



Drivers with Commercial Driver's Licenses (CDLs) should contact the WisDOT Dept of Motor Vehicles (DMV) for questions on drug and alcohol testing regulated by FMCSA at:  
<https://trust.dot.state.wi.us/eif/emailInq.do?action=lookUpInquiry>

## FTA Required Elements

### Drug and Alcohol Testing Compliance

Recipients of WisDOT public transportation grant funding<sup>1</sup> and their third-party contractors (referred to as 'transit providers'), as applicable are required to comply with the US Dept of Transportation (USDOT) and Federal Transit Administration (FTA) drug and alcohol program requirements per 49 CFR parts 40 and 655, as amended.

This document outlines drug and alcohol compliance tools and resources for recipients and transit providers of FTA funding. The sample templates referenced in this document are available on the WisDOT-Transit Compliance Drug and Alcohol Testing program website - <https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/d-and-a.aspx>

#### 49 CFR parts 655 and 40

- Understand the federal drug and alcohol requirements:
  - [49 CFR Part 40](#) – Procedures for Transportation Workplace Drug and Alcohol Testing Programs
  - [49 CFR Part 655](#) – Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations
- Sign up to receive news and updates electronically by subscribing to USDOT.  
<https://www.transportation.gov/odapc/get-odapc-email-updates>

#### Policy

- Adopt and implement a drug and alcohol policy that complies with 49 CFR parts 655 and 40, as amended.
  - Sample templates are available at:
    - FTA Policy Builder - <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/PolicyBuilder/CreatePolicy.aspx>
    - WisDOT Transit Drug and Alcohol Compliance - <https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/d-and-a.aspx>
    - See sample tool/templates on WisDOT website titled:
      - **Instructions – Adoption of FTA Drug and Alcohol Policy**
      - **Return-to-Duty Policy Template**
      - **Zero Tolerance Policy Template**
      - **Testing Program – Contact Information**

<sup>1</sup> Recipients of Sections 5307, 5309, and 5311 and funding must comply with Federal Transit Administration (FTA) drug and alcohol testing requirements. Recipients that receive Section 5310 funding must comply with Federal Motor Carrier Safety Administration (FMCSA) rules for employees who hold a commercial driver's license (CDL).

- Review and update the drug and alcohol policy on a regular basis to ensure compliance with federal requirements.
- Provide a current copy of the policy to safety-sensitive employees.
  - See sample template on WisDOT website titled:
    - **Acknowledgement of Policy**
- Ensure up-to-date copies of 49 CFR parts 655 and 40 are available to safety-sensitive employees (e.g., post in common areas and provide paper or link to electronic copies upon request).
- Display and distribute employee assistance information and include if available, local community service hotline information.
  - See sample template on the WisDOT website titled:
    - **Employee Assistance Information**

## Training

- Provide 60 minutes of training to safety-sensitive employees on the signs and symptoms of drug and alcohol use and consequences of prohibited drug use on personal health, safety, and the work environment.
  - Online FTA training is available at: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/DrugAwarenessVideo/Default.aspx>
- Provide Reasonable-Suspicion Training to Supervisors.
  - Online FTA training for supervisors is available at: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/ReasonableSuspicion.aspx>
  - Supervisors and/or company officials charged with reasonable suspicion determinations must complete the supervisor training before they can send an employee for a reasonable suspicion test.
    - Document that supervisors/company officials have completed training before being placed in a position to make reasonable suspicion determinations.
      - See sample template on the WisDOT website titled:
        - **List of Supervisors with Reasonable Suspicion Determination Authority**
- See sample templates on WisDOT website to document employee attendance at training sessions:
  - **Training Acknowledgement**
  - **Supervisor Training Acknowledgement**
  - **Employee Training Record**
  - **Employee Training Sign-In Sheet**

## Record Keeping

- Maintain drug and alcohol records consistent with 49 CFR part 40, as amended.
  - Records include but are not limited to previous employer records, test results, test refusals, testing process administration, MIS reports and education and training records.
    - See document on the WisDOT website titled:
      - **Records Retention Requirements**
- Keep records in a secure location with controlled access.

## Reporting

- All recipients that receive public transportation funds through WisDOT, including their third-party contractors/transit providers, must report their drug and alcohol test results to USDOT-FTA.
  - Report drug and alcohol testing results performed under FTA authority on an annual basis, via the federal on-line reporting system called Drug and Alcohol Management information System (MIS) - <https://www.transportation.gov/odapc/MISreporting>
  - MIS Reports under FTA authority must be completed by March 15<sup>th</sup>.

## Testing – General

- Tell your Collection Site, preferably in writing, which agency is authorizing the test (e.g., Federal Transit Authority (FTA), Federal Motor Carrier Safety Administration (FMCSA), or non-DOT).
- Notify an employee of drug and alcohol testing.
  - See sample template on the WisDOT website titled:
    - **Order Form – Drug and Alcohol Testing**
- Monitor the time that elapses between the safety-sensitive employee's notification to appear for testing and the time the test was conducted.
- Record drug and alcohol testing information and results.
  - See sample templates on WisDOT website titled:
    - **Master Log – Drug and Alcohol Testing**
    - **Test Result Summary**
- Review Custody and Control forms (CCF) and Alcohol Testing Forms (ATF) for Collection Site errors.
  - The following documents are sample tools/templates shown on the WisDOT website to ensure CCFs and ATFs are completed accurately by the Collection Site.
    - Drug Tests
      - **CCF Review Checklist**
      - **CCF Drug Test Collection Site – Affidavit of Correction**
    - Breath Alcohol Tests
      - **ATF Review Checklist**
      - **ATF Alcohol Test Collection Site – Affidavit of Correction**
  - When Collection Site errors are discovered, attach affidavits to correct the error or place a note in the file indicating corrective actions by the recipient/transit provider and Collection Site.
- Provide the contact information of at least two qualified Substance Abuse Professionals (SAP) to any applicant or employee who fails or refuses a DOT test.
  - See sample SAP notification procedure template on the WisDOT website titled:
    - **SAP Referral Requirement**

- Document that at the Medical Review Officer's (MRO) request, attempts were made by the DER/DAPM to instruct the safety sensitive employee/donor to contact the MRO immediately.
  - See sample template on the WisDOT website titled:
    - **DER Donor Contact Report.**

### Pre-Employment Testing

- Include the following information in job applications for safety sensitive positions:
  - Applicant Acknowledgement of Pre-Employment Drug Testing
  - Job Application Questions
  - Release of Prior Employer Information
    - Request the previous USDOT-regulated employer's drug and alcohol testing history for all covered employees within 30 days of the employee's start of safety-sensitive duty.
    - See sample job application template on the WisDOT website titled:
      - **Drug and Alcohol Application Documentation.**
- Document Good Faith Effort Information
  - If an applicant's previous USDOT-regulated employer does not respond to the first request for the drug and alcohol testing history within 30 days of the applicant's first performance of safety-sensitive duties, document the good faith efforts (second and third attempts), to get this information.
    - See sample template on the WisDOT website titled:
      - **Good Faith Effort Documentation**
- Document and maintain pre-employment testing information and results.
  - See sample template on the WisDOT website titled:
    - **Master Log – Drug and Alcohol Testing (Pre-Employment Worksheet)**

### Random Testing

All covered employees are subjected to random, unannounced testing.

- Random selections should be made using a scientifically valid method, occur at least on a quarterly basis, with drug and alcohol testing spread reasonably throughout the calendar year in a non-predictable pattern.
- Random testing must be conducted on all days and hours which safety sensitive functions are performed.
  - Random **drug** testing may occur anytime an employee is on duty.
  - Random **alcohol** tests can only be performed just before, during, or just after the performance of a safety-sensitive duty.
- Covered employees are required to proceed immediately to the Collection Site upon notification to report for a random drug and/or alcohol test.
- On a case-by-case basis, consider allowing employees who provide advance, verifiable notice of scheduled medical or child/family care commitments to be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift.

- Each calendar year, USDOT sets minimum random drug and alcohol testing rates - <https://www.transportation.gov/odapc/random-testing-rates>
  - Verify the random testing rate on the USDOT website to ensure random tests are conducted per the federal testing requirements.
- Document random test information and results.
  - See sample templates on the WisDOT website titled:
    - **Master Log – Drug and Alcohol Testing (Random Worksheet)**
    - **Master Log – Drug and Alcohol Testing (Summary Data Worksheet)**

### **Reasonable Suspicion Testing**

- Ensure reasonable suspicion determinations are based on observable and contemporaneous signs and symptoms of drug or alcohol use.
- Supervisors and/or company officials charged with reasonable suspicion determinations must complete supervisor training before they can send an employee for a reasonable suspicion test.
- See sample templates on the WisDOT website related to reasonable suspicion testing:
  - **Reasonable Suspicion Determination Report**
  - **Reasonable Suspicion Information Sheet**
  - **List of Supervisors with Reasonable Suspicion Determination Authority**
  - **Supervisor Training Acknowledgement**
  - **Master Log – Drug and Alcohol Testing (Reasonable Suspicion Worksheet)**

### **Post-Accident Testing**

- Use a post-accident decision making flow chart to determine whether USDOT post-accident drug and alcohol tests need to be performed.
  - See document on WisDOT website titled:
    - **Post-Accident Decision Making Flow Charts**
  - If the accident does not involve a fatality, and the driver can be discounted as a contributing factor to the accident, do not conduct post-accident testing.
- Document information on the accident and/or incident and the deciding factors to send the safety sensitive employee(s) to testing.
  - See sample template on the WisDOT website titled:
    - **FTA Post-Accident Summary Report**
- Specify the correct testing authority (e.g., FTA or non-USDOT/company authority) and test type (e.g., post-accident) on a document such as a Test Order Form.
  - Ensure the Collection Site uses non-USDOT testing forms for tests conducted under the company/employer's authority.
  - See sample template on the WisDOT website titled:
    - **Order Form – Drug and Alcohol Testing**
- Document post-accident test information.
  - See sample template on the WisDOT website titled:
    - **Master Log – Drug and Alcohol Testing (Post-Accident Worksheet)**

### **Return-to-Duty Testing (after a testing violation)**

- Ensure Collectors directly observe all return-to-duty specimen collections. This should be noted in the “remarks” section of the Custody and Control Form (CCF).
  - If the Return-to-Duty test is not observed, the test must be cancelled and redone.
- Document return-to-duty test information.
  - See sample template on the WisDOT website titled:
    - **Master Log – Drug and Alcohol Testing (Return-to-Duty Worksheet)**

### **Follow-Up Testing (after a testing violation)**

- Ensure Collectors directly observe all follow-up specimen collections. This should be noted in the ‘remarks’ section of the Custody and Control Form (CCF).
  - If the Follow-Up test is not observed, the test must be cancelled and redone.
- Document follow-up test information.
  - See sample template on the WisDOT website titled:
    - **Master Log – Drug and Alcohol Testing (Follow Up Worksheet)**
- Ensure follow-up testing is conducted in accordance with the Substance Abuse Professional’s (SAP) follow-up testing plan.
- Ensure at least (6) six tests are conducted within the first year (rolling 12 months) of the employee’s return to performing a safety sensitive duty after a positive test result or test refusal.

### **Service Agent/Contractor Oversight**

- Recipients of public transportation funds are responsible for ensuring that all persons that perform DOT drug and alcohol testing services for them comply with 49 CFR parts 655 and 40, as amended.
  - This includes the work of transit providers, Collection Sites (e.g., local medical clinics, hospitals, etc.), laboratories, Medical Review Officers (MROs), and Substance Abuse Professionals (SAPs).
    - See document on WisDOT website titled:
      - **Testing Program – Contact Information**
  - Collection Site Oversight
    - The following documents are sample tools/templates on the WisDOT website for use by the recipient/transit provider to ensure CCFs and ATFs are completed accurately by the Collection Site.
      - Drug Tests
        - **CCF Review Checklist**
        - **CCF Drug Test Collection Site – Affidavit of Correction**
      - Breath Alcohol Tests
        - **ATF Review Checklist**
        - **ATF Alcohol Test Collection Site – Affidavit of Correction**
      - Additional information on Collection Site Oversight is available on the FTA website.
  - Recipients that contract with transit provider for transportation services must provide contractor oversight to ensure compliance with US DOT drug and alcohol requirements.

## Resources

- WisDOT-Transit Compliance Drug and Alcohol Testing program website - <https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/transit/compliance/d-and-a.aspx>
- US DOT Office of Drug and Alcohol Policy and Compliance <https://www.transportation.gov/odapc>
  - Important links (e.g., annual random DOT testing rates, approved evidential alcohol testing devices, certified labs, MIS reporting instructions, etc.).
  - Handbooks, videos, posters, brochures (e.g., employer handbook, employee handbook, Collection Site security and integrity, etc.).
- FTA Drug and Alcohol Compliance Checklist
  - See document on the WisDOT website titled:
    - **Compliance Checklist – Drug and Alcohol Requirements**

## Need Help?

For more information, contact:

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