prescription or non-prescription drugs, and the use of prescriptions prescribed to another individual. The use of medical marijuana, even if obtained by prescription, is strictly prohibited under this Order.

Incident. An event as defined by OA Orders or Regulations, including, but not limited to, operational deviations, operational errors, runway incursions, or significant events involving a prominent person, or an action that has or may become newsworthy.

Invalid result. The result reported by an HHS-certified laboratory in accordance with the criteria established in Section 3.8 of the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Negative Result. The result reported by an HHS-certified laboratory when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for that drug or drug class and the specimen is a valid specimen.

Performing a safety-sensitive and or security-sensitive function. An employee is considered to be performing a safety- and/or security-sensitive function during any period in which he or she is actually performing, ready to perform, immediately available to perform, just completed performing such functions, or until released from a post-accident or post-incident period or otherwise are in a paid duty status.

Positive Result. The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolites equal to or greater than the cutoff concentration.

Reconfirmed. The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Refusal to submit to testing. An action on the part of an employee that has resulted in a failure to successfully complete a drug or alcohol test without a valid medical explanation.

Rejected for Testing. The result reported by an HHS-Certified laboratory when no tests are performed for a specimen because of a fatal flaw or an unrecovered correctable error.

Screening test (also called an Initial test). In drug testing, an immunoassay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Specimen. Fluid or material collected from a donor at the collection site for the purpose of a drug test. Urine is the only specimen allowed for under the HHS Mandatory Guidelines.

Split Specimen Collection. A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Provider (SAP). Individuals who are authorized to perform SAP functions include:

- (1) a licensed physician (Medical Doctor or Doctor of Osteopathy, *e.g.*, an FAA Flight Surgeon);
- (2) a licensed or certified psychologist, social worker;
- (3) state-licensed or certified marriage and family therapist;
- (4) employee assistance professional with clinical credentials; or,
- (5) addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC); or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).

The above must have knowledge of, and clinical experience in, the diagnosis and treatment of drug- and alcohol-related disorders.

Substituted specimen. A specimen that has been submitted in place of the donor's urine, as evidenced by creatinine and specific gravity values that are outside the physiologically producible ranges of human urine.

Testing Designated Position (TDP). A position with critical safety or security-sensitive responsibilities that is categorized as a safety- or security-sensitive position as provided in Appendix A. Specific testing authority follows:

- (1) Drug-only testing designated positions (TDPs). Executive Order (E.O.) 12564, "Drug-Free Federal Workplace," September 15, 1986, requires drug testing of safety- and security-sensitive positions throughout all Operating Administrations (OAs) within DOT.
- (2) Drug and alcohol TDPs. The Omnibus Transportation Employee Testing Act of 1991 (the Omnibus Act), Pub.L. No. 102-143, Title V, 105 Stat. 952, requires drug and alcohol testing for FAA employees whose duties include responsibility for safety-sensitive functions and for any DOT employee whose position requires a commercial driver's license (CDL). The Omnibus Act does not mandate drug and alcohol testing for other

safety-sensitive employees outside FAA, or for any security-sensitive employees within DOT.

- (3) Non-TDPs. Position functions are not categorized as safety- or security-sensitive. E.O. 12564 permits drug testing of employees in positions other than safety- and security-sensitive positions throughout the Federal government

TDP determination. E.O. 12564 defines as an “employee in a sensitive position as:

- (1) An employee in a position that an agency head designates as Special Sensitive, Critical-Sensitive, or Non-critical Sensitive.
- (2) An employee who has been granted access to classified information or may be granted access to classified information (confidential, secret, top secret).
- (3) Employees serving under Presidential Appointments.
- (4) Law enforcement officers as defined in Title 5 U.S.C. 8331(20).
- (5) Other positions that the agency determines involve a high degree of public trust and confidence, such as law enforcement, national security, the protection of life and property, public health or safety.

Verified positive drug test. A confirmed drug test result from a HHS certified laboratory that has undergone review and final determination by the DMRO and/or FMRO. The DMRO must concur with the FMRO final determination prior to release of the result.