Six types of testing are required under the Department of Transportation (DOT) drug and alcohol testing regulations.

The six categories include:
1. Pre-employment (drug test only)
2. Reasonable Suspicion
3. Post-Accident
4. Random
5. Return-to-Duty
6. Follow-up

In addition to the testing required by the FTA, your employer may require additional drug and alcohol testing under its own authority.

Please reference your employer’s substance abuse policy for more information.

**Pre-employment Testing**
The FTA regulations mandate that all applicants for employment in safety-sensitive positions or individuals being transferred into safety-sensitive positions must be given a pre-employment drug test. Safety-sensitive employees are not permitted to begin safety-sensitive duties until they have provided a verified negative drug test result.

When a covered employee has not performed a safety-sensitive function for 90 consecutive days or more and the employee has not been in the random testing pool for that time, the employee will be required to take a pre-employment test. The employee must provide a verified negative drug test result prior to the first performance of safety-sensitive duties. The reason for the absence is not a consideration, however, possible reasons include illness, vacation, jury duty, leaves of absence, workers compensation, Family Medical Leave, or any other purpose that extends 90 consecutive days or more.
Some employers require a pre-employment alcohol test. Please check with your specific employer policy.

**Previous Employer Record Check**
Your employer will make a good faith effort to obtain drug and alcohol testing records for all previous DOT employers over the past two years. If you have worked for any DOT-regulated employer over the past two years, your employer will request your permission to question the employer(s) about your drug testing records. DOT-regulated employers include Federal Transit Administration (FTA), Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), U.S. Coast Guard, and Pipeline Safety.

If you have held a safety-sensitive position under any of these administrations, you will be asked to provide written consent that allows your previous employer to release drug and alcohol testing information. If you refuse to provide this information, your employer will not allow you to perform safety-sensitive functions.

Your employer will make a good faith effort to collect the following information from all DOT employers you have had over the past two years:

- Alcohol test results of 0.04 alcohol concentration or higher;
- Verified positive drug test results;
- Refusals to test;
- Other violations of FTA/DOT rules; and
- As appropriate, documentation of the successful completion of DOT return-to-duty requirements including follow-up tests.

You will also be asked if you have tested positive or refused a test within the past two years on any DOT pre-employment drug or alcohol test administered by a DOT-covered employer for which you did not get the job.

**Reasonable Suspicion Testing**
Safety is the first priority. Drug use and alcohol misuse of any kind is strictly prohibited for employees in safety-sensitive positions. The FTA regulations require a safety-sensitive employee to submit to a test when the employer has reasonable suspicion that the employee has used a prohibited drug or
misused alcohol. The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable, behavior, speech, or body odor of the employee.

All supervisors who are authorized to make reasonable suspicion determinations have received training on the facts, circumstances, physical evidence, physical signs and symptoms, and patterns of performances and behavior that are associated with drug and alcohol use.

If you are instructed to report for reasonable suspicion drug and alcohol testing, you are required to comply immediately. Failure to do so will be considered a refusal to test. Please reference your employer drug and alcohol policy for the consequences of refusing a drug or alcohol test.

Post Accident Testing
The FTA regulations require testing for prohibited drugs and alcohol in the case of certain transit accidents or incidents that meet the FTA definition. Post-accident testing is required when certain criteria are met. Post accident testing is mandatory for accidents where there is a loss of life associated with the operation of a revenue service vehicle. Safety-sensitive employees not present on the vehicle at the time of the accident (e.g. maintenance personnel), whose performance could have contributed to the accident must also be tested. Post accident tests are also required for other non-fatal accidents/incidents in certain circumstances. This is defined as an occurrence with the operation of a vehicle in which:

- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident, and the employee cannot be completely discounted as a contributing factor;

- The mass transit vehicle involved is a bus, electric bus, van or automobile in which one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by means other than its usual manner (i.e. a tow truck or other vehicle) and the employee cannot be completely discounted as a contributing factor; or

- The mass transit vehicle involved is a railcar, trolley car, trolley bus (on a fixed guide way or overhead wire), or vessel, and is removed from operation. This definition does not include rubber-tire look-alike historical trolley buses that operate on surface roads without a fixed
guideway. These vehicles are considered buses under the previous definition.

The term “completely discounted” does not address preventability, charge ability, or accident fault, but rather assesses if the employee in any way contributed to the accident.

For non-fatal accidents, the employer shall test any other safety-sensitive employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the accident.

An “occurrence associated with the operation of a vehicle” means that the accident or incident must be directly related to the manner in which the driver applies the brakes, accelerates, or steers the vehicle. Operation of vehicles includes operation of the lift. An accident could be the result of a collision with another vehicle or pedestrian, or it could be associated with an incident that occurs on the vehicle without any contact with another vehicle (e.g. a passenger falls due to the manner in which the vehicle was operated).

Post-accident drug and alcohol tests must be performed as soon as possible following an accident. If an alcohol test cannot be administered within eight hours following an accident, the employer shall cease to administer an alcohol test and shall maintain records on why the test was not performed. Likewise, if a drug test has not been administered within 32 hours, the employer must cease attempts to conduct the drug test and document why the test was not administered.

Testing for drugs and alcohol following an accident must be performed as soon as possible following the accident, but should in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of the accident to obtain assistance or necessary emergency medical care. However, employees who fail to remain readily available for testing after an accident will be considered to have refused a test.

**Procedures Following an Accident**
The steps to follow in a post-accident situation are summarized in the following illustration:

**Random Testing**

The FTA regulation requires random testing of drugs and alcohol for all safety-sensitive employees. Random testing can identify employees who are using drugs or misusing alcohol, but are able to use the predictability of other testing methods to escape detection. More importantly, it is widely believed that random testing serves as a strong deterrent against beginning or continuing prohibited drug use and misuse of alcohol.

Your employer uses a scientifically valid, random-number selection method to select safety-sensitive employees for testing. The random drug tests to be conducted each year must equal at least 25 percent of the total number of safety-sensitive employees subject to drug testing included in the testing pool. The number of random alcohol tests conducted each year must equal at least 10 percent of the covered employees included in the pool. All safety-sensitive employees in a random testing pool must have an equal chance of being selected for testing and shall remain in the pool, even after being tested. It is possible for an employee to be tested several times in one year, while other employees may not be tested for several years.
Random testing can be performed at all times of the day and all days of the week that you are performing safety-sensitive functions. In other words, you are subject to testing ANY time you are on duty.

When you are scheduled to perform a safety-sensitive function periodically or as needed, you are subject to random testing even if the occurrence is rare or sporadic.

To the greatest extent possible, random testing will be unannounced and unpredictable. Every effort will be made to maximize the privacy of the process. You will be individually and privately notified to report to the collection site. Once you have been notified that you have been selected for testing, you must report immediately to the collection site as directed by and in the time frame indicated by your employer. You will not be given any advance notice.

Zero Tolerance?
Check with your employer to determine if your company has a zero tolerance or second chance policy. If your employer has a zero tolerance policy, you will be immediately removed from duty and terminated if you violate the drug and alcohol policy. You will also be referred to a Substance Abuse Professional (SAP) where you can obtain assistance at your own expense. You will not be allowed to return to work.

Return-to-Duty Testing
For systems with Second Chance Policies, employees may be allowed to return to work following a positive test result. Before any employee is allowed to return-to-duty following any activity that violates the regulations, that employee must first be evaluated by a Substance Abuse Professional (SAP) and pass a return-to-duty test. This test and the SAP’s evaluation of an individual’s return-to-duty status provides some degree of assurance to the employer that,

1. the individual is presently free of alcohol and/or any drugs, and
2. the employee is able to return to work without undue concern about continued substance abuse and risk to public safety.
Before a return-to-duty test is performed, the employee must be evaluated by a SAP to determine if the employee has successfully followed all the recommendations for action by the SAP, including participation in any recommended rehabilitation program. The SAP must recommend an education or treatment program in response to every referral.

Before making the return-to-duty recommendation, the SAP must obtain documentation from the recommended treatment program and confer with treatment professionals regarding the employee’s progress. The SAP must also conduct a face-to-face clinical interview with the employee to determine if the employee has complied with the recommendations. Based on input from the SAP, the return-to-duty decision must ultimately be made by the employer. If the SAP does not believe the individual has successfully complied with the recommended treatment program, the employer must not allow the employee to return to his or her safety-sensitive duties.

Once the SAP has determined that the employee has successfully complied with the treatment recommendations and the employer has decided the individual can return to work, a return to duty test must be performed. The employee must have a negative drug test result and or an alcohol test result of less than 0.02 to return to a safety-sensitive function.

Reference your company policy to determine who will bear the responsibility of payment for the assessment and treatment.

**Follow-up Testing**

Once permitted to return-to-duty, the employee shall be subject to unannounced, follow-up testing for at least 12 months, but not more than 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP on a case-by-case basis as long as a minimum of six tests are performed during the 12 months after the employee has returned to duty.