

Drug and Alcohol Testing Compliance

Instructions: Adoption of Drug and Alcohol Policy

The Federal Transit Administration (FTA) requires 5307, 5309, and 5311 grant recipients and their contractors/transit providers, as applicable to have policies in place that fully explain their drug and alcohol program¹. This document outlines steps to ensure compliance with drug and alcohol policy requirements.

Step	Activity Description	
1	Review the FTA drug and alcohol policy requirements. <ul style="list-style-type: none">✓ Drug and Alcohol Policy Requirements Checklist https://www.transit.dot.gov/regulations-and-guidance/safety/drug-and-alcohol-policy-requirements-checklist✓ 49 CFR Parts 655 and 40 https://transit-safety.fta.dot.gov/DrugAndAlcohol/Regulations/Regulations/default.aspx✓ FTA Policy Builder https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/PolicyBuilder/CreatePolicy.aspx	
2	Determine the appropriate model policy best suited for your transit system.	
	Return-to-Duty Policy <p>The Return-to-Duty Policy allows safety sensitive employees or applicants who test positive on, or refuse to take, a USDOT required drug or alcohol test to complete an evaluation and treatment program provided by a USDOT qualified Substance Abuse Professional (SAP).</p> <p>Employees/applicants are allowed to resume safety-sensitive job functions once the return-to-duty requirements of 49 CFR Part 40, Subpart O are met.</p> <p>See sample template on WisDOT-Transit Compliance Drug and Alcohol Testing Program website.</p>	Zero Tolerance Policy <p>The Zero Tolerance Policy requires the termination or exclusion from hire of safety sensitive employees or applicants who test positive on, or refuse to take, a USDOT required drug or alcohol test.</p> <p>Note: This policy template does not permit employees that complete the return-to-duty requirements of 49 CFR Part 40, Subpart O to resume work at the transit system.</p> <p>See sample template on WisDOT-Transit Compliance Drug and Alcohol Testing Program website.</p>
3	Customize the policy. <ul style="list-style-type: none">✓ Review and customize all components of the selected policy.<ul style="list-style-type: none">○ <u>Underlined sections</u> in the sample templates are additional provisions and are not mandated by the FTA.<ul style="list-style-type: none">i. Customize the underlined language to reflect transit system policy.ii. You may not add requirements that are inconsistent or contrary to the procedures required by 49 CFR Part 655 or 49 CFR Part 40.	

¹ The grant recipient should dictate through its contract with their transit provider, as applicable the minimum policy requirements. The policy adopted by the transit provider must be written and made available to every safety sensitive employee.

Step	Activity Description
	<ul style="list-style-type: none"> ○ Review and customize language in red font and yellow highlight. ○ Insert the applicable contact information on the cover page and within the document. ○ Use “find and replace” to change the word ‘Transit Provider’ to the specific name of your agency.
4	Obtain written approval and adoption from transit system/agency governing authority (e.g., owner, partner, board of trustees, etc.).
5	Provide a copy of the approved policy to WisDOT <i>and</i> the recipient, as applicable.
6	Obtain written acceptance and/or acknowledgement of the policy by WisDOT and the recipient, as applicable. <ul style="list-style-type: none"> ✓ Retain a copy of the written acceptance (in the form of an email, letter or fax) in your records.
7	Provide the following to new and existing employees in safety sensitive positions: <ul style="list-style-type: none"> ✓ A copy of the adopted Drug and Alcohol Policy ✓ Drug and Alcohol Training Information ✓ Employee assistance information
8	Retain a signed copy of the employee <i>Acknowledgement of Policy</i> form in the employee’s training file.
9	Update policy as needed, per federal regulation changes. <ul style="list-style-type: none"> ✓ Clearly specify the revision and approval date. ✓ Obtain approval from transit system/agency governing authority anytime substantive changes are made to the policy. ✓ Provide a copy of the up-to-date policy to: safety sensitive employees, recipient and WisDOT. ✓ Review the adopted drug and alcohol policy at least once a year to determine if modifications are necessary. Document the date of the review in the <i>Policy Update-Activity Log</i> section.

References

- ✓ WisDOT Transit Compliance – Drug and Alcohol Testing Program
<https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/d-and-a.aspx>
- ✓ 49 CFR Parts 655 and 40
<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Regulations/Regulations/default.aspx>
- ✓ Drug and Alcohol Policy Requirements Checklist
<https://www.transit.dot.gov/regulations-and-guidance/safety/drug-and-alcohol-policy-requirements-checklist>
- ✓ FTA Policy Builder
<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/PolicyBuilder/CreatePolicy.aspx>

If you need assistance, please contact:

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