

# Overview of Drug and Alcohol Testing

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The Omnibus Transportation Employees Testing Act of 1991 gives statutory authority to the U.S. Department of Transportation to develop rules requiring drug and alcohol testing programs in the areas of motor carrier, airline, railroads and mass transit. Separate rules were issued for each of the modal areas. Recipients of FTA Sections 5309, 5309 and 5311 funds must comply with rules developed by FTA for safety-sensitive transit employees. These are slightly different than the rules that were adopted by the FHWA, which are followed by all entities who are not recipients of the above FTA funds. The requirements include specific action in the areas of agency policy, education and awareness training, testing, assessment by a substance abuse professional (SAP), record keeping and reporting and certification of compliance.

One set of rules covers anti-drug regulations and a second set covers the misuse of alcohol. The rules state each FTA recipient must develop a policy which covers its anti-drug and alcohol misuse policies and procedures, including applicability, prohibited behavior, circumstances for testing, testing procedures, required employee compliance, consequences and agency contact person.

The FTA rules specify that employees driving, dispatching, performing maintenance on vehicles and directly supervising these employees are covered. It further stipulates that outside contractors performing any such jobs must also be tested, even though they are not employees of the FTA recipient.

Safety sensitive employees must receive training on the effects and consequences of drug use and alcohol misuse. Supervisors must receive two hours of training on the organization's anti-drug policies and recognizing symptoms of use and one hour on alcohol abuse policies and symptoms of abuse.

Safety sensitive workers will be tested for the presence of marijuana, cocaine, opiates, amphetamines and pencylidine (PCP). Alcohol levels of less than .04 but more than .02 means the person is considered impaired while levels equal to or greater than .04 means the person is considered under the influence.

Safety sensitive workers are tested under the following circumstances: Pre-employment or pre-duty; post accident; random (50% of safety sensitive employees in agency or common pool); reasonable suspicion; return to duty after a positive test; follow-up (6 tests in 12 months); and, retest within eight hours for alcohol less than .04 but greater than or equal to .02.

Tests for alcohol must use a specific type of breath testing machine with immediate test result readouts. Drug tests are done using a specifically outlined urine collection process and evaluation only by labs certified by the National Institute on Drug Addiction (NIDA). Results must be evaluated by a Medical Review Officer (MRO).

Any employee testing positive must be referred to a SAP for evaluation. Records must be confidential and kept for periods of time ranging from five years for positive tests to one year for negative tests. The FTA requires recipients to compile and send to FTA an annual report and an annual certification of compliance.

The effective dates for implementation of drug regulations are between six months and one year after publication of the final rules for drug regulations and between one and two years after publication of the final rules for alcohol regulations.

The Federal Highway Administration (FHWA) also issued rules for drug and alcohol testing. FHWA rules cover all persons required to have a commercial driver's license (CDL), which include vehicles over 26,000 pounds and vehicles carrying 16 or more persons including the driver. Some agencies (i.e., human services organizations) that are not FTA recipients may still be covered under FHWA rules.

There are two major differences between the FTA and FHWA rules. Under FHWA, only drivers are covered; this excludes dispatchers, maintenance workers, supervisors and contract employees. Also, agencies must keep records concerning the testing program, but they will not be sent into FHWA on an annual basis. The agencies will retain the records in their files and must produce them for random inspection by FHWA.

For complete information on Drug and Alcohol testing, go to <http://www.fta.dot.gov>.