

Random Testing Requirements and Best Practices

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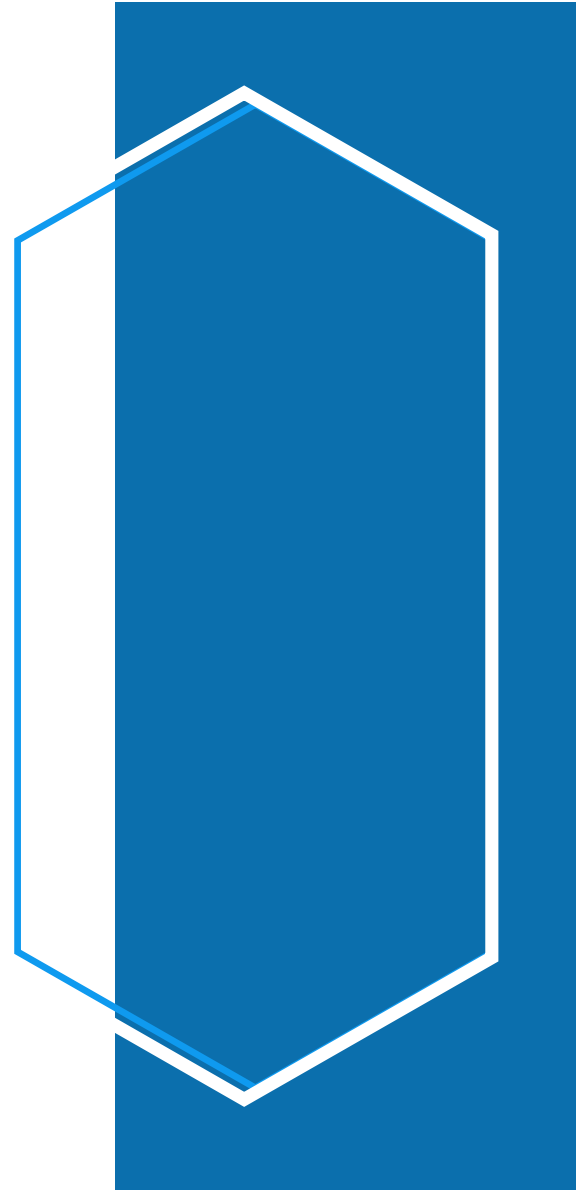


Random Testing 655.45

- ✓ Definitions and Terms
- ✓ Applicability
- ✓ Requirements



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What does “Random” mean for this program?

- Random means chosen without method or conscious decision.
- Random refers to the **selection of the employee** – not to the date and time of the random test.



Random Testing (DOT) - Who is Subject to Random Testing?

Only DOT covered employees in DOT random pool.

- Federal Transit Administration (FTA)
- Federal Motor Carrier Safety Administration (FMCSA)
- Federal Aviation Administration (FAA)
- Federal Railroad Administration (FRA)
- Pipeline and Hazardous Material Safety Administration (PHMSA)
- United States Coast Guard (USCG)

May not mix DOT with non-DOT.

Random Testing (DOT)

Who is Subject to Random Testing?

- Safety-Sensitive employees (FTA-covered employees)
 - Subject to FTA-authorized random testing
 - 655.4 “Covered Employees”
 - “a person, including an applicant or transferee, who performs or will perform a safety-sensitive function for an entity subject to this part. ...”

655.4 Safety-Sensitive Employee Categories (FTA) Employees Subject to Random Testing

- Operating a revenue service vehicle, including when not in revenue service
- Maintaining a revenue service vehicle or equipment used in revenue service
- Controlling dispatch or movement of a revenue service vehicle
- Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver's License
- Carrying a firearm for security purposes

Random Pools

- ✓ Creation
- ✓ Management
- ✓ Compliance



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Create a Random Pool

- MS-Excel Worksheet
- Random Program Management Software
 - Random pool software
 - Existing tools or software from TPA
 - HR software
 - Database
 - Google search – ‘random number generator’
 - 323,000,000 hits



Random Testing - Management

Who manages the random pool?

Who makes selections?

- Employer – can maintain and manage random pool
 - DAPM
 - HR
- Consortium
- TPA

- The Randomness is in the **selection** of the safety-sensitive employee, not in the date & time of the test

What Data Goes in the Pool

- Unique Identifier – uniquely identifies each employee in pool
 - Employee Name
 - SSN
 - Employee ID # / Payroll ID #
 - Random Number Generated ID

- Optional information, if helpful to program manager:
 - DOT Agency
 - Employee Category
 - Department or Location

Random Selection – Method

- 655.45(e) “shall be made by a scientifically valid method”
- “Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.”
- The human hand is not involved.
 - Names **do not** come out of a hat, **nor** are dart board or dice methods used.
- Names **are not** selected because an employee has not been selected in past.

Random Selection – List Generated

- Selection of employees - scientifically valid method
 - Each employee has an equal chance of being selected.
- The selection list includes:
 - Date of selection
 - Identifier
 - Type of test – Drug, Alcohol, or Both
- The selection list is transmitted securely.
 - Limited access

Random testing:

- **May not have multiple active random selection lists at the same time.**
- Can only test off one list.
- Cannot carry over a selection from previous random selection period to the next selection period.

Random Selections – How Often?

- The minimum is quarterly (four times per Calendar Year).
 - Most common:
 - Quarterly
 - Monthly
 - Weekly

- Selection days can vary.
 - They are not always the first day of quarter or first day of month.

How Many Covered Employees

- Minimum required random testing rates:
 - **Drugs:** a number equal to 50%* of covered employees
 - **Alcohol:** a number equal to 10%* of covered employees
 - 100 covered employees = 50 random drug tests
 - 100 covered employees = 10 random alcohol tests
- Need to select a sufficient number to **meet or exceed** the minimum required random testing rates.
 - **Assume some selections will not be tested.**
 - Testing above minimum rates is allowed.

* Rates published annually in Federal Register

Random Selections – How Many?

The average number of FTA-covered employees in your random testing pool(s) at time of random selection.

Example – Using Quarterly Random Selections

- 1st Quarter = 58
- 2nd Quarter = 62
- 3rd Quarter = 63
- 4th Quarter = 60

Total = 243 FTA-covered employees / 4 Quarters = 60.75 covered employees

- 50% Minimum Requirement = 31 Random Drug Tests
- 10% Minimum Requirement = 7 Random Alcohol Tests

No rounding up – 49.8% is under 50%.

Random Selections

- Ensure the random pool is up-to-date prior to selection.
 - Include all current covered employees.
 - New hires, transferees to SS
 - Exclude recent terminations, retirements, etc.
- Only DOT covered employees in random pool
- Update pool as close to random selection as possible
- Selections performed:
 - By Employer?
 - By TPA?

Consortium

- DOT covered employees from multiple employers in same random pool.
- Common examples:
 - FTA grantee with safety-sensitive contractors
 - All subrecipients of a State DOT
 - City/County – FTA Transit and FMCSA Public Works
 - National contractor – National pool (all or regional contracts)
- The consortium pool must be compliant with testing minimums.
 - (50% - Drug; 10% - Alcohol)
 - Individual covered employers may have testing rates below minimum requirements at year-end.
- Each employer in pool must ensure pool is meeting required random testing minimums.

Timing and Notification

- ✓ Notifying employees
- ✓ Reasonable spread
- ✓ After hours and weekend testing



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Random Testing – Notification

- When notified, the employee must proceed immediately to the test site.
 - If the employee is performing safety-sensitive functions, they must cease and proceed to test site.
- The employer must ensure that employee arrives in a timely manner.
 - Do not provide a set time to arrive.
 - Ask collection site to record time of arrival/check-in.
 - Employer may accompany employee – not required.
- If an employee does not proceed directly, it may be a refusal to test.
 - Refusal – employer decision

Random Testing – Notification – When?

- Can notify for random **drug** test anytime safety-sensitive employee is on-duty.
- Can notify for random **alcohol** test only just before, just after or during the performance of a safety-sensitive function.
 - Employee on random selection list – if an employee does not perform a safety-sensitive function, they cannot perform a random alcohol test.
- Selected employee **MUST** be tested during the current random selection period.

DOT/FTA Random Testing

- Employee selected for Drug and Alcohol.
 - The employee may be notified of a drug test one day and an alcohol test another within the same selection period.
 - The employee may be notified on different days, and tested on different days.



Random Testing – End of Shift

Union and Management may negotiate a process:

- Verifiable commitments – Childcare, Medical
- Drug Test – no later than three hours before end-of-shift.
- Does not excuse employee from test.
- Commitments must be reviewed periodically.
- Commitment must be known and documented in advance.

Reasonable Spread

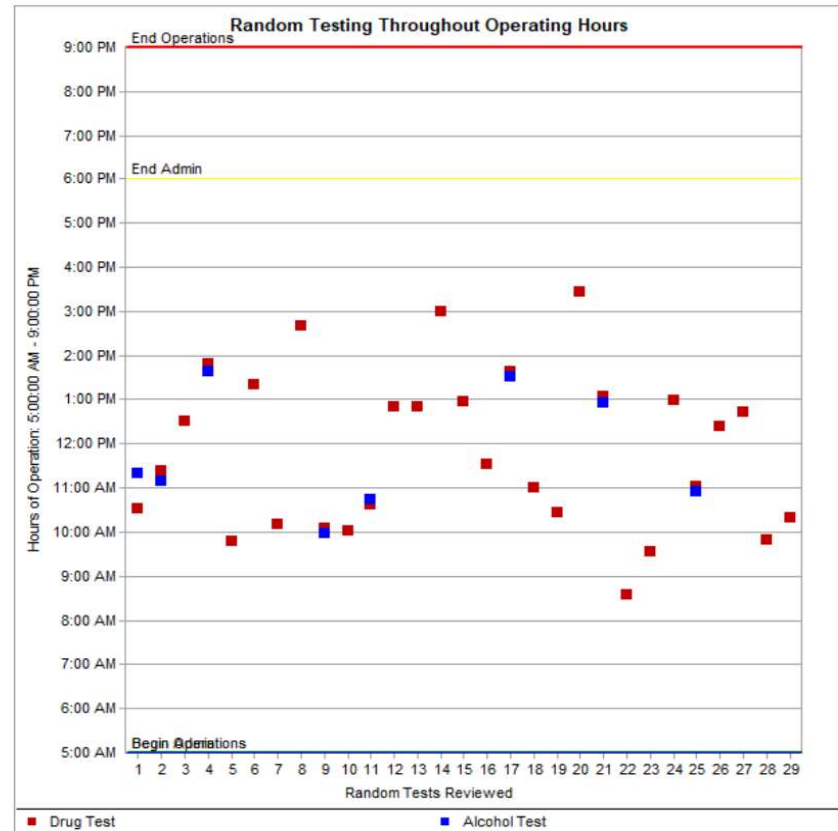
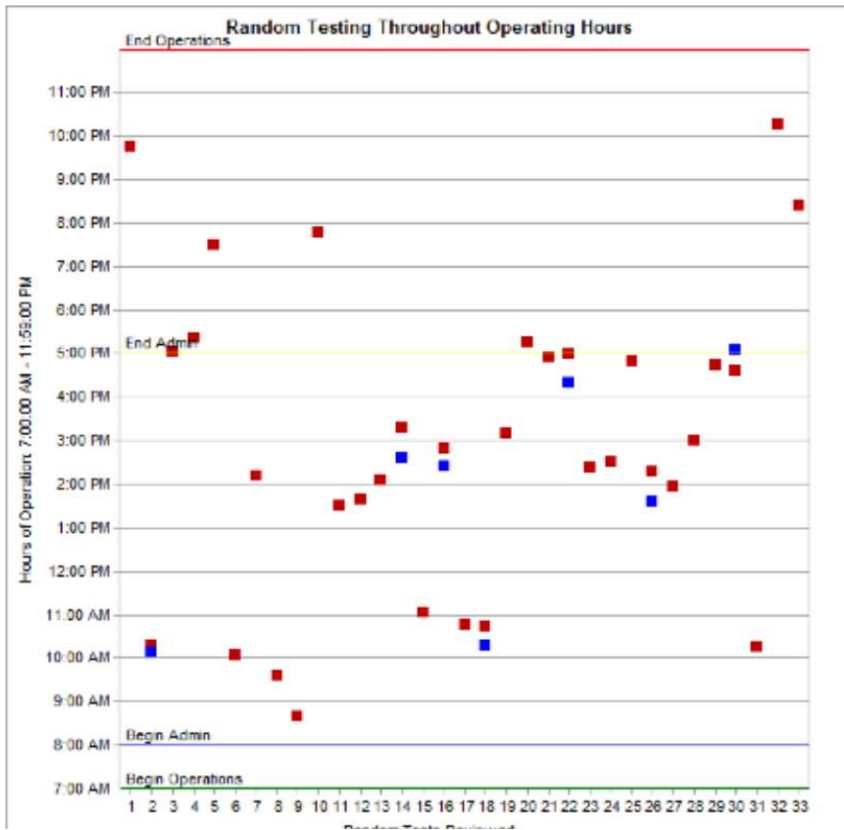
- Random tests must be conducted throughout.
 - Year
 - Days of week
 - Weekend days
 - Holidays
 - Hours of safety-sensitive functions
- This promotes the unpredictability of random testing.
- Must do at least one per quarter, even if you have met minimum yearly requirements.
- No discernable pattern.



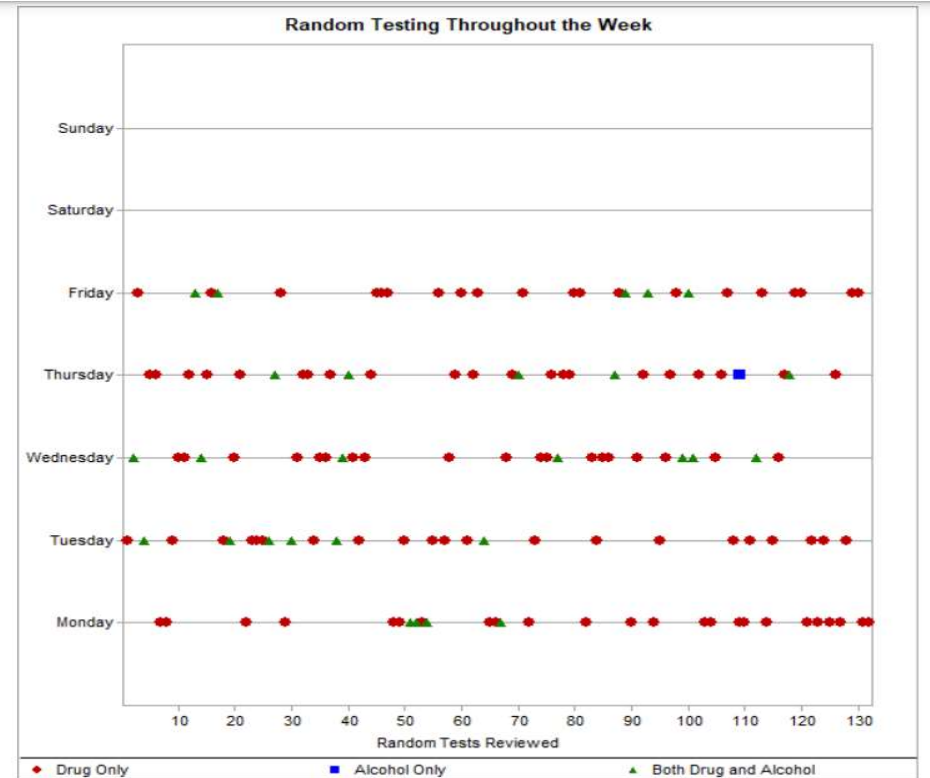
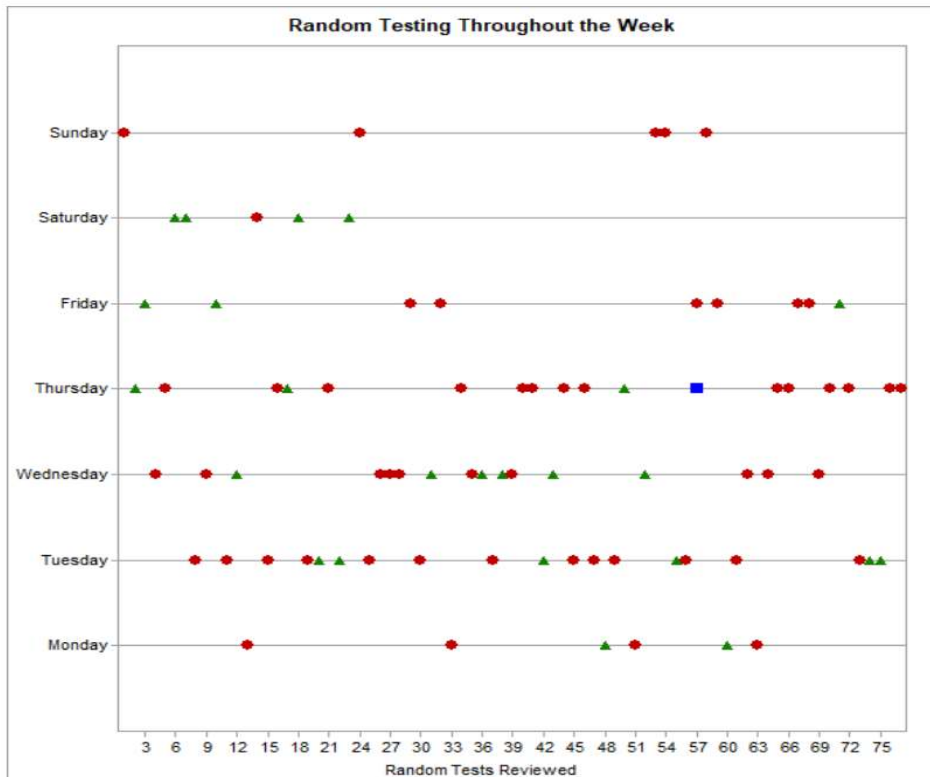
Testing during all hours

- Testing must be conducted during all hours of safety-sensitive functions
 - Early morning
 - Late night
 - Not restricted to DAPM's schedule
- Proportionate to level of service
- Must have collector available for these hours
 - Random
 - Post-Accident
 - Reasonable Suspicion
 - Follow-up

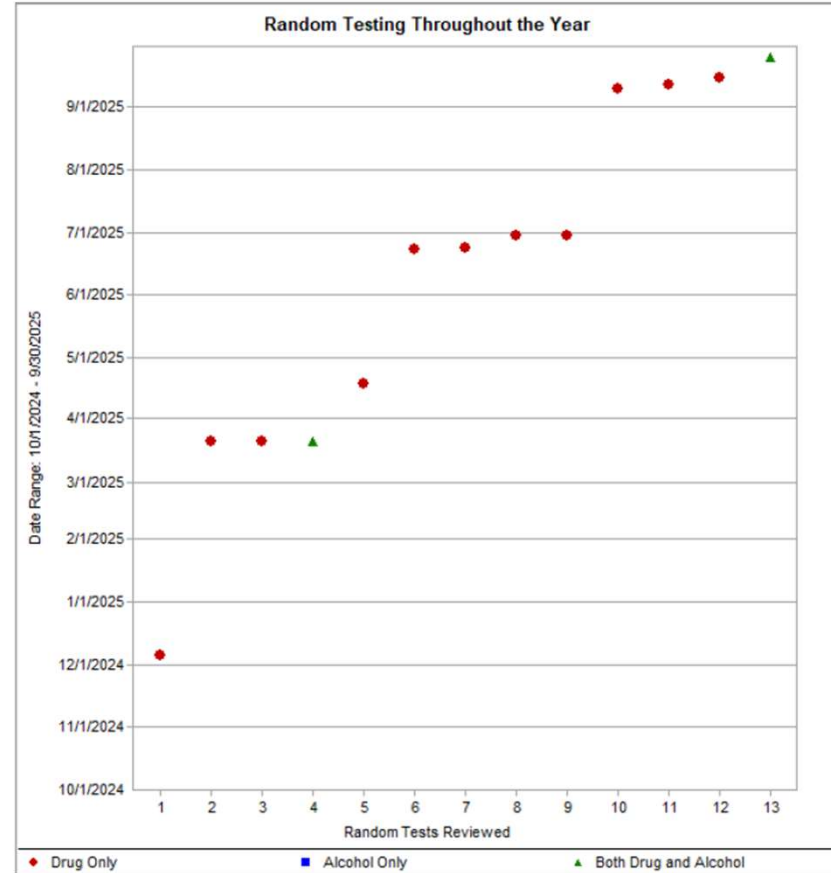
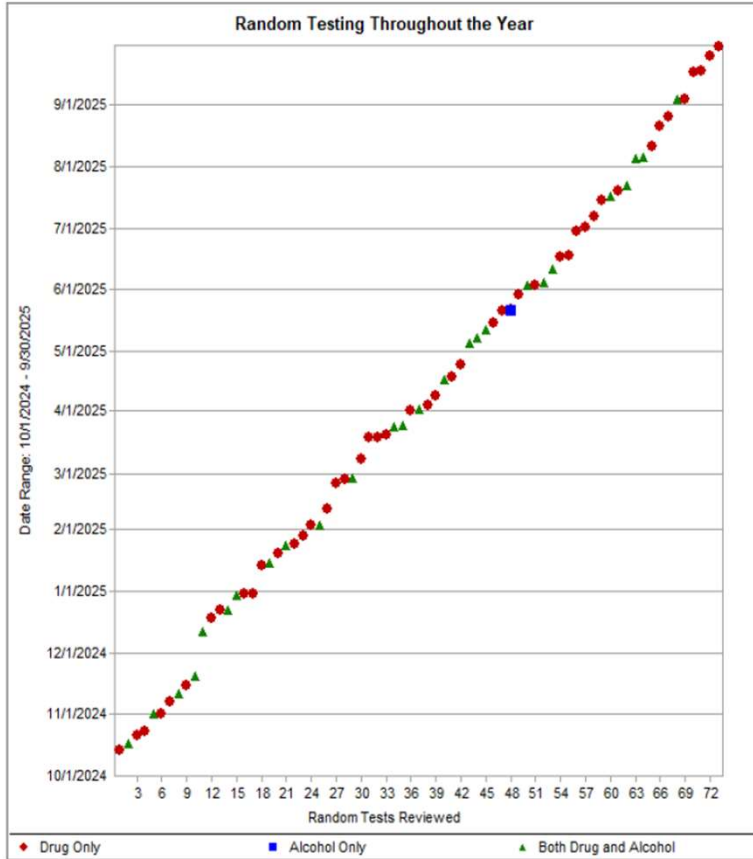
Reasonable Spread – Across the Hours of the Day



Reasonable Spread – Across the Week



Reasonable Spread – Across the Year



Random Chart Generator

- Tools & Resources

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/Default.aspx>

	A	B	C	D	E	F	G	H
1	Employee ID	Test Date	Test Time					
2	Employee 90	1/7/2025	6:32:15 AM					
3	Employee 88	1/27/2025	3:51:47 AM					
4	Employee 70	3/26/2025	4:10:14 PM					
5	Employee 21	4/20/2025	2:38:48 PM					
6	Employee 37	5/12/2025	1:30:35 PM					
7	Employee 87	5/26/2025	3:25:14 AM					
8	Employee 22	5/26/2025	6:39:47 AM					
9	Employee 33	6/11/2025	6:40:33 AM					
10	Employee 61	7/13/2025	8:55:57 PM					
11	Employee 18	7/18/2025	2:35:12 AM					
12	Employee 79	7/20/2025	5:48:26 PM					
13	Employee 62	8/1/2025	5:51:51 PM					
14	Employee 20	8/5/2025	4:14:21 AM					
15	Employee 94	8/27/2025	10:47:20 AM					
16								

Generate Charts

After Hours/Weekends - Solutions

What if collection site is unavailable? Not available during ALL safety-sensitive hours?

- After-hours agreement with collection site
 - May pay a premium
- Agreement with an individual collector
 - May pay a premium
- Does your geographic location have trucking, an airport, a rail station, a port/marina?
- Use a 'Mobile' collector.
- Train and qualify an employee to conduct DOT collections.
- Hospital
 - Ensure DOT qualified collectors.

Additional Details

- ✓ Using TPAs
- ✓ Alternates
- ✓ Record Retention



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Employer – Use of TPA

- The employer should determine date and time of random test.
 - The employer is responsible for ‘reasonable’ spread.
- The employer should be aware of random selection date.
 - The employer should have input of timing of random selections.
- The employer must ensure that random selection list is up-to-date.
 - Revisions to random selection list must occur just prior to selection.



Random Testing – Alternates

- Alternates may be used, however are not required.
- Alternates may only be used if the original employee selected for random testing will **legitimately be unavailable** for remainder of random selection period.
 - e.g., FMLA, Worker's Comp, LoA
- The selection of alternates falls under same requirements as creation of random selection list.
 - An alternate list may be created at time random selection list is generated.
 - An alternate may be randomly selected when it becomes known originally selected employee cannot be tested.

Random Testing – Alternates, cont.

- No requirement to use/select alternate when employee is unavailable.
 - Employer option
- Alternates must be on a list, identified as an alternate.
- Alternates must be tested in same order that were selected.
- Test type (Drug/Alcohol/Both) must be decided via random process; if not, you must use the same test type(s) as assigned to the excused employee.



Random Testing – Record Retention

- One Year – Records of negative drug or alcohol test result.
- Two Years – Documents relating to the random selection process.
- Five Years – Records of covered employee verified positive drug or alcohol test results, documentation of refusals to take required drug or alcohol tests, and covered employee referrals to the substance abuse professional (SAP).



Common Findings



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Random Testing – Common Findings

- No ability to conduct testing outside of administrative hours
 - Must have ability to conduct a DOT random test anytime a safety-sensitive function is performed
- Testing throughout the year, days of the week and hours of the day are predictable
 - Must spread random tests “reasonably” across:
 - Year
 - Days of Week – Weekend, Holiday Testing
 - Hours in which safety-sensitive functions are performed
 - Random tests – proportional to level of service
 - Unannounced and Unpredictable – when random test will occur – no pattern

Random Testing – Common Findings

- The employee is notified/sent for random alcohol – EBT is out-of-service.
 - Must send the employee back to complete the test.
- Employee is unavailable for test during selection period.
 - Document reason why.
- ‘Wrong’ employee sent.
 - When error is discovered, send correct employee (if still within random selection period).



Scenarios



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Scenario 1

The new DAPM, Quincy Magoo, gets the most recent random selection list. By mistake, he sends RVO **Richard John** for a DOT random drug test, when the actual name on the random list is **John Richard**.

- When notified, **Richard John**, who is also safety-sensitive, goes immediately for the random test.
- Upon finding out that he sent the wrong safety-sensitive employee - Quincy wonders what he should do?

What if the result for **Richard John** is a verified positive?

Scenario 2

Dennis Johnson (DJ) is a bus operator for DUB Transit and was just notified by his supervisor to go for a random alcohol test. After notifying DJ, the supervisor gets a call informing him that two of his drivers called in sick. The supervisor needs DJ to do his route as he now has no replacement driver.

The supervisor tells DJ to drive his route and go for the random test later in the day.

Is this okay?

Scenario 3

DJ does go for the random alcohol test but is told by the collection site the lone EBT is malfunctioning, and the alcohol test cannot be performed.

- He calls and tells his supervisor, who then confirms it with the collection site.
- Its 3 a.m. and there are no alternate collections sites available.
- DJ comes back and resumes his route.
- Two days later the supervisor notifies DJ again to go for the random alcohol test.

Is this okay?

Scenario 4

Unreliable Transit (UT) is a small 5307 FTA Grantee.

- They have 10 revenue vehicles and only 30 safety-sensitive employees.
- Their hours of operation are Monday through Saturday - 5 a.m. to 9 p.m.
- Pee Here, LLC is a family-owned local collection facility. They provide great service and are open 7 a.m. to 7 p.m, which is amazing because they are available at all the hours the DAPM works.

Can Pee Here fill all the needs of Unreliable Transit?

Scenario 5

Jesse Pinkman, a mechanic for the local transit company, is sent for a random drug test on Dec. 28, 2025. After discussing it with the lab and Jesse, the MRO, Dr. Goodman, determines the result is invalid and that a retest is required.

The retest occurs on Jan. 4, 2026.

Which year is the test conducted and reported for MIS?

Thank you!

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