

CT StateWide Drug and Alcohol Testing Consortium Newsletter

June 2017

Substance Abuse Professional Guidelines

FTA requires employers to provide any covered employee who violates the prohibitions of Part 655 with the name and contact information for local DOT-qualified Substance Abuse Professionals (SAPs). DOT has long held a compliant referral practice includes providing contact information for at least two SAPs (see Section V of DOT's Substance Abuse Professional Guidelines).

The one limited exception to this requirement is where the employer intends to return the employee to safety-sensitive duty after the employee completes the DOT return-to-duty process, and where the employer has a contract or other arrangement with one specific SAP for this process; it is then acceptable to provide the employee with a single contact.

There are two important caveats. First, an employer who chooses to terminate an employee after a second or third violation, and who had previously provided only one SAP referral as allowed above, must now provide information for at least two SAPs. Secondly, for the purposes of DOT drug and alcohol rules, the term "employee" also includes applicants or transferees seeking to begin performing safety-sensitive functions. Accordingly, compliant SAP referrals must be made for individuals who fail or refuse a pre-employment test.

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Electronic Custody and Control Form (eCCF)

“An employer may begin using the eCCF only when the employer’s laboratory has been approved through the HHS National Laboratory Certification Program.”

The Office of Drug and Alcohol Policy and Compliance (ODAPC) issued a final rule on April 13, 2015 allowing employers, collectors, laboratories, and Medical Review Officers (MROs) to use the electronic version of the Federal Drug Testing Custody and Control Form (eCCF) in the DOT-regulated drug testing program.

An employer may begin using the eCCF only when the employer’s laboratory has been approved through

the Department of Health and Human Services (HHS) National Laboratory Certification Program to use a specific eCCF, and the employer has decided to use the eCCF.

HHS posts a list of the most up-to-date approved laboratories that may use the eCCF. To view the latest list, go to:

www.samhsa.gov/workplace/resources/drug-testing/eccf-approved-list

Role of the Substance Abuse Professional

Substance Abuse Professionals (SAPs) play a vital function as gatekeepers for the U.S. DOT’s return-to-duty process. To ensure the integrity of the return-to-duty process, the U.S. DOT prohibits employers, management, unions, SAP referral services, and other stakeholders from interfering with a SAP’s return-to-duty requirements for employees with drug and alcohol violations.

Following an initial evaluation, an SAP is required to devise an education and/or treatment plan for the referred employee.

Only the original SAP may make changes to this plan. Should the SAP determine an employee has complied with the education/treatment plan, a follow-up evaluation letter documenting this determination is issued, as is the SAP’s written follow-up testing plan. Per section 40.307(c), the SAP is the sole determiner of the number and frequency of follow-up tests, and is the sole determiner for whether these tests will be for drugs, alcohol, or both. Other stakeholders are prohibited from altering an SAP’s follow-up testing plan.

Employers, per section 40.307(d)(4), must never impose additional testing requirements—such as tests conducted under company authority that exceed the SAP’s follow-up testing plan. If the SAP determines the employee has not complied with the education/treatment plan, they must issue a follow-up evaluation letter documenting this determination. The employee remains prohibited from performing safety-sensitive duties.

Tracking Post-Accident Testing Delays

“If an alcohol test is not completed within two hours of the accident, the employer must create and maintain a record explaining the delay.”

FTA-authorized testing must occur as soon as practicable following an accident. If an alcohol test is not completed within two hours of the accident, the employer must create and maintain a record explaining the delay. If the alcohol test is not completed within eight hours, testing efforts must cease and the record updated to explain why no test occurred. Post-accident drug tests must be completed within 32 hours.

Decision makers responsible for documenting post-accident testing delays should understand that the two hours is measured from the time of the accident to the time of the alcohol screening test (time recorded on the Alcohol Testing Form) and document delays accordingly.

Hosting Consortium Training

Contact Nhan Vo-Le, Consortium Coordinator, at 860-247-5329 Extension 3009 or nhvole@ghtd.org if you are interested in hosting a Post-Accident training session at your facility in the next few months. Training will be conducted by Occupational Drug Testing Company (ODT).

Designated Employer Representative (DER) & Reasonable Suspicion Training

Friday, June 23rd, 2017
Middletown Transit District
91 N. Main Street
Middletown, CT 06457

10:00 AM – NOON DER Training
1:00 PM – 3:00 PM Awareness
Training (Reasonable Suspicion)
The training will be provided by
ODT.

ODT has developed the DER and Reasonable Suspicion training materials that are tailored to cover the required Department of Transportation (DOT) and Federal Transit Administration content. All items will be covered in a clear and concise manner.

The core objective of on-site training is to effectively teach each of the listed core topics while motivating the attendees to use the new skills to help promote an effective and DOT compliant drug and alcohol testing program.

Contact & Resource Info

Occupational Drug Testing, LLC
www.occupationaldrugtesting.com
Toll Free # 800-211-4469

The Lexington Group
www.the-lexington-group.com
Toll Free # 800-571-0197

Are you aware of the availability of program forms and resource documents on GHTD's website? Go to **www.hartfordtransit.org** Drug and Alcohol Testing Consortium.

Also, checkout the following materials:

What Employers Need to Know About DOT Drug and Alcohol Testing – Rev. June 30, 2015

What Employees Need to Know About DOT Drug and Alcohol Testing – Rev. April 2014
Resources For The Designated Employer Representative (DER)

Lexington Newsletter Spring 2017

FTA Regulation Update Issues

The following FTA website provides a wealth of information such as trainings, newsletters, etc. on the Drug and Alcohol Testing Program that you might find very helpful
www.fta.dot.gov/12533.html

You may also find Title 49 Parts 40 and 655 (FTA regulations on drug and alcohol) by using the Search engine.