



**16th Annual FTA Drug and Alcohol Program
National Conference**

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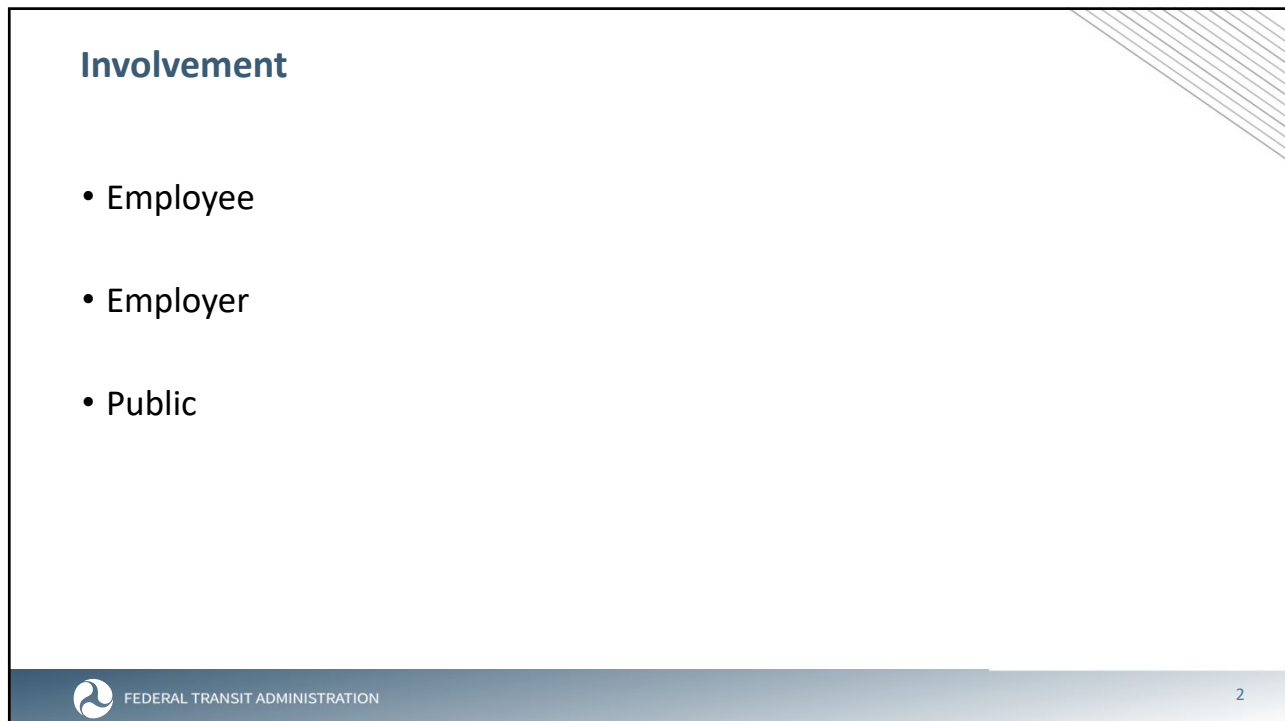
Beating the Cheaters

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Federal Transit Administration



FTA
FEDERAL TRANSIT ADMINISTRATION

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Involvement

- Employee
- Employer
- Public

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Employee

- Continue using
- Keep their job
 - Promotions
- Avoid negative consequences
 - No desire to go through DOT return-to-duty process



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Employer

- Safety
- Compliance with laws and regulations
- Productivity and job performance
- Protecting the employer's reputation



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The Public

- Danger to all passengers
- Assuring their public transportation system is safe



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When are attempts made?

- Drug and Alcohol Testing
 - Before
 - During
 - After



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Employee is prepared

- Resources exist to aid employees in cheating on a test
- Employer needs to be aware of collection site vulnerabilities
 - Plan ahead
 - Minimize opportunities



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Alcohol Testing



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Alcohol Tests – Before

- Delays in testing
- 655.45(h)
 - “Immediately” proceed to testing site



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Alcohol Tests – During

- Delays in testing
- Section 40.241(b):
 - “Ensure that, when the employee enters the alcohol testing site, you begin the alcohol testing process without undue delay.”



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Alcohol Tests – During

- Delays in testing
- Section 40.241(b)(1):
 - “If the employee is also going to take a DOT drug test, you **must**, to the greatest extent practicable, **ensure that the alcohol test is completed before the urine collection process begins.**”



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Alcohol Tests – During

- Canceled test
- Section 40.269(a):
 - “The BAT or STT does not sign the ATF.”



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Alcohol Tests – During

- Canceled test after a confirmation test
- Section 40.269(b):
 - “The BAT or STT fails to note on the ‘Remarks’ line of the ATF that the employee has not signed the ATF after the result is obtained.”



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Alcohol Tests – During

- Canceled alcohol tests are different than canceled drug tests
- Section 40.271(a):
 - As a BAT or STT, you **have the responsibility of trying to complete** successfully an alcohol test for each employee.
 - (1) If, during or shortly after the testing process, you become aware of any event that will cause the test to be cancelled (see § 40.267), you must try to correct the problem promptly, if practicable. You may repeat the testing process as part of this effort.



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Alcohol Tests – During

- Section 40.267:
 - (1) The BAT conducts the confirmation test before the end of the minimum 15-minute waiting period (see § 40.251(a)(1));
 - (2) The BAT does not conduct an air blank before the confirmation test (see § 40.253(a));
 - (3) There is not a 0.00 result on the air blank conducted before the confirmation test (see § 40.253(a)(1) and (2));
 - (4) The EBT does not print the result (see § 40.253(f))



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Alcohol Tests – During

- DAPM's must be equipped with information
- Don't let these type of tests slip away



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Alcohol Tests – After

- Improper EBT Maintenance



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Drug Testing



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Drug Tests

- Before the collection
- During the collection
- After the collection



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Drug Testing - Before



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Drug Tests - Before

- 655.45(h)
 - “Immediately” proceed to testing site

- 40.61(a)
 - “appropriate interval within which the DER has determined the employee is authorized to arrive”



Drug Tests - During

- Subpart E
 - 40.61(c) Employee photo ID
 - 40.61(f) Outer garments
 - 40.61(f)(4) Empty pockets
 - 40.65(a) Insufficient quantity
 - 40.67 Not properly conducting a Directly Observed Test
 - 40.71(b)(7) Initial bottle seals
 - 40.73(a)(1) Sign Step 5 (employee)
 - 40.73(a)(2) Complete Step 4 (collector)
 - 40.73 Ensure that the specimen is secure until pick-up
 - 40.193 Shy Bladder procedures



Drug Tests - During

- Employee's ID
 - Check the photo
 - DOB on CCF match ID?
 - DER's identification *is* acceptable



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Drug Tests - During

- Outer Garments
 - Donor must remove outer garments or loose-fitting garments
 - Jackets, sweatshirts, vests, etc.
 - **Not** down to undershirts/garments
 - Hats? Cowboy boots?



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Drug Tests - During

- Empty Pockets
 - Require removal of all items
 - Collector must watch donor do this
 - Items may be returned immediately
 - Wallet?



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Drug Tests - During

- Insufficient Quantity
 - Carefully check the quantity
 - **Best practice:** Set higher goal if marking the container



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Drug Tests - During

- Improper Direct Observation Procedures
 - Follow the actual protocols
 - Always have same gender collectors available
 - Document
 - Multiple collections
 - Refusal?



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Drug Tests - During

- Initial Bottle Seals
 - Ask for clear writing
 - Initials must match
 - Barcodes must match
 - Watch the donor at all times
 - **Note:** It is not refusal to test if donor declines to initial the bottle seals



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Drug Tests - During

- Proper Paperwork – Step 5
 - Must be completed before Step 4
 - Check the information for accuracy and clarity
 - Recheck date of birth against ID
 - Document if they decline to sign (this is not a refusal to test)
 - Cancelled test if not corrected properly



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Drug Tests - During

- Proper Paperwork – Step 4
 - Collector must complete Step 4 *after* donor completes Step 5
 - Step 4 is a signed statement affirming the accuracy of the process
 - Must be appropriately filled out
 - Cancelled if left blank



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Drug Tests - During

- Secure the collection
 - Both after collection and for pick up
- Know the courier or shipping vendor
 - Know what time they pick up



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Drug Tests - During

- Improper shy bladder procedures:
 - Unsupervised water intake
 - Come in close to closing time
 - Unsupervised waiting time
 - Unclear instructions



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Drug Tests - During

- Improper shy bladder procedures:
 - If the employee refuses to drink fluids, this is not considered a refusal to test



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Drug Tests - During

- Adulterant or substitute
 - Ability to dispose of evidence
- Donors fully monitored by collector



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Drug Tests - During

- Facility secured?
- Only applicable personnel allowed in the testing site?
- Federal procedure followed accurately



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Drug Testing - After



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Drug Tests - After

- Refusals
 - Any refusal must be thoroughly documented
 - DER (sometimes MRO) determines refusal, NOT the collector
 - Document times, conversations, statements, disposition, etc.



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Drug Tests - After

- Timely receipt of test results
 - If required to resend, do so immediately



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Contact me

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