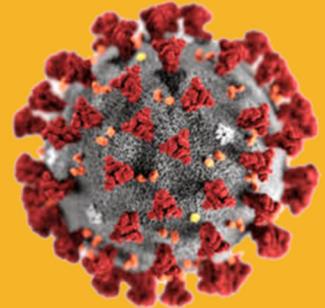




TEAMSTERS SAFETY & HEALTH Coronavirus



US Department Of Transportation Guidance on Compliance with Drug and Alcohol Testing Regulations

(Updated March 26, 2020)

This is a rapidly evolving situation. This fact sheet will be updated online as needed. See links at the end of this fact sheet for the most up-to-date information.

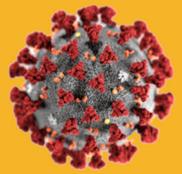
COVID-19 CRISIS

As the COVID-19 crisis spreads across the United States, motor carriers and commercial drivers may find it increasingly difficult to access drug and alcohol testing facilities typically used during normal times. The Department of Transportation–Federal Motor Carrier Safety Administration provided regulatory guidance to motor carriers and employees to facilitate compliance with the regulations.

Motor carriers must comply with applicable drug and alcohol testing regulations and must make a reasonable effort to locate the necessary resources for their testing programs:

- Collection Sites
- Breath Alcohol Technicians (BAT)
- Medical Review Officers (MRO)
- Substance Abuse Professionals (SAP)

The DOT recommends as a best practice that employers consider mobile collection services if fixed-facility collection sites are unavailable. If State or locally mandated quarantine or facility closures preclude employers from conducting testing, employers must continue to comply with other regulatory requirements concerning documenting the reason(s) why testing was not conducted. It should be noted that for certain types of tests, employers may be permitted to conduct the testing at a later date, e.g., random testing and follow up testing.



RANDOM TESTING

Motor carriers are advised to perform random testing at least quarterly. You are required by 49 CFR 382.305(k) to ensure that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year. If a motor carrier is unable to perform random testing to meet the minimum testing rate of 50% for drug testing and 10% for alcohol testing, as a result of the COVID-19 crisis, FMCSA recommends that carriers conduct testing at a rate that allows them to meet the testing rate by the end of the year. If a carrier is unable to make up the necessary tests by the end of the year, documentation explaining the cause(s) should be maintained. The documentation should also provide information detailing efforts made by the carrier to meet the minimum requirements.

POST-ACCIDENT TESTING

Drivers who are involved in an accident, as defined in 49 CFR 382.303 must submit to drug testing within 32 hours and alcohol testing within 8 hours of the accident. If a driver is unable to be tested as a result of the COVID-19 crisis, the motor carrier is required to document, in writing, the specific reasons why the test could not be conducted and any actions that were taken to locate an alternative testing site or other actions to mitigate the disruption to the testing process.

REASONABLE SUSPICION TESTING

Motor carriers are required to conduct reasonable suspicion testing if the carrier has documented observations that are consistent with indicators of intoxication. If the testing cannot be conducted as a result of the COVID-19 crisis, the employer should document, in writing, the specific reasons why the test could not be conducted. Documentation must include any efforts made by the employer to conduct the testing, e.g., trying to locate an alternative collection site. This documentation should be provided in addition to the documentation of the observations leading to a test, as required by 49 CFR 382.307(f).

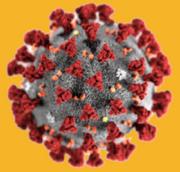
RETURN-TO-DUTY (RTD) TESTING

If a motor carrier is unable to conduct return-to-duty testing as a result of a driver having violated the drug and/or alcohol testing regulations, the driver is not allowed to perform safety-sensitive job functions until a test is conducted and there is a negative test result.

FOLLOW-UP TESTING

If testing cannot be completed, you should document in writing the specific reasons why the testing could not be conducted in accordance with the follow-up testing plan; you should include any efforts you made to mitigate the effect of the disruption, such as trying to locate an alternative collection site. You should conduct the test as soon as practicable.¹

¹ Federal Motor Carrier Safety Regulations, 49 CFR 382.311



PRE-EMPLOYMENT TESTING

If a motor carrier is unable to conduct a pre-employment controlled substances test, in accordance with 49 CFR 382.301(a), the prospective employee is prohibited from performing safety-sensitive job functions until he/she has been tested and the motor carrier receives a negative pre-employment test result, unless the employee participated in a DOT-compliant testing program within the past 30 days.