What employers are required to have their employees enrolled in federally mandated drug and alcohol program?

Any employer who meets the requirements of the Department of Transportation (DOT) and its Agencies, e.g. Federal Motor Carrier Safety Administration (FMCSA).

What constitutes a DOT FMCSA employee?

When an employee drives one or more of the following:

- Commercial motor vehicle, which means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:
  1. Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
  2. Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
  3. Is designed to transport 16 or more passengers, including the driver; or
  4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

What is a Third Party Administrator (TPA)/consortium?

A TPA/consortium is a business that contracts with an employer and/or municipality or a group of employers/municipalities to assist with their drug and alcohol program which includes a random selection program in accordance with the federal requirements. The TPA/consortium also is capable of managing the municipalities’ Non-DOT drug and alcohol program. If the municipality tests both DOT-FMCSA and Non-DOT employees the random selection pools must be separate. The DOT –FMCSA does not permit Non-DOT employees in a DOT-FMCSA pool. The TPA/consortium randomly selects employees for drug and/or alcohol testing per the DOT annual random rates. Non-DOT employees are tested at a rate decided by the employer and the TPA/consortium.

Who is the Third Party Administrator (TPA)/consortium that takes care of the PSAB drug and alcohol program?

WORKNET Drug and Alcohol Services is the TPA/consortium that takes care of PSAB’s drug and alcohol program. If you need assistance with anything pertaining to your drug and alcohol program, e.g. policy assistance, sample policies, drug and/or alcohol results, etc., you should contact WORKNET Drug and Alcohol Services at 610-916-4781.

Random selections…what are the requirements?

The TPA/consortium selects DOT and Non-DOT employees for drug and/or alcohol testing within a specific time frame, which is established by the TPA/consortium and PSAB. Currently, DOT-FMCSA regulations require that a minimum of 50% of the average annual number of DOT-FMCSA employees in a pool or in a pool of their own will be tested for drugs and a minimum of 10% is tested for alcohol in a given calendar year. The TPA/consortium also supplies Custody and Control Forms (CCFs) for drug testing, finds collection sites, if applicable, supervisor training for Reasonable Suspicion which is mandated per the DOT-FMCSA and consultation to assist the PSAB members municipalities in meeting the DOT-FMCSA regulations or their specific company needs if their employees are Non-DOT.
May I place my DOT and non-mandated (Non-DOT) employees into the same random selection pool?

No, the employees that meet the DOT-FMCSA requirements must have their own random selection program, which must be separate from the Non-DOT. Example of a Non-DOT employee is the Secretary or Manager that drives a municipality vehicle under 26,001 lbs for any given purpose. Non-DOT employees mean that the employee is not required to be in a federally mandated drug and alcohol program. Non-DOT employees may have a drug and alcohol program however this program must be mandated by the employer’s written policy and procedure.

When do you notify the employee of the random test?

It is the employer’s responsibility to ensure that random alcohol and controlled substances tests conducted are unannounced. The employee cannot have advance notice of the test – s/he should not be notified of the test unless s/he can report immediately for the test.

Municipalities to be in full compliance of the DOT- FMCSA regulations for a drug and alcohol program, means what?

All DOT-FMCSA employees must have a drug and alcohol program in place that includes the random selection process. This documentation should be retained however not limited to: randomization program, Pre-Employment drug testing prior to driving a DOT-FMCSA vehicle, check the history of drug and/or alcohol misuse from a previous employer, have a written policy in place with an acknowledgement page, etc.

What if a DOT-FMCSA employee is on layoff or on a leave, e.g. workers compensation injury, medical leave of absence, etc.; what should the municipality do pertaining to the random selection?

If your employee will be out of work and unavailable for testing for more than one (1) selection period, you MUST remove the employee from the pool. Once the employee is removed from the pool for 30 days and the employee returns to work the employee MUST have a DOT pre-employment test, per 49 CFR 382. If an employee is on layoff or otherwise not working, the employee is not available for testing and not eligible to be tested.

What is the difference between a DOT and Non-DOT test?

A DOT test is federally mandated by a set of regulations for safety sensitive employees, e.g. 49 CFR Part 40, 49 CFR Part 382, etc. A DOT drug screen tests a urine specimen which tests for five drugs—opiates, phencyclidine (PCP), amphetamines/methamphetamines, which includes MDMA aka ecstasy, marijuana metabolites and cocaine metabolites.

A DOT CCF is an approved custody and control form which will retain the chain of custody of the urine specimen.

The CCF is used during the collection process which must include a split specimen collection. A split specimen collection is a collection of a minimum of 45mls. of urine which is split into Bottle A and Bottle B (split); Bottle A must have a minimum of 30 mls. of urine and the Bottle B(split) must have a minimum of 15 mls. The specimens are shipped to a federally certified laboratory for testing.
The federally certified lab test the specimen for the presence of the drugs requested and then the result from the federally certified lab send the result to the MRO for review and verification.

The MRO will report the verified result to the designated employer representative (DER) at the municipality via a telephone call and then mail the hard copy of the result and if requested will fax the result to a confidential fax number or email the result encrypted.

A Non-DOT drug testing screen program can mimic the DOT drug test panel and process. It is up-to the employers’ discretion to identify the types of drugs that will be tested. The drugs to be tested should be included in your Drug and Alcohol Policy and Procedure.

**If I am a driver that meets the DOT-FMCSA requirements for drug and alcohol testing program for more than one business do I need to be enrolled in a random program through each employer?**

No, not necessarily if the DOT-FMCSA employee can obtain records from the other business that the business is in compliance with the federal regulations for drug and alcohol testing then the employee does not need to be in two random programs. The only issue is the employee might not be able to obtain this information. If you are not able to obtain or not sure the business is compliant then you should be in each business’ drug and alcohol program.

**If you have a borough employee that is a mechanic who works/test drives commercial vehicles on local and/or state roads, are they required to be part of a DOT –FMCSA drug and alcohol program?**

Yes, even for a test drive off the municipality, the employee need to be of a DOT-FMCSA drug and alcohol program including randomization.

**What do I do when someone tests positive?**

You need to refer to your drug and alcohol policy and procedure to determine the consequences of a positive test either drug and/or alcohol. If you retain a DOT-FMCSA employee you should refer to 49 CFR Part 40 SUBPART O (see link http://www.dot.gov/odapc/NEW_DOCS/part40.html) for guidance. If you terminate the DOT-FMCSA employee you should supply in writing the name, address, and telephone number of a federally certified Substance Abuse Professional (SAP). A listing of federally certified SAPs can be found at [www.saplist.com](http://www.saplist.com).

**Can the same non-DOT employee or DOT-FMCSA employee be randomly selected more than once in a given calendar year?**

Yes, every non-DOT employee or DOT-FMCSA employee if selected is then placed back into the randomization eligible pool.

**Example:** If you are part of a quarterly selection; maximum time a non-DOT employee or DOT-FMCSA employee can be selected is four times a year. The year starts on January 1 and ends on December 31.

**When must I do a DOT-FMCSA Post Accident drug and alcohol test?**
As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for drug and alcohol for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
(2) Who receives a citation within 8 hours for alcohol testing and 32 hours for drug testing of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
   (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
   (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle

**Alcohol tests.** If a test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

**Controlled substance tests.** If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing shall delay the necessary medical attention for injured people following an accident or to prohibit a DOT-FMCSA driver 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.

An employer shall provide DOT-FMCSA drivers with necessary post-accident information, procedures and instructions, prior to the DOT-FMCSA driver operating a commercial motor vehicle (CMV), so that DOT-FMCSA drivers will be able to comply with the requirements of this section.

Example:
**Was the DOT-FMCSA driving one of the following vehicles at the time of the accident?**
- 26,001 lbs or more Gross Value Weight Registered (GVWR) OR
- 16 people including the driver OR
- Placard Hazardous Material Sign

**VEHICLE does NOT Meet the above-mentioned then you can do a non-DOT drug and alcohol test if your drug and alcohol policy and procedure permits you to do so.**

**What time was the accident?**
- A Drug test can be completed up to 32 hours after the accident.
- An Alcohol Test can be completed up to 8 hours after the accident.
If you opt to test after the hours mentioned above you will need to refer to your policy and procedure to see if you are permitted to do non-DOT drug and alcohol testing.

What happened at type of accident occurred?

Was there a Fatality? OR

Citation given to your DOT-FMCSA driver and any vehicle is towed from the scene of the accident? OR

Citation given to your DOT-FMCSA driver and a body removed from the scene of the accident, e.g. Ambulance/Helicopter?

If none of the above occurred then you will need to refer to your policy and procedure to see if you are permitted to do non-DOT drug and alcohol testing.

Is testing required after an accident for a non-DOT employee/driver?

This depends on what you have written in your Drug and Alcohol Policy and Procedures for your non-DOT employees. DOT-FMCSA rules and regulations are for safety sensitive employees that meet the requirements of the DOT-FMCSA.

What can happen if I am not in compliance with the DOT-FMCSA drug and alcohol rules and regulations?

There are many things that might happen from taking trucks out of service, to fines which could be significant and in extreme cases permanently barred from driving commercial motor vehicles.

Why would you want to have a drug and alcohol program for your non-DOT employees/drivers?

In order to have a Drug-free workplace, for safety, possible reduction in injuries, workers compensation claims, medical benefits, etc.

What are the requirements if I am hiring a new DOT-FMCSA employee with respect to our drug and alcohol program?

You are required to have a negative drug test result on your new DOT-FMCSA employee prior to permitting the employee to operate a DOT CMV. Refer to 49 CFR Part 382.301 for more details.

There are also requirements to contact previous employers. Refer to 49 CFR Part 391.23 for guidance with investigations and inquiries.

Where can I find more information?

U.S. Department of Transportation Office of Drug and Alcohol Compliance:

www.dot.gov/odapc


For PSAB’s CDL/Non-CDL Program Participants Section Only

This is what you need to do to make sure WORKNET Drug and Alcohol Services has the proper employees in the random selection program?

You must send any additions/deletions via email to Cicely Calvaresi, Consortium Coordinator, @ ccalvaresi@novacare.com or you may fax the information and/or form to 717-635-3580. You must include the following: Name of employee, SSN or ID #, DOT or non-DOT, add or delete. This information must be sent to the consortium 15 days prior to the next random selection, if possible.
In order to send you a confirmation and your updated eligibility list we request that you email the information and/or form to us. If you need the form please email Cicely.

It is the Designated Employer Representative’s (DER) responsibility to maintain the proper listing of eligible employees for the random process and to notify the TPA/consortium of any changes.

**What information must WORKNET Drug and Alcohol Services have which is pertinent to the municipalities?**

The municipality must provide the DER’s full name, an alternate DER’s name along with their cell phone numbers. If this information should change the municipalities are responsible for updating the information immediately. This information should be sent via email to Cicely Calvaresi, Consortium Coordinator, at ccalvaresi@novacare.com or fax to 717-635-3580.

For PSAB’s CDL/Non-CDL Program participants to make a change or add a new CDL driver, please complete our change form and return it to WORKNET. The form is located on this section of the website.

**When is a Commercial Driver License (CDL) required?**

**Commercial Driver's Licenses - Classes A, B or C**

- **CLASS A (minimum age 18):** A Class A license is issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any combination of vehicles with a gross combination weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds. The holder of a Class A license is qualified to operate vehicles for which a Class B or Class C license is issued. Where required, appropriate endorsements must be obtained.

- **CLASS B (minimum age 18):** A Class B license is issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any single vehicle with a gross vehicle weight rating of 26,001 pounds or more or any such vehicle towing a vehicle having a gross vehicle weight rating of not more than 10,000 pounds. The holder of a Class B license is qualified to operate vehicles for which a Class C license is issued. Where required, appropriate endorsements must be obtained.

- **CLASS C (minimum age 18):** A Class C license is issued to those persons 18 years of age or older who have demonstrated their qualifications to operate any single vehicle with a gross vehicle weight rating of not more than 26,000 pounds or any combination of vehicles, except combination vehicles involving motorcycles, that does not meet the definition of a Class A or Class B vehicle. Where required, appropriate endorsements must be obtained.

**NOTE:** You must be 21 years of age or older to operate a Commercial Motor Vehicle on an interstate (traveling between two or more states). This applies to ALL classes.

In addition to the CDL classes, there are also special endorsements and restrictions that you must have to drive certain types of commercial vehicles. They are:

**Endorsements/Restrictions**
Endorsements – The following authorizations are required when operating vehicles of the type listed:

H - Required to drive a vehicle with hazardous materials placards (you must be 21 years of age).
N - Required to drive a tank vehicle.
T - Required to drive double and triple trailers.
P - Required to drive a vehicle designed to carry 16 passengers or more including the driver (buses).
S - Required to drive a school bus. Designed to carry 11 passengers or more, including the driver.
X - Represents a combination of the hazardous materials and tank vehicle endorsements (you must be 21 years of age).

Restrictions – The following restrictions prohibit you from operating certain type vehicles:

L - Restricts the driver to vehicles not equipped with air brakes.
B - Passenger endorsement restriction – cannot drive Class A buses.
C - Passenger endorsement restriction – cannot drive Class A or B buses.
A - Restricts the driver to driving within an exempt intracity zone (49 CFR §391.62).
Q - Requires the driver to wear corrective lenses.
G - Indicates the driver is qualified medically by operation of 49 CFR §391.62.
V - Indicates the driver has been issued a medical variance.
Y - Requires the driver to wear a hearing aid(s).

* Excerpt from Pennsylvania Department of Transportation Driver & Vehicles Services

Click on the link to review the requirements:
http://www.dmv.state.pa.us/driverLicensePhotoIDCenter/license_classes.shtml

Do I have to have a physical and carry a medical card?
No. You can be asked for a medical card by any officer, but all classes of municipal CDL drivers are exempt from having a medical card per PennDOTs regulations.

PA CODE § 231.85. Drivers employed by State and Local Governments.
Sections 231.31(b)(9) and 231.61—231.66 (relating to qualifications of drivers; and physical qualifications and examinations) do not apply to regularly employed drivers of State and local governments and agencies of State and local governments.

If you have a borough employee that is a mechanic who works on a commercial vehicle and test drive the commercial vehicle on local and/or state roads, are they required to hold a CDL license?

Yes, if the mechanic drive a vehicle that requires a CDL license, even for a test drive.