# **Compliance Checklist – FTA Drug and Alcohol Requirements**

**Instructions:**

Complete this document to ensure compliance with 49 CFR Parts 655 and 40, as amended. Links to USDOT/FTA materials tools and templates are available on the WisDOT Transit Drug and Alcohol website - <https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/d-and-a.aspx>

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| **Transit System** |  |
| **Contact Name:** |  |
| **Email Address:** |  |
| **Date:** |  |
| **Signature:** |  |

| **General** |
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| **Drug and Alcohol Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Do you have access to current versions of 49 CFR Part 655 and 49 CFR Part 40?  |  |  | See WisDOT and/or FTA websites for links to 49 CFR Parts 655 and 40.  |  |
| Do you document that you provide your FTA anti-drug and alcohol misuse policy to all covered employees?  |  |  | Use of a tool such as an **Acknowledgment of Policy** documenthelps ensure compliance with this requirement. |  |
| Does your policy include all elements in §655.15? |  |  | See WisDOT website for sample policy template. |  |
| Do you ensure that only employees that perform safety-sensitive functions as defined in §655.4 are subject to FTA testing?  |  |  | See WisDOT website for sample policy template. |  |
| Do you ensure all safety-sensitive employees receive at least 60 minutes on the effects and consequences of prohibited drug use? |  |  | See WisDOT and/or FTA website for links to FTA compliant training.  |  |
| Do you ensure all employees authorized to initiate FTA reasonable suspicion testing receive at least 60 minutes of training on the indicators of probable drug use, and at least 60 minutes of training on the indicators of probable alcohol misuse. |  |  | See WisDOT and/or FTA website for links to FTA compliant training. |  |
| Do you ensure DOT testing is completely separate from non-DOT testing (if applicable)?  |  |  | Use of a tool such as an **Order Form – Drug and Alcohol Testing** documenthelps ensure FTA Testing Authority is checked correctly on CCFs and ATFs. |  |
| Do you ensure the DOT CCF and ATF are *only* used for DOT (FTA) testing, and are *always* used for DOT (FTA) testing?  |  |  | Use of a tool such as an **Order Form – Drug and Alcohol Testing** documenthelps ensure FTA Testing Authority is checked correctly on CCFs and ATFs. |  |
| Do you review CCFs and ATFs for errors, and correct, if appropriate? |  |  | Use of a tool such as **CCF and ATF Review Checklist** and **Affidavits of Correction** helps ensures DOT/FTA CCF and ATFs are conducted in accordance with DOT/FTA testing requirements.  |  |
| Do you inform the employee of the testing authority (i.e., FTA authority, company authority) before performing the test?  |  |  | Use of a tool such as an **Order Form – Drug and Alcohol Testing** document helps ensure the applicant/employee is appropriately notified of test type and testing authority.  |  |
| Do you provide all information required by §40.14 to the Collection Site for each DOT/FTA test?  |  |  | Use of a tool such as an **Order Form – Drug and Alcohol Testing** document helps ensure the Collection Site administers tests per DOT/FTA requirements.  |  |
| Do you have a procedure in place to ensure DOT tests can be conducted at all times when safety-sensitive functions may be performed?  |  |  | Review Transit System Drug and Alcohol Policy to ensure testing is available at the Collection Site(s) consistent with Transit System service hours per Transit System Drug and Alcohol Policy. |  |

| **Previous Employer Testing History** (§40.25) / **Pre-Employment Testing** (§655.41, §655.42) |
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| **Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Do you inquire about an applicant’s previous employer testing history in accordance with DOT requirements?  |  |  | Use of pre-employment application documentation ensures applicants meet DOT/FTA pre-employment requirements.  |  |
| Do you ask applicants if they have failed or refused a DOT pre-employment test in the previous two years? |  |  | Use of pre-employment application documentation ensures applicants meet DOT/FTA pre-employment requirements.  |  |
| Do all applicants for a safety-sensitive position take a pre-employment drug test with a verified negative result before first performing a safety-sensitive function?  |  |  | See WisDOT and/or FTA websites for documentation templates to ensure compliance with FTA pre-employment testing.  |  |
| Does pre-employment alcohol testing meet FTA requirements (if applicable)?  |  |  | Use of tools such as the **Order Form – Drug and Alcohol Testing** and **Master Log – Drug and Alcohol Testing (Pre-Employment Worksheet)** helps ensure compliance with pre-employment testing requirements. |  |
| Does any employee who has not performed a safety-sensitive function and has been out of the random pool for at least 90 days take a pre-employment drug test with a verified negative result before resuming safety-sensitive functions?  |  |  | Use of the **Master Log – Drug and Alcohol Testing (Pre-Employment Worksheet)** helps ensure compliance with pre-employment testing requirements. |  |

| **Reasonable Suspicion Testing** (§655.43) |
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| **Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Is the decision to conduct reasonable suspicion testing based on specific, contemporaneous, articulable observations made by a trained supervisor/company official? |  |  | See WisDOT and/or FTA website for information on templates to ensure compliance with Reasonable Suspicion Testing.  |  |
| Are employees only subject to reasonable suspicion alcohol testing just before, during, or just after the performance of a safety-sensitive function? |  |  | Ensure documentation is completed related to when and why a reasonable suspicion test is conducted.  |  |
| If the reasonable suspicion alcohol test is not conducted within (2) two hours, is there a record of the reason for the delay? |  |  | Ensure documentation explains why a reasonable suspicion test was delayed. |  |

| **Post-Accident Testing** (§655.44)  |
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| **Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Do you and all applicable supervisors understand the post-accident testing thresholds/situations? |  |  | Provide Supervisors and authorized Company Officials a copy of the Drug and Alcohol policy and post-accident testing forms to use to ensure testing is conducted and documented in accordance with DOT/FTA requirements. See WisDOT website for post-accident testing guidance information. |  |
| Do you and all applicable supervisors understand the time limits for drug and alcohol post-accident testing? |  |  |  |
| Do you and all applicable supervisors understand the documentation requirements for post-accident testing? |  |  |  |

| **Random Testing** (§655.45) |
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| **Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Do random selections occur at least quarterly?  |  |  | Use of tools such as the **Master Log – Drug and Alcohol Testing (Random Worksheet)** helps ensure compliance with random testing requirements. |  |
| Are random selections made by scientifically valid method?  |  |  |
| Do all employees covered have equal chance of being selected? |  |  |
| Is random testing reasonably spread throughout the calendar year, and across all days of the week and hours of the day that safety-sensitive functions are performed? |  |  |
| Is the random selection list transmitted and maintained in a secure manner? |  |  | Keep and maintain the random selection list in a secure manner.  |  |
| Do you ensure employees notified of selection for random testing proceed immediately to the testing site? |  |  | Compare the time listed on the **Order Form – Drug and Alcohol Testing** with the time on the completed **CCF/ATF** to ensure applicants/employees proceed immediately to the Collection Site upon notification of testing. |  |
| Are employees only subject to random alcohol testing just before, during, or just after the performance of a safety-sensitive function? |  |  | Use of tools such as the **Master Log –Drug and Alcohol Testing (Random Worksheet)** helps ensure compliance with random testing requirements. |  |
| Do you only excuse employees from random testing for legitimate reasons (i.e., employee is unavailable throughout the remainder of the *entire* selection period) and maintain a record of any excusals? |  |  | Document the reason(s) why random testing was not conducted.  |  |
| Do you meet the minimum annual testing rates (50% drug, 10% alcohol)? |  |  | Use of tools such as the **Master Log – Drug and Alcohol Testing (Random Worksheet)** helps ensure compliance with random testing requirements. |  |

| **Non-Negative Test Results** (§655.35, §655.46)  |
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| **Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Do you know what action to take upon notification of:  |  |  |  |  |
| * An applicant/employee’s alcohol test ≥ 0.02, but < 0.04?
 |  |  | The Collection Site will conduct a second test to confirm the results of the initial test.  |  |
| * An applicant/employee’s alcohol test ≥ 0.04?
 |  |  | This is considered a positive test result.Immediately remove employee from safety sensitive duty and refer employee to SAP. Refer applicant to SAP. |  |
| * An applicant/employee’s verified positive drug test?
 |  |  | Immediately remove employee from safety sensitive duty and refer employee to SAP. Refer applicant to SAP. |  |
| * An applicant/employee’s refusal to submit to testing?
 |  |  | Any applicant/employee that refuses to take a drug/alcohol test incurs the same consequences as testing positive and will be immediately removed from safety sensitive duty and referred to a SAP. |  |
| SAP referral must be provided to any applicant or covered employee (including an applicant) who fails or refuses a DOT/FTA drug or alcohol test? |  |  | See WisDOT and/or FTA website for guidance on SAP referral requirements.  |  |

| **Return-to-Duty and Follow-Up Testing** (§655.47) |
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| **Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Are you maintaining a list of Return-to-Duty and Follow-Up-Testing?  |  |  | Use of tools such as the **Master Log – Drug and Alcohol Testing (Return-to-Duty and Follow Up Worksheets)** help ensure compliance with return-to-duty and follow-up testing requirements. |  |
| Do you receive a written evaluation and follow-up testing plan from the SAP? |  |  | Employees returning to safety-sensitive duty following a return-to-duty test will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the **SAP**. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the **SAP**.  |  |
| Is follow-up testing administered according to the SAP’s plan? |  |  |  |
| Are return-to-duty and follow-up tests conducted under direct observation?  |  |  | All return-to-duty and follow-up tests **must** be directly observed. |  |
| Do you know what to do if a return-to-duty or follow-up test is not directly observed? |  |  | All return-to-duty and follow-up tests must be directly observed. Contact the Collection Site immediately if return-to-duty or follow-up testing was not directly observed.  |  |

| **Maintenance of Records** (§655.71) |
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| **Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Are drug and alcohol testing records maintained in a secure location with controlled access? |  |  | Secure drug and alcohol testing records in a secure location with controlled access.  |  |
| What method do you use to maintain testing records? |  |  | Use of tools such as the **Master Log – Drug and Alcohol Testing Spreadsheet Template** helps ensure completeness of drug and alcohol testing records.  |  |
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| Are the following records maintained for at least 5 years? |  |  | Follow record retention requirements per 49 CFR Part 655 and 40, as amended.  |  |
| * Verified positive drug test results
 |  |  |
| * Alcohol tests results 0.02 BAC or greater
 |  |  |
| * Refusals to test
 |  |  |
| * Adulterations
 |  |  |
| * Substitutions
 |  |  |
| * SAP Referrals
 |  |  |
| * SAP Reports
 |  |  |
| * Annual MIS reports submitted to FTA
 |  |  |
| * Return-to-duty and follow-up test results
 |  |  |
| * Documentation of employee disputes
 |  |  |  |  |
| * Employee evaluation and referrals
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| Are the following records maintained for at least 3 years? |  |  | Follow record retention requirements per 49 CFR Part 655.71 - Retention of Records.  |  |
| * Previous DOT employer records request documentation
 |  |  |
|  |  |  |  |  |
| Are the following records maintained for at least 2 years? |  |  | Follow record retention requirements per 49 CFR Part 655.71 - Retention of Records.   |  |
| * Random selection lists
 |  |  |
| * Reasonable Suspicion testing documentation
 |  |  |
| * Post-Accident testing documentation
 |  |  |
| * Employee training documentation
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| Are the following records maintained for at least 1 year? |  |  | Follow record retention requirements per 49 CFR Part 655.71 - Retention of Records.  |  |
| * Verified negative drug test results
 |  |  |
| * Negative alcohol test records (below 0.02 BAC)
 |  |  |  |
| * Employer copy of CCF
 |  |  |  |
| * Test results from MRO
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| * Cancelled drug and alcohol test results
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| **MIS Reporting** (§655.72) |
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| **Requirement** | **Yes** | **No** | **Guidance/Resource Information** | **Transit System Notes** |
| Do you submit by MIS Reports March 15?MIS reporting requirements and instructions is available at:<https://transit-safety.fta.dot.gov/DrugAndAlcohol/DAMIS/default.aspx>  |  |  | Contact WisDOT and/or FTA for guidance on MIS FTA reporting.  |  |
| Does your report contain only FTA drug and alcohol testing information? |  |  |  |
| Do you ensure the accuracy and timeliness of reports submitted?  |  |  |  |