**FTA Drug and Alcohol
Policy Requirements Checklist***(updated 03/2024)*

**Designated contact person, board adoption**

* Identity of the person, office, branch or position designated by the employer to answer employee questions about the anti-drug and alcohol misuse prevention program
* Approval/adoption by the local governing board of the employer or operator, or other responsible individual with appropriate authority

**Covered Employees**

* Operating a revenue service vehicle, in or out of revenue service
* Maintaining a revenue service vehicle or equipment used in revenue service
* Controlling dispatch/movement of a revenue service vehicle (determined by employer)
* Operating a non-revenue vehicle requiring a CDL
* Carrying a firearm for security purposes
* *Volunteers*:
1. *Must* have CDL to drive vehicle, or
2. Remunerated for service in excess of costs incurred

*\*The policy must include a list of the actual positions/categories covered at your company*

**Prohibited Substances**

* Marijuana
* Cocaine
* Amphetamines
* Opioids
* Phencyclidine

**Prohibited behavior**

* Use of illegal drugs is prohibited at all times
* Alcohol use prohibited 4 hours prior to performing safety-sensitive functions, while on call, and while performing safety-sensitive functions
* Alcohol use prohibited 8 hours after accident or until post-accident test is performed
* Employees are prohibited from performing safety-sensitive functions while having an alcohol concentration of 0.04 or greater

**Pre-employment**

* Negative test before 1st safety-sensitive duty, must be made up if cancelled
* If out of safety-sensitive duty for 90+ days, and out of random testing pool, emp needs DOT pre-employment test with negative result prior to returning to covered duty
* Applicant who previously failed/refused a DOT test must show evidence of treatment
* If employer chooses to require alcohol test*: 1) pre- SS duty, 2) all covered employees 3) after offer of employment/transfer 4) must follow Part 40 regulations 5) BAC < 0.02*

**Random**

* Scientifically valid selection method
* Equal chance of selection on each draw
* No discretion on the part of management/supervisors
* Testing is conducted on all days and hours throughout the year
* Unannounced and immediate
* Alcohol testing only permissible just before/during/just after actual performance of safety-sensitive functions

**Post-accident**

* *FTA Thresholds:*
1. Fatality
2. Medical treatment away from scene, unless driver discounted
3. Disabling damage, unless driver discounted
4. For fixed guideway vehicles only: vehicle removal from service, unless driver discounted
* All other covered employees whose performance could have contributed to the accident
* Readily available (or considered a refusal to test)
* Readily available (testing is stayed while employee assists in resolution of the accident or receives medical attention following the accident)

**Reasonable suspicion**

* Trained supervisor
* Physical signs & symptoms, contemporaneous observation
* Alcohol testing only permissible just before/during/just after SS duty

**Return-to-duty and Follow-up**

* Conducted in accordance with Part 40, Subpart O
* All tests conducted under direct observation
* Follow-up alcohol testing only permissible just before/during/just after actual performance of safety-sensitive functions

**Procedures**

* Policy states all FTA-required testing conducted in accordance w/ 49 CFR Part 40

**Requirement to Submit**

* All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655

**Period of Coverage**

* Drug test – anytime on while on duty
* Alcohol test (random, reasonable suspicion, & follow-up) - Just before, during, or immediately after actual performance of safety-sensitive functions

**Test Refusals**

* Failure to remain until the testing process is complete
* Failure to provide a specimen for a drug or alcohol test
* Failure to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation
* Failure to undergo a medical evaluation as required by the MRO or DER
* Failure to cooperate with any part of the testing process
* Failure to permit an observed or monitored urine drug collection when required
* Failure to follow an observer's instructions to raise and lower clothing and turn around during a directly observed urine drug test
* Possessing or wearing a prosthetic or other device used to tamper with the testing process
* Failure to take a second test when required
* Admitting the adulteration or substitution of a specimen to the collector or MRO
* MRO verified adulterated/substituted sample
* Refusal to sign Step 2 of alcohol testing form
* Failing to appear within a reasonable time

\**For pre-employment, NOT a refusal: Failure to appear, failure to remain at site prior to start of test, aborting collection before test commences*

**Consequences**

* Positive drug or alcohol (above 0.04) test result or test refusal (SAP referral and immediate removal from SS duty required)
* BAC in range of 0.02 to 0.039 (*remove employee from safety-sensitive position*- *apply transit system disciplinary policy if applicable; DOT SAP referral prohibited)*
* Dilute negative: must have fixed policy to retest or not retest (though policy may differ between test types)

**Additional Employer Provisions Allowed**

* Policy delineates between FTA and company policy prohibitions, terms, etc.
* The provisions of the Drug Free Workplace Act of 1988 may be incorporated in the policy statement but must be so identified

***Compliance Tips***

* Effective date of policy-normally found on cover of policy
* Make sure future revisions of a substantive nature also receive Board approval
* Make sure all employees have the most current version of the policy
* Clearly differentiate between FTA and company authority