U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

Aerospace Medicine Policy

ORDER 9120.1B

12/08/2010

SUBJ : Drug and Alcohol Compliance and Enforcement Inspector Handbook

The Federal Aviation Administration (FAA), Office of Aerospace Medicine (AAM) has prepared this order for Drug Abatement Division (AAM-800) personnel to follow when inspecting and investigating the drug and alcohol testing program of aviation industry employers, contractors, and individuals for compliance with the provisions of 49 CFR part 40, "Procedures for Transportation Workplace Drug Testing Programs;" and 14 CFR part 120, "Drug and Alcohol Testing Program."

Unless otherwise directed by the Drug Abatement Division Manager, inspectors and investigators must adhere to the procedures in this order. The FAA invites comments and suggestions from those who use the order. Input should be submitted to:

Federal Aviation Administration
Office of Aerospace Medicine
Drug Abatement Division (AAM-800)
800 Independence Avenue, S.W.
Washington, D.C. 20591

Frederick E. Tilton, M.D.
Federal Air Surgeon

Table of Contents

Chapter 5. Administrative Information

Chapter 1. General Information

1. Purpose of this Order. This order documents the procedures used by Federal Aviation Administration (FAA) drug and alcohol compliance and enforcement inspectors and investigators to assess the compliance of aviation industry employers with the requirements in the Code of Federal Regulations (CFR). Specifically, the regulatory requirements including the Department of Transportation's (DOT) 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs;" the FAA's 14 CFR part 120, "Drug and Alcohol Testing Program;" and other relevant Federal Aviation Regulations. This order is used in conjunction with FAA's "Compliance and Enforcement Program" (Order 2150.3B) to ensure that inspections and investigations are conducted accurately, fairly, and consistently throughout the Drug Abatement Division.

2. Audience. All Drug Abatement Division personnel.

3. Where Can I Find this Order? You can find this order on the MyFAA Employee Web site: https://employees.faa.gov/tools_resources/orders_notices/. This order is available to the public at http://rgl.faa.gov.

4. What this Order Cancels. This order cancels Order 9120.1A, FAA Anti-Drug Program Compliance Inspector Order, dated May 23, 2008.

5. Inspection Authority. The Omnibus Transportation Employee Testing Act of 1991 (49 USC §§ 45101-45107) and the FAA's general statutory safety authority outlined in 49 USC §§ 106(g) and 44701 provide the authority to conduct the inspections and investigations described in this order.

6. Objectives of the Inspection and Investigation Process. Ensuring compliance with the drug and alcohol testing regulations is the primary objective of the inspection and investigation process. The safety of the traveling public and integrity of the inspection and investigation process form the foundation of every inspection. The regulations and the inspection and investigation processes balance the privacy interests of aviation employees with the safety mandate to detect and deter illegal drug use and alcohol misuse. Inspections and investigations must be conducted in a constructive, ethical, unbiased, and professional manner. Implementation of the procedural safeguards within Federal regulations and this order will ensure these objectives.

7. Who Do We Inspect? We inspect the following entities in accordance with the drug and alcohol testing regulations, 14 CFR part 120, and 49 CFR part 40:

a. Employers. Part 40 defines an employer as "A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with this part. The term includes an employer's officers, representatives, and management personnel. Service agents are not employers for the purposes of this part." Part 120 defines an employer as a part 119 certificate holder with authority to operate under parts 121 and/or 135; an operator as defined in 14 CFR § 91.147; or an air traffic control facility not operated by the FAA, or by or under contract for the U.S. Military.

(1) An employer must ensure that individuals hired to perform safety-sensitive functions, directly or by contract (including subcontract at any tier), are subject to drug and alcohol testing.

(2) Employers are responsible for all actions of its officials, representatives, and service agents in carrying out the requirements of the testing regulations.

b. Contractors. Part 120 defines a contractor as, "an individual or company that performs a safety-sensitive function by contract for an employer or another contractor." There are two options for drug testing contractors:

(1) The contractor obtains and implements its own drug and alcohol testing program. If the contractor chooses this option, it must implement the program as if it were the employer.

(2) The employer includes the contractor under its own drug and alcohol testing program.

c. Service Agents. Part 40 defines a service agent as, "Any person or entity, other than an employee of the employer, who provides services specified under this part to employers and/or employees in connection with DOT drug and alcohol testing requirements."

(1) A Consortium/Third-Party Administrator (C/TPA) is a service agent that may implement all or portions of the testing program for an employer.

(2) Service agents may provide the following services:

(a) Urine drug collections, as specimen collectors

(b) Breath alcohol testing, as breath alcohol technicians (BAT)

(c) Alcohol saliva testing, as screening test technicians (STT)

(d) Laboratory[1]

(e) Medical review officer (MRO) functions

(f) Substance abuse professional (SAP) functions

(3) As part 40 prescribes, service agents are required to comply with all aspects of the regulations. The roles and responsibilities of a service agent are addressed under subpart Q of part 40. Inspections or investigations of any employer may include a review of its service agent's practices and procedures. The employer is responsible for compliance with the regulations even when using a service agent. Therefore, a service agent's failure to comply with the regulations may result in violations against the employer.

(4) A service agent may be subject to a public interest exclusion (PIE), as described under subpart R of part 40, for egregious violations of the regulations. If an inspection or investigation results in allegations of egregious violations of the regulations by a service agent, the inspector must immediately report this information to his/her Compliance and Enforcement (C&E) Center Manager. A determination of whether to initiate an inspection, investigation or PIE is determined by the C&E Center Manager in coordination with the Field Operations Branch Manager and the Division

[1] The Department of Health and Human Services is responsible for monitoring certified laboratories.

Manager. If an inspection is initiated against the service agent, refer to appendix B of this order for further instructions.

Chapter 2. Inspection

1. General. A successful inspection entails accomplishing a sequence of five interrelated activities. This sequence begins with inspection scheduling; proceeds through detailed planning, completion of on-site inspection activities, and reporting of inspection results; and concludes with post-inspection follow-up activities. Inspections are executed according to this chapter and the procedures established under the Quality Management System (QMS) of the International Organization for Standardization (ISO) AAM-800-003. The Drug Abatement Division has established an Inspection Guide, which is found under appendix A of this order. The Guide must be followed by all inspectors and investigators during each inspection. Deviations from the Inspection Guide are strictly prohibited. The Compliance and Enforcement Tracking System (CETS) Reference List should be used to enter out of compliance issues or concerns into CETS. The CETS Reference List is available on the Drug Abatement Division (AAM-800) QMS Web Site.

2. Inspection Scheduling.

a. The FAA employs a variety of inspection activities to ensure companies comply with the drug and alcohol testing regulations. Prior to the beginning of the calendar year, the inspection weeks are published in CETS. Before every quarter, the Drug Abatement Division's management team composes a quarterly inspection schedule based on ISO process AAM-800-004, Drug Abatement's Strategic Compliance Monitoring Plan[2] (SCMP), and recommendations from Division personnel. Once the priorities are set, a Field Operations Branch program assistant assembles the teams of companies and pre-inspection materials for the national inspection schedule. These procedures are found in appendix E of this order.

b. The C&E Center Managers and Field Operations Branch Manager are responsible for assigning inspectors to an inspection team and appointing the team's inspection lead. When scheduling, the C&E Center Manager will identify whether the inspection is required to be comprehensive (full) or focused and announced or unannounced. Additionally, inspectors and investigators will be assigned to participate in high impact, special emphasis, and service agent inspections. Inspectors and investigators are required to access his/her schedule in CETS.

(1) Comprehensive (Full) Inspections. Comprehensive inspections are thorough reviews of all aspects of employers' drug and alcohol testing program. Although we may sometimes focus emphasis on specific areas based on information concerning potential problems, the overall format of such inspections is standardized in accordance with this order. In some cases, the comprehensive inspection may be conducted without advance notice to the employer. The determination as to whether a comprehensive inspection will be announced or unannounced is made by the Drug Abatement Division, Field Operations Branch, or C&E Center Manager.

(2) Focused Inspections. Under certain circumstances, focused inspections, which are narrow or limited in scope, may be conducted in response to a specific problem. Problems may be

[2] The Strategic Compliance Monitoring Plan (SCMP) is the Drug Abatement Division's policy for scheduling inspections.

identified from any of a variety of information sources, including analyses of prior inspection results, annual testing reports, individual or union complaints, or other alternative means. For example, FAA headquarters may receive complaints concerning improper collection procedures. In that case, an inspection focusing on the employer's collection procedures may be conducted. Focused inspections may involve a single employer or entity, as in the example above, or a representative group of employers if information indicates that a problem is widespread. A focused inspection must include the employer's administrative and quality assurance activities and mandatory testing (i.e., pre-employment, random, post-accident, reasonable cause/suspicion, return to duty, and follow-up). The determination as to whether a focused inspection will be announced or unannounced is made by the Drug Abatement Division, Field Operations Branch, or C&E Center Manager.

(3) Announced Inspections. An announced inspection requires advance notification to employers. This notification is accomplished by the program assistants assigned to the Field Operations Branch, in accordance with the procedures in appendix E of this order. The program assistant contacts the employer/contractor to inform them of a scheduled inspection and obtains information regarding their size. Upon receiving the necessary information, the program assistant sends the employer/contractor a letter of notification (LON), using the letter template contained in CETS, confirming the pending inspection. The LON is mailed or faxed, and is never permitted to be sent via electronic mail. The program assistant, following their procedures, must prepare the LON and attachment generated using the CETS template, and must also document the notification in CETS. The LON should be sent to the employer as far in advance as possible, but no later than two weeks before the inspection. In cases where an employer is added to an inspector's work schedule within the two-week period prior to the inspection week, the inspector should send the employer an LON as soon as possible.

(a) The LON package, sent by the program assistant, includes a list of records and documents necessary for inspection and a request for the employer's points of contact. Upon completing the notification task, the program assistant provides a draft work plan to all team members, as well as their respective team coordinator and Center Manager.

(b) Prior to the inspection, the inspection lead ensures that the POC information has been received from the employer and updated in CETS. For larger entities that require a multi-day inspection, the lead inspector prepares the Inspection Schedule (found in Figure 2-1) and distributes it accordingly. During any pre-inspection contact with employers, inspectors should refrain from initiating an inspection prior to on-site arrival. All inspectors and investigators are strictly prohibited from coaching employers or distributing unauthorized documents to them at anytime.

(c) There may be instances in which an employer, after receiving an LON, will question the need for an inspection because it has ceased operations under 14 CFR § 119.63, but continues to hold a certificate (i.e., 121 or 135). Regardless of whether an employer that holds a certificate is exercising the privileges of its certificate, it must be available for inspection. If the employer advises the FAA that it has ceased its operations, the inspector/investigator must contact the employer's Principal Operations Inspector (POI)/Principal Maintenance Inspector (PMI) to determine whether the employer has surrendered its certificate. That information must then be given to the C&E Center Manager for a determination as to whether the employer will be inspected. If an employer, which has ceased operations under 14 CFR § 119.63 but has retained its certificate, is unwilling to be inspected, it must contact its POI/PMI to surrender its certificate. The inspector/investigator must follow-up with the POI/PMI to ensure that this has been accomplished.

(4) Unannounced Inspections. Unannounced inspections are essential to an effective compliance program. Each inspector is responsible for conducting unannounced inspections during the fiscal year.

(a) C&E Center Managers may schedule an unannounced inspection for any inspector during any inspection week.

(b) Inspection teams may conduct an unscheduled,` unannounced inspection, as time allows, which require the inspector to locate employers/contractors or service agents in their assigned geographical areas.

(c) Preparations for unannounced inspections might include contact with the local Flight Standards District Office (FSDO) to ascertain that the employer is still operating and has an active certificate.

(d) Inspection leads inform the C&E Center Manager(s) and other teams in the geographical area, if possible, before conducting unscheduled inspections, to preclude multiple inspection attempts at the same employers/contractors.

(e) For all unannounced inspections, the inspection lead or team must not contact the employer in advance of the inspection.

(5) High Impact Inspections. High impact inspections are conducted by multiple teams of inspectors and investigators from two or more Drug Abatement offices during a one or two week period. This approach permits the concentration of inspector and investigator resources in a planned geographic area and maximizes visibility for the Drug Abatement Program. By involving inspectors and investigators from two or more offices, high impact inspections promote consistency within the inspection process and the application of the regulations, provide cross-training, and permit managers to directly observe and assess an inspector's/investigator's performance. During high impact inspection weeks, a meeting is scheduled for inspectors, investigators, and managers to meet and discuss program issues. These discussions provide management with topics to be covered in future inspector and investigator training or identify a need for guidance and/or policy development.

(6) Special Emphasis Inspections. Special emphasis inspections are defined as inspections that are scheduled to focus on one element of the regulations at a national level.

(7) Service Agent Inspections. Service agent inspections specifically focus on MROs, SAPs, C/TPAs, collectors, and BATs. Service agent inspections are independent inspections and are not related to a specific company inspection. The standard operating procedures (SOP) for service agent inspections are in Appendix B of this order.

(8) Inspection Schedule Changes and Cancellations. While all efforts are made to maintain the schedule as is, at times it is essential to the program to make necessary changes. All requests to change the final inspection schedule must be submitted through the C&E Center Manager to the Field Operations Branch Manager in Washington, DC. Once an inspector's schedule is established, the inspection planning must begin. Prior to canceling an inspection, the inspector must

contact the C&E Center Manager. When a scheduled inspection is cancelled, the cancellation must be documented in CETS.

3. Preparation for the Inspection. The inspection lead is responsible for all planning of the assigned inspections. He/she has a critical role in accomplishing the goals of the inspection, ensuring that all critical aspects of an inspection, including planning and reporting, are accomplished according to established procedures (see inspection process guide in Figure 2-2).

a. The inspection lead examines CETS and the drug and alcohol enforcement history of each employer to find past noncompliance issues. This includes previous inspections and open or closed voluntary disclosures.

b. At a minimum, each inspection will include a review of mandatory testing records (i.e., pre-employment and random testing; positive drug tests, alcohol violations, and refusals) and the records specified in 49 CFR § 40.25. The inspection lead determines if additional areas require evaluation, based on the past enforcement history of the employer, such as previous investigations, voluntary disclosures, legal enforcement actions, etc.

c. Each team member must bring the following inspection tools:

(1) Copy of the regulations

(2) Inspection guide

(3) Forms (inbriefing/outbriefing sheet, witness form, Small Business Information)

(4) Laptop

(5) Evidence certification stamp

(6) Office supplies (note pads, paper clips, stapler, etc.)

d. The inspection lead notifies the C&E Center Manager if additional personnel are needed or if a comprehensive inspection is necessary.

e. Inspectors must ensure voluntary disclosure issues are addressed, as described in chapter 4 of this order.

4. Travel Requirements. Although the inspection lead is responsible for making travel arrangements, such as lodging and rental cars, for each of their assigned inspections, each inspector and investigator is responsible for adhering to the following travel requirements:

a. Inspectors and investigators must adhere to the FAA Travel Policy (FAATP), which is available on the FAA's Employee Web site.

b. Whenever possible, inspectors and investigators will arrive in the inspection city at approximately the same time. All travel and lodging preparations must be confirmed at least one week prior to the inspection, unless precluded by schedule changes.

c. Inspectors and investigators will conserve time and fiscal resources. For instance, inspectors and investigators will lodge near inspection sites, when possible. The FAATP states, "You must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business." The Policy further states, "You are responsible for excess costs and any additional expenses that you incur for personal preference or convenience. FAA will not pay for excess costs resulting from circuitous routes, delays, or luxury accommodations or services unnecessary or unjustified in the performance of official business."

d. Travel must be arranged so that inspections begin Monday at 1:00 PM and end at noon on Friday. Consequently, it may be necessary for the inspector/investigator to travel on the Sunday prior to and the Saturday after the inspection.

5. Inspection Work Plan. Each inspector must submit a final inspection work plan to the C&E Center Manager, Team Coordinator(s), and secretary/program assistant of his/her center no later than Wednesday of the week prior to inspections. The work plan will contain businesses to be inspected, along with their POCs and telephone numbers and hotel information. Service agent information will include the name of the employer associated with them. The work plan tool is available electronically on Drug Abatement Division (AAM-800) QMS website.

6. Pre-Inspection Team Meetings. The inspection lead will hold a meeting before the inspection to help ensure a smooth, professional inspection. These meetings must occur prior to arriving at the inspection site. During the pre-inspection team meeting, the inspection lead will:

a. Provide the past enforcement history of the employer to all members of the inspection team;

b. Assign one or more of the following inspection areas to each inspection team member: Administrative and Quality Assurance; Collection Site Review; MRO Review; SAP Review; and specific areas for Record Review.

c. Establish his/her responsibility for the inbriefing, outbriefing, and CETS entry; and

d. Confirm each inspection team member's responsibility to inform the inspection lead immediately of any noncompliance issues and supporting evidence.

7. On-Site Inspection Activities. It is critical, and mandatory under ISO procedures, to ensure that each inspection is conducted according to the Drug Abatement Division's inspection protocol. During each inspection, the following requirements must be adhered to:

a. Conduct. All division personnel will conduct themselves professionally and must:

(1) Maintain decorum in speech, dress, and behavior;

(2) Treat their team members and employer representatives with respect;

(3) Avoid socializing with any individual associated with an employer's inspection, including service agents, in accordance with the Ethics Regulations (5 CFR part 2635);

(4) Avoid discussing internal FAA activities, e.g., anticipated changes in policy, procedures, or rulemaking, with employers and service agents;

(5) Avoid discussing pending enforcement matters pertaining to current or previous inspections and investigations;

(6) Avoid conversations regarding other operators; and

(7) Bring inspection issues to the attention of the inspection lead.

b. Inbriefing. The inspection lead will conduct the inbriefing with the employer and the inspection team members (see inbriefing/outbriefing guide in Figure 2-3).

(1) The inspection lead makes introductions, circulates a sign-in sheet (see meeting attendance list in Figure 2-4), explains the inspection process and distributes the Small Business information (if applicable).

(2) At the conclusion of the inbriefing, the inspection lead should invite questions or comments from the employer and other inspection team members.

c. Administrative and Quality Assurance Interview. At the conclusion of the inbriefing, the inspection lead announces the beginning of the interview phase with the company representative (program manager or designated employer representative (DER)) regarding the drug and alcohol testing program. To conduct the interview, each inspector must use the inspection guide found in appendix A. All information provided during the interview must be verified during the record review and evidence collection phase of the inspection.

d. Drug and Alcohol Testing Records Review. Records are the most common form of evidence used to verify the statements of the employer's representative. As an example, an employer may provide the inspection team with a spreadsheet that includes dates of hire, transfer, and pre-employment testing. The inspection team must verify the spreadsheet information by assembling the source documents (personnel action forms, custody and control forms (CCF), etc.) that pertain to each item on the spreadsheet. The inspection team must not request the employer to generate a spreadsheet for the purpose of the inspection.

(1) Inspection leads and team members will take part in record review activities and enter their findings in the inspection results section of CETS. Worksheets are available (see records reviewed and collected guide in Figure 2-5 and inspection compliance issue guide in Figure 2-6) to assist inspectors during record review and/or interview phases of the inspection.

(2) Inspectors/investigators are responsible for reviewing, copying, and certifying documents, as assigned by the inspection lead. The inspection lead must ensure each assigned portion of the review process is completed. Each inspector must initial the records review guide in the area of their assignments (see Part 2 of the inspection guide in appendix A) to demonstrate completion. The inspection lead will enter this information into the official inspection record in CETS.

(3) The inspector/investigator certifies a document by noting on the back of each page when, where, and from whom the document was obtained. This can be accomplished with the certification of authenticity (see Figure 2-7). Documents should be certified at the inspection site whenever possible.

(4) To the greatest extent possible, all testing records must be reviewed for the time period established by the C&E Center Manager and inspection lead prior to the inspection. Depending on the circumstances, the time periods may include the past two years, since the last inspection, or the last six months.

(5) Records to review and document, if applicable, include the following categories:

(a) Positive Drug Test and Alcohol Violation Records. Inspectors/investigators must review all verified positive drug test results and alcohol violation results, except those that have already been investigated by the Special Investigations Branch (AAM-830) or should have been reported to AAM-830. Inspectors/investigators must also review the records that document the employee's removal from a safety-sensitive function. The employer has the authority to terminate or rehabilitate the employee prior to his/her return to safety-sensitive functions. If the employee is returned to safety-sensitive functions, the inspection team must review all return-to-duty records. These records may include the SAP reports, SAP credentials, return-to-duty test result, and follow-up test results. If inspectors discover an individual has returned to work without completing the return-to-duty process, the inspector should address the company violation for not ensuring that the individual completed the return-to-duty process prior to allowing the individual to perform safety sensitive functions. Due to Privacy Act implications, inspectors must refrain from discussing an individual's violation. Inspectors should forward a written statement regarding the individual's violation and copies of any documents found to the Special Investigations Branch manager's email address or 9-AWA-AVS-AAM-830/AWA/FAA.

(b) Part 67 Medical Certificate Holders. If the employer fails to report a refusal, a violation involving the misuse of alcohol, or a verified positive test result by a part 67 medical certificate holder to the Federal Air Surgeon (through the Drug Abatement Division), the inspection lead should forward a written statement regarding the violation and copies of any documents found to the Special Investigations Branch manager's email address or 9-AWA-AVS-AAM-830/AWA/FAA. Inspectors must not investigate, comment, or discuss the alleged violation with the company or individual.

(c) Refusal Records. Inspectors must review all records concerning refusals to submit to testing, including walk-a-ways, adulterations, substitutions, etc., as defined in 49 CFR part 40. However, if the refusal was by an individual who holds a part 61, 63, 65, or 67 certificate, the matter must be referred to the Special Investigations Branch for investigation. Inspectors should forward a written statement regarding the individual's violation and copies of any documents found to the Special Investigations Branch manager's email address or 9-AWA-AVS-AAM-830/AWA/FAA. The employer has the authority to terminate or rehabilitate the employee prior to his/her return to safety-sensitive functions. If the employee is returned to safety-sensitive functions, the inspection team must also review all return-to-duty records. It is important that the Special Investigations Branch Manager be immediately notified about a

suspected failure on the part of the employer to report a refusal by an airman who holds a part 61, 63, or 65 FAA certificate.

(d) Return-to-Duty Testing Records. Return-to-duty tests are conducted prior to returning an employee to a safety-sensitive function after a verified positive drug test, an alcohol misuse violation, or a refusal. The objective of these tests is to ensure that those who have committed such violations are alcohol or drug-free prior to returning to the performance of safety-sensitive functions. These tests occur after the SAP reports that the individual has successfully complied with the prescribed education and/or treatment. Inspectors/investigators must conduct a thorough review of these records, including: (1) documentation of the triggering event (drug positive, alcohol misuse violation, or refusal to submit to testing), (2) SAP reports (initial and follow-up evaluations, including the follow-up testing schedule) and qualifications, (3) return-to-duty CCFs/breath alcohol testing forms and verified drug test results/confirmed alcohol test results, and (4) documentation that the employee was returned to safety-sensitive functions and placed into the random drug and alcohol testing pool. A flowchart of the return-to-duty process is shown in Figure 2-8.

(e) Follow-up Testing Records. The SAP establishes a written follow-up testing plan after the individual successfully complies with his/her education and/or treatment. The required follow-up tests are conducted after an employee passes the return-to-duty test and has been returned to the performance of safety-sensitive functions. Similar to the return-to-duty testing, the objective of these tests is to ensure that individuals, who have committed violations involving the misuse of alcohol, a verified positive drug test result, or the refusal to submit to a drug or alcohol test, are compliant with the regulations governing the use of alcohol or prohibited drugs. Inspectors/investigators must conduct a thorough review of these records to ensure the CCFs/breath alcohol testing forms and verified drug test results/confirmed alcohol test results match the prescribed number of tests recommended by the SAP. Keep in mind that if the employee's employment lapses during the follow-up testing plan (e.g., they are transferred to a non safety-sensitive position or furloughed), the "plan" picks back up upon their return to duty. If you are unsure, please contact your Center Manager or the Program Policy Branch Manager for further clarification.

(f) Pre-employment Testing Records. Pre-employment testing is directly tied to aviation safety, in that it is the gateway to safety-sensitive positions. Historically, pre-employment testing has resulted in the highest rate of verified positive results, demonstrating that such tests are effective in detecting illegal drug use. Pre-employment alcohol testing is optional, but if an employer orders an alcohol pre-employment test for one potential hire, all other new hires/transfers to safety-sensitive functions must also be pre-employment alcohol tested. Pre-employment testing records could include personnel position descriptions, personnel action forms, payroll records, internal company hiring and transfer reports, CCFs, and MRO reports. In addition to reviewing the records, the inspector/investigator should interview any individual whose records, if questionable, need to clarified or confirmed. Interviews may be the only evidence available to prove a hire/transfer date, or identify other evidence to be gathered, such as maintenance logs, flight logs, or other performance documentation showing the date safety-sensitive functions were performed. Documentation of performance (whether actual or available to perform) would be used to show aggravating circumstances in an impending legal enforcement action.

(g) Random Testing Records. It is essential for inspectors and investigators to have thorough knowledge of what comprises a random testing program. Appendix C of this order further explores random testing regulations, including minimum annual rate, selection methodology, excusal policies and over-selection, notification and testing procedures, and testing frequency. Records that could be of use when inspecting an employer's random testing program are: (1) random drug and alcohol selection lists, (2) a listing of who was, or is, in the random pool during the covered period, (3) documentation that employees in the pool perform safety-sensitive functions, (4) dates employees were added or deleted, (5) notification procedures, including notifications to out-lying locations, (6) documentation of whether employees proceeded immediately to the collection site after notification of selection, (7) CCFs, (8) verified drug test results, (9) breath alcohol testing forms with the alcohol test results, and (10) verification that the employer is satisfying the minimum testing rate that is published in the Federal Register.

(h) Reasonable Cause/Reasonable Suspicion Testing Records. Reasonable cause/suspicion testing is critical in the detection of employees reporting for or performing duties while under the influence of drugs and/or alcohol. Employers/contractors must ensure that supervisors are trained to make a testing determination. Inspectors/investigators must review all reasonable cause/suspicion testing records, including: (1) documentation of the event that led to testing (if available), (2) documentation of supervisory training and the material covered, (3) CCFs, (4) verified drug test results, and (5) breath alcohol testing forms with the alcohol test results.

(i) Post-Accident Testing Records. A post-accident test occurs when an employee's performance may have contributed to an aviation accident or cannot be completely discounted as a contributing factor to the accident. Inspectors/investigators must review all post-accident testing records including: (1) documentation of the accident, (2) information regarding the circumstances that led to the determination whether or not to test the employee, (3) CCFs, (4) verified drug test results, (5) breath alcohol testing forms with the alcohol test results, (6) documentation on why alcohol testing was not conducted within 2 hours and/or 8 hours of the accident, and (7) documentation that drug testing was conducted within 32 hours of the accident.

(j) Drug and Alcohol Records Check. Inspectors/investigators must examine all drug/alcohol records check forms during inspections, e.g., records relating to 49 CFR § 40.25(j), regarding whether applicants for safety-sensitive functions had a previous positive test result or refusal at another DOT employer during the past two years. When reviewing an employer's requests for drug and alcohol records, inspectors/investigators must ensure that the employer has made a good faith effort to obtain the records. Sending the request to a previous employer and not making a good faith effort (which includes an additional attempt) to obtain the information is unacceptable. Furthermore, failing to remove the employee from duty after thirty days is a violation of 49 CFR part 40. In addition, the inspectors/investigators should make all attempts to interview any individual whose records need to be clarified.

e. Other Elements of an Inspection. In addition to the above elements, the inspection is divided into the following remaining sections:

(1) Collector and BAT. Collector and BAT inspections may include:

(a) A simulated collection for both drug and alcohol (see Figure 2-9 for a description of the CCF process). It is important that the inspection lead clearly explain to the collector and/or BAT that the simulated collection should be treated as a real DOT collection. The inspector should not interrupt the process or provide feedback until the conclusion of the simulation.

(b) Review of collector, STT, and BAT records pertaining to qualification training and proficiency demonstration;

(c) Review of CCFs and alcohol testing forms;

(d) Review of areas of noncompliance or concerns noted in previous inspections;

(e) Inspection of all of the employer's collection sites, which may include a medical facility, a mobile facility (e.g., a van), a dedicated collection facility, or any other location that meets the requirements of the regulation; and

(f) Records of equipment checks and calibrations.

(2) MRO. MRO evaluations may include:

(a) An interview with the MRO to verify his/her knowledge of the regulations;

(b) Records pertaining to credentials, qualification and requalification training; and

(c) A check of one or more of the following organizations to ensure the MRO is licensed, trained or certified:

(i) American Association of Medical Review Officer (AAMRO) at www.aamro.com,

(ii) Medical Review Officer Certification Council (MROCC) at www.mrocc.org,

(iii) American College of Occupational and Environmental Medicine (ACOEM) at www.acoem.org,

(iv) American Society of Addiction Medicine (ASAM) at www.asam.org,

(v) American Medical Association (AMA) at www.ama-assn.org, or

(vi) American Board of Medical Specialties (ABMS) at www.abms.org.

(d) Records pertaining to non-negatives (such as positives, refusals, and invalid tests) and negatives.

(e) Verification that the MRO is conducting the required 5% quality check of negative drug test results.

(3) SAP. SAP evaluations must include:

(a) The SAP's records pertaining to credentials, qualification training, and continuing education; and

(b) A check of one or more of the organizations referenced on the ODAPC Web site link for Substance Abuse Professionals (http://www.dot.gov/ost/dapc/industry_links.html?prog).

(c) Records for compliance with the return-to-duty requirements.

f. Service Agent Issues Discovered. If any collector, laboratory, MRO, or SAP issues/discrepancies are discovered, regardless of the employer, the inspector/investigator should collect all the evidence and report to the C&E Center Manager. Any egregious noncompliance discoveries should be reported to the C&E Center Manager, who then notifies the Special Investigations Branch Manager.

8. Evidence Collection. Evidence collection is the most critical element of the inspection. Inspectors/investigators must review all evidence relevant to an alleged noncompliance issue whether it proves or disproves a suspected item of noncompliance by the employer. Inspectors/investigators should gather all evidence available of violation(s), not just a single instance. This evidence must answer the questions about what happened, who was involved, and where, when, and why it occurred. The following describes different types of evidence and how each type of evidence should be handled, as described in Order 2150.3B.

a. Physical evidence consists of tangible objects, such as specimen collection materials or computer software programs relating to random testing. Inspectors/investigators must exercise care in handling physical evidence so that damage, loss, or alteration does not occur.

b. Witness interviews may be used to prove noncompliance and may be helpful in leading the inspector/investigator to other people who have direct knowledge or documentation of the issue.

(1) When possible, interview all witnesses who may be aware of a noncompliance issue.

(2) Witness accounts should be written and signed by the author, who may be the witness or the inspector/investigator. Witnesses should be informed that they are not under oath.

(3) The interview must be conducted in a professional manner with consideration for the following (see employee interview guide in Figure 2-10 and witness statement in Figure 2-11):

(a) Plan the interview and questions in advance.

(b) Be attentive and take notes.

(c) Maintain control of the interview.

(d) Ask direct, relevant, and open-ended questions.

(e) Request a signed and dated statement.

(4) Inspectors and investigators will prepare a record of interview when outlining the interview/conversation conducted with witnesses or alleged violators (Note: The record of interview job aid is located in Appendix A (Figure A-3) of FAA Order 2150.3B). It should only state what the witness provided and it must not include the inspector's/investigator's personal views and/or opinions. A record of interview is necessary if a witness declines to provide a statement. Inspectors/investigators are encouraged to try to obtain witness statements that are written, signed, and dated by the interviewee. If the interviewee is unwilling to write his or her own statement, the inspector/investigator should write the interviewee's statement and then ask the interviewee to review it for accuracy and sign and date it. If the interviewee is unwilling to do any of the above, the inspector/investigator should write the interviewee's statement as an inspector/investigator statement and ask the interviewee to review the statement to ensure its accuracy. In the last circumstance, the inspector/investigator should document that the interviewee either affirmed the accuracy of the statement or declined to do so and that the interviewee refused to sign the statement. (For more information concerning witness interviews and statements, see FAA Order 2150.3B, chap. 4, para. 10.c. (2)-(9).)

(5) Inspector/investigator statements (see record of interview in Figure 2-12) are used to document findings that are not available in witness statements, technical publications, logbooks, and manuals, etc. They are also used to document a violation that is observed by the inspector/investigator or to capture an interview when a witness is unwilling to sign a record of interview. Inspector/investigator statements must include the date, time, location, and contact information of those present. They must be personally signed and dated by the inspector/investigator and must not include his/her personal views and/or opinions.

9. Documentation of Inspection Results. In preparation for the outbriefing, each inspection lead will, as soon as possible, enter his/her documentation of the inspection results into CETS. The following documentation must be entered into CETS in full detail:

a. Update of Company Profile. Any new information concerning the company, such as additional locations, company representatives, service agents, etc., must be added to its profile.

b. Outcome of Areas Reviewed and Discovered Issues. The results of an inspection should be noted with the following:

(1) Out-of-compliance items are noted when it is established that an alleged violation occurred. It is not sufficient to document only a few noncompliance items to show a pattern. All discovered issues must be documented, including stale issues. For example, if one checklist item was out of compliance on multiple occasions, then each occasion must be listed. Documentation of each out-of-compliance item must include a full description of what happened, who was involved, where and when it occurred, and any information on why it occurred.

(2) Concerns are noted when there are issues discovered that are not a violation, but may lead to a violation if the employer and/or service agent fails to resolve the issue. For example, if a collector has never dealt with a shy-bladder situation, he/she may be asked to explain the shy-bladder procedures as described in 49 CFR § 40.193. If the collector is unfamiliar with these procedures, this will be noted as an area of concern.

(3) Open items are noted when the issue cannot be resolved without clarification from management, or the team cannot agree on a specific item during the inspection. These items are revisited after a determination is made in coordination with the C&E Center Manager and the inspection lead.

10. Inspection Conclusion. The inspection lead will meet with the inspection team to assure that all applicable items on the inspection guide were covered and appropriate documentation was gathered, in accordance with this chapter**.** At this time the team will review and agree on all issues of noncompliance, concerns, or open items. If there is disagreement between the team on a particular item(s), the inspection lead must inform the employer at the outbriefing that the item(s) will be left open and addressed later. The inspection lead should document the inspection results in CETS prior to the outbriefing, if possible.

a. Outbriefing. The inspection lead is responsible for the outbriefing (see the inbriefing/outbriefing guide in Figure 2-3).

(1) All members of the inspection team should attend and actively participate.

(2) The inspection lead circulates the sign-in sheet for those individuals who were not part of the inbriefing (see meeting attendance list in Figure 2-4).

(3) If the inspection resulted in no items of noncompliance, the inspection lead should advise the company representative that no further documentation will be received.

(4) When an inspection results in findings of noncompliance and/or concerns, the inspection lead must clearly and briefly identify the items discovered during the inspection. Do not linger on the issues, but explain it and obtain the employers agreement to initiate an immediate corrective action to be taken by a specific date.

(5) If there are unclear items that need to be resolved with the company that were not clarified during the actual inspection, the inspection lead should do this during the outbriefing. Similarly, the inspection lead should also use this opportunity to clarify any misunderstandings about the regulations. Remember not to linger on the topic, but be clear and concise.

(6) Inspectors/investigators must not discuss any possible enforcement actions related to the inspection or display any disagreement on the issues.

(7) The inspection team should not tell the company/DER how to respond to the alleged violations. It is up to the company to decide on how to take corrective action.

b. Following the outbriefing, the inspection team should gather all records and materials and leave the company.

(1) Do not leave anything behind, for instance, papers, folders, extraneous copies of documents.

(2) It is not appropriate to socialize with employers' representatives or service agents, as this might give the appearance of a conflict of interest.

c. The inspection lead must hold a post-inspection meeting with the inspectors/investigators to discuss lessons learned and to ascertain that all documentation has been gathered and certified. If the outbriefing report has already been entered into CETS, the inspection lead should have each inspector/investigator approve and initial the outbriefing report.

11. Reporting Inspection Activities.

a. No later than 4 in-office working days after the inspection, each inspection lead must ensure that the information gathered is entered into CETS thoroughly and accurately. Specifically:

(1) Resources tab (i.e., date and time of inspection);

(2) Updates to company information (i.e., contacts, locations, etc.);

(3) Identifying out-of-compliance items, areas of concern, and undecided items;

(4) Violation description(s);

(5) Evidence collected;

(6) Programs tab (i.e., drug and alcohol program self-administered or C/TPA and random protocol information); and

(7) Interviews (all interviewees identified and a synopsis of their statements).

b. When an inspection results in no items of noncompliance, this is indicated in CETS and no further correspondence is sent to the employer.

c. When an inspection item results in a counseling, the inspector does this verbally while on-site. The counseling should meet the requirements of Order 2150.3B, as amended, and be documented in CETS. If written counseling is necessary, the inspector/investigator should contact their Branch or C&E Center Manager for further instructions.

d. When an inspection identifies items of noncompliance, further correspondence is prepared by the inspection lead using CETS (see inspection correspondence flowchart in Figure 2-13).

(1) Outbriefing Report. The inspection lead is responsible for entering the noncompliance items in CETS and generating the outbriefing report. The inspection lead must obtain concurrence with the inspection team on the outbriefing report prior to generating the letter of investigation.

(2) Letter of Investigation (LOI). When an inspection results in an LOI, it must be prepared using the letter template contained in CETS. This will generate an enforcement investigative report (EIR) file number. The LOI, which is the first step in preparing an EIR, must describe the items of noncompliance. The inspection lead must provide a draft LOI and the outbriefing report to the Team Coordinator and/or C&E Center Manager within 4 in-office working days of returning from the inspection. The LOI and outbriefing report are either returned to the inspection lead for changes or approved. If the correspondence is returned to the inspection lead for changes, the review is

documented under the Milestones Section in CETS and the process begins again. After the Team Coordinator and/or C&E Center Manager approve the LOI, he/she must enter the final sign-off into CETS and submit the 2150-5 into EIS in accordance with the Team Coordinator/C&E Center Manager Standards. The LOI is then sent to the company through United States Postal Service (USPS) mail, certified return receipt. Electronic mail is not authorized. The inspection lead prepares the 2150-5 form, except for the final action, and enters it into the EIS through CETS.

(3) "Please Provide" Letter. In the event the employer does not respond to the LOI within the 10 days, the inspector should advise their Center Manager to determine whether further correspondence is warranted. If it is, the inspection lead must prepare the correspondence using the 'Please Provide' template from the Drug Abatement Division (AAM-800) QMS Web Site. It is the employer's last chance to respond before the inspector prepares an EIR.

(4) Enforcement Decision Process (EDP). Once the LOI response is received, the inspection lead must determine the appropriate type of enforcement action to be taken by using the EDP, which is explained in the October 23, 2009, change to Appendix F of FAA Order 2150.3B.

Taking the most egregious out of compliance issue, the inspection lead must evaluate the administrative or informal criteria list found in Appendix F of Order 2150.3B and on the Drug Abatement Division's EDP Worksheet (contained in CETS). If the issue does NOT meet all the administrative or informal criteria, the inspector or investigator must proceed with legal enforcement action (as described below). Once legal enforcement action is deemed appropriate, all out of compliance issues must be addressed in the legal enforcement report. If the most egregious out of compliance item meets the administrative criteria, all out of compliance issues are addressed administratively. If the evidence gathered during the inspection will not support an administrative or a legal enforcement action, the inspection lead would recommend that no action is taken. The inspection lead should discuss his/her recommended action with the Team Coordinator or C&E Center Manager. The worksheet for all Drug Abatement Division cases is contained in CETS. No other EDP form may be used.

(5) Administrative Action. Using the letter template contained in CETS, a letter of correction (LOC) or warning notice (WN) is used when an administrative action is appropriate. An LOC serves the same purpose as a WN, except the LOC is used when there is agreement with the company that corrective action acceptable to the FAA has been taken, or will be taken, within a reasonable time. The inspection lead must provide a draft of the LOC/WN to the Team Coordinator and/or C&E Center Manager within 60 calendar days from the date of inspection. The LOC/WN is either returned to the inspection lead for changes or approved. If it's returned for changes, the review is documented under the Milestones Section in CETS and the process begins again. After the Team Coordinator and/or C&E Center Manager approves the LOC/WN, he/she must enter the final sign-off into CETS, submit the 2150-5 to EIS, and print and sign the 2150-5 in accordance with Team Coordinator/C&E Center Manager Standards. The LOC/WN is sent to the company through USPS mail, certified return receipt. Electronic mail is not authorized. The inspection lead prepares the final assembled inspection file for archiving. Through all steps, each person who reviews the file (i.e., Inspection Lead or Investigator, Team Coordinator or Center Manager) must sign and date the EDP worksheet.

(6) Legal Enforcement Action. Legal enforcement action includes circumstances where serious safety issues are involved or there is a pattern of noncompliance that indicates an inability or unwillingness to comply with regulatory requirements. The Team Coordinator and/or C&E Center Manager should be consulted before preparing a legal enforcement report. Legal enforcement actions may include civil penalties or certificate actions. All follow-up activities are entered into CETS. Using CETS, the inspection lead must generate the legal case and provide it to the Team Coordinator and/or C&E Center Manager within 60 calendar days from the date of inspection. The legal enforcement report is either returned to the inspection lead for changes or approved. If it's returned for changes, the review is documented under the Milestones Section in CETS and the process begins again. After the Team Coordinator and/or C&E Center Manager approves the legal enforcement report, he/she must enter the final sign-off into CETS in accordance with Team Coordinator/C&E Center Manager Standards. Once the legal enforcement report is approved, the Team Coordinator or C&E Center Manager enters into CETS the date that it was sent to the Field Operations Branch (AAM-802). Through all steps, each person who reviews the file (i.e., Inspection Lead or Investigator, Team Coordinator, Center Manager, Field Operations Branch and Attorney) must sign and date the EDP worksheet. A complete, tabbed copy of the legal enforcement action must be retained in the field office. The FAA's Compliance and Enforcement Program Order 2150.3B remains the source for inspection and investigation reporting and processing of enforcement activities. Please ensure that you continue to follow the requirements of Order 1600.75 involving "For Official Use Only" (FOUO) designations (see sample FOUO cover sheet in Figure 2-14), and our Drug and Alcohol Compliance and Enforcement Inspector Handbook, Order 9120.1B.

(7) No Action. The inspection lead will close out an issue with no action when there is insufficient evidence to prove the alleged violation. The lead inspector will also close out an issue with no action when the alleged violation is untimely under applicable time limitation for legal enforcement actions (see FAA Order 2150.3B, chap. 4, para. 5 and 6). Either situation will result in the issuance of a no action letter using the letter template contained in CETS. The inspection lead must provide a draft of the no action letter to the Team Coordinator and/or C&E Center Manager within 60 calendar days from the date of inspection. The no action letter is either returned to the inspection lead for changes or approved. If it's returned for changes, the review is documented under the Milestones Section in CETS and the process begins again. After the Team Coordinator and/or C&E Center Manager approves the no action letter, he/she must enter the final sign-off into CETS, submit the 2150-5 to EIS, and print and sign the 2150-5 in accordance with Team Coordinator/C&E Center Manager Standards. The letter is sent to the company through USPS mail, certified return receipt. Electronic mail is not authorized. The inspection lead prepares the 2150-5 form, including the final action, into the EIS through CETS.

e. The inspection lead ensures that all follow-up activities are entered into CETS. He/she must also ensure that any follow-up information, such as documentation of corrective action by the employer, and incoming and outgoing communication, is obtained and documented in CETS.

Figure 2-1. Inspection Schedule Sample

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

This sample should be used for multiple day inspections.

Inspection Schedule*

Day 1
October 31, 2005

FAA INSPECTION LEAD: John King, Phone Number: (202) 355-6000

Employer Name: One Twenty One Airways, Inc.

Employer POC: Brian Smith, Phone Number: (703) 111-2222

Time	Activity	FAA Staff	Employer Staff
1:00-1:45 PM	Inbrief	Lead: J. King	Brian Smith and other company representatives as determined by the company.
1:50-3:00 PM	Q & A	Lead: J. King	
3:10 –4:45 PM	Review of Records	Lead: J. King	
4:45-5:00PM	Wrap up	Lead: J. King	

Figure 2-1. Inspection Schedule Sample (cont'd)

Inspection Schedule

Day 2
November 1, 2005

FAA INSPECTION LEAD: John King, Phone Number: (202) 355-6000

Employer Name: One Twenty One Airways, Inc.

Employer POC: Brian Smith, Phone Number: (703) 111-2222

Time	Activity	FAA Staff	Employer Staff
8:30-10:45 AM	Inspect Collection Site	Lead: J. King	ABC Collections, Ms. Lee
11:00- 12:30 PM	Inspect MRO	Lead: B. Queen	Dr. Roberts
12:30-1:30 PM	Lunch		
1:30-2:30 PM	Inspect MRO	Lead: B. Queen	
2:45-4:45 PM	Inspect SAP	Lead: R. Knight	Larry Esquire
4:45-5:00 PM	Wrap Up	Lead: J. King	

Figure 2-1. Inspection Schedule Sample (cont'd)

Inspection Schedule

Day 3-4
November 2-3, 2005

FAA INSPECTION LEAD: John King, Phone Number: (202) 355-6000

Employer Name: One Twenty One Airways, Inc.

Employer POC: Brian Smith, Phone Number: (703) 111-2222

Time	Activity	FAA Staff	Employer Staff
8:30-12:30PM	Review of Records	Lead: J. King	Brian Smith and other company representatives as determined by the company.
12:30 –1:30PM	Lunch		
1:30 – 4:45PM	Review of Records	Lead: J. King	
4:45-5:00PM	Wrap up	Lead: J. King	

Figure 2-1. Inspection Schedule Sample (cont'd)

Inspection Schedule

Day 5
November 4, 2005

FAA INSPECTION LEAD: John King, Phone Number: (202) 355-6000

Employer Name: One Twenty One Airways, Inc.

Employer POC: Brian Smith, Phone Number: (703) 111-2222

Time	Activity	FAA Staff	Employer Staff
8:30-11:30PM	Review of Records	Lead: J. King	Brian Smith and other company representatives as determined by the company.
11:30 –12:30PM	Outbriefing	Lead: J. King	

Figure 2-2. Inspection Process Guide

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

Pre-Inspection

___ Confirm date of inspection and logistical arrangements with employer.

___ Ensure documentation is received from employer.

___ Research enforcement history.

___ Provide history to team.

___ Notify C&E Center Manager if additional resources are needed.

___ Provide travel and lodging info to team.

___ Ensure that appropriate management representatives will be available to discuss:
- ___ Employer Administrative and Quality Assurance Activities
- ___ Specimen Collection
- ___ Breath Alcohol Testing Procedures
- ___ Medical Review Officer Activities
- ___ Substance Abuse Professional Activities
- ___ Drug Testing and Alcohol Information, Training, and Referral
- ___ Recordkeeping and Reporting

___ Ensure relevant documents will be available.

___ Complete inspection plan and assign areas of responsibility to team members.

___ Submit completed work plan to C&E Center Manager, Team Coordinator(s), and secretary/program assistant.

Inspection

___ Conduct initial team meeting.

___ Coordinate inspection team members' activities during the inspection.

___ Conduct inspection using the Inspection Lead Guide.

___ Conduct review meetings with team members during inspection and prior to outbriefing.

___ Contact C&E Center Manager if team is undecided about issues during the review process.

___ Interview safety-sensitive employees, if possible.

___ Ensure that all evidence is gathered, verified, & certified during the on-site inspection.

___ Document findings in CETS (if possible).

___ Conduct final team meeting to discuss good points, problem areas, and lessons learned.

Post-Inspection

___ Enter inspection activity and follow-up actions in CETS.

___ Team members concur.

___ Forward documentation to C&E Center Manager/Team Coordinator for final review and approval.

___ Send correspondence to employer as appropriate and track corrective actions.

___ Update CETS as activities occur.

___ Prepare and process enforcement actions (legal and administrative).

___Close out or complete CETS record.

Figure 2-3. Inbriefing/Outbriefing Guide

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

Inbriefing

_____ Introduce team members to employer representatives and circulate a sign-in sheet.

_____ Explain the purpose and scope of the inspection.

_____ Review the inspection schedule.

_____ Confirm employer POCs, C/TPAs and document/record locations.

_____ Inquire about availability of restroom location, copier use and meeting room.

_____ Describe the outbriefing that is to be held at the end of the inspection.

_____ Distribute Small Business Notice, if applicable.

_____ Advise end of inbriefing and allow opportunity for non-participants to leave.

Outbriefing

_____ Thank employer for cooperation and assistance, as applicable, and circulate the sign-in sheet.

_____ Inspection lead may request that employer hold questions and comments until end of briefing.

_____ If there are no out-of-compliance issues, advise employer that this concludes the inspection and there will be no further correspondence.

_____ Review scope of inspection and activities conducted and state that there will be a written follow-up to the inspection. Describe review process, but do not discuss possible enforcement.

_____ Describe items that are allegedly out of compliance with the regulations. Negotiate a time limit with the employer for completing corrective actions.

_____ Review any open items, if applicable.

_____ State areas of concern, if applicable.

Close inspection and depart facility immediately.
Do not leave any written inspection materials or evidence behind.

Figure 2-4. Meeting Attendance List

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

MEETING ATTENDANCE LIST

Company: _____ Date: _____

Name	Title/Organization	Telephone Number	Email Address	Attendance
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing
				☐ In briefing ☐ Out briefing

Figure 2-5. Records Reviewed and Collected Guide

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

The following guide may be used as a tool during the pre-employment record review portion of the inspection/investigation. This document is only to help organize your results of the inspection and is not meant to be evidence to support a violation.

At the conclusion of the inspection, the inspection lead must ensure that all inspection results are captured in CETS. At that time, this document must be destroyed and not maintained as part of the record. The CETS record is the official documentation of the inspection.

Employee Name and Number	Job Category	Hire/ Transfer Date	Date of Collection	Date Result Verified	Did the Employee Perform?	40.25 and 'J' Completed?	Remarks

Figure 2-6. Inspection Compliance Issue Guide

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

The following guide may be used while onsite at the inspection to help document issues discovered during your review of the records or following an interview with a witness.

At the conclusion of the inspection, the inspection lead must ensure that all inspection results are captured in CETS. At that time, these documents must be destroyed and not maintained as part of the record. The CETS record is the official documentation of the inspection.

Regulation Citation(s): _____

_____

Checklist Item Number(s): _____

Brief Statement of Issue: Company failed to _____

_____

_____

_____

_____

_____

_____

_____

_____

Or

Company conducted _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Evidence Collected: _____

_____

_____

_____

_____

_____

Figure 2-7. Sample Certifications of Authenticity

1. Documents copied from originals held by individuals or companies:

I certify that this is a true and accurate copy of the original {insert description of document} held by {insert name of source}.

_____
{Name of FAA Investigative Personnel}

2. Documents secured by FAA Investigative Personnel from sources outside the FAA upon request:

I certify that this copy of {insert description of document} was provided to me upon request by {insert name of source}.

_____
{Name of FAA Investigative Personnel}

3. Photographs either taken or secured by FAA Investigative Personnel:

I certify that this photograph fairly and accurately depicts {describe the image of the photograph} on {insert date and time it was taken}.

_____
{Name of FAA Investigative Personnel}

4. Faxed documents from sources outside the FAA:

I certify that this copy of {insert description of document} was received by fax {insert name of source}.

_____
{Name of FAA Investigative Personnel}

Figure 2-8. Return-to-Duty Process Flowchart

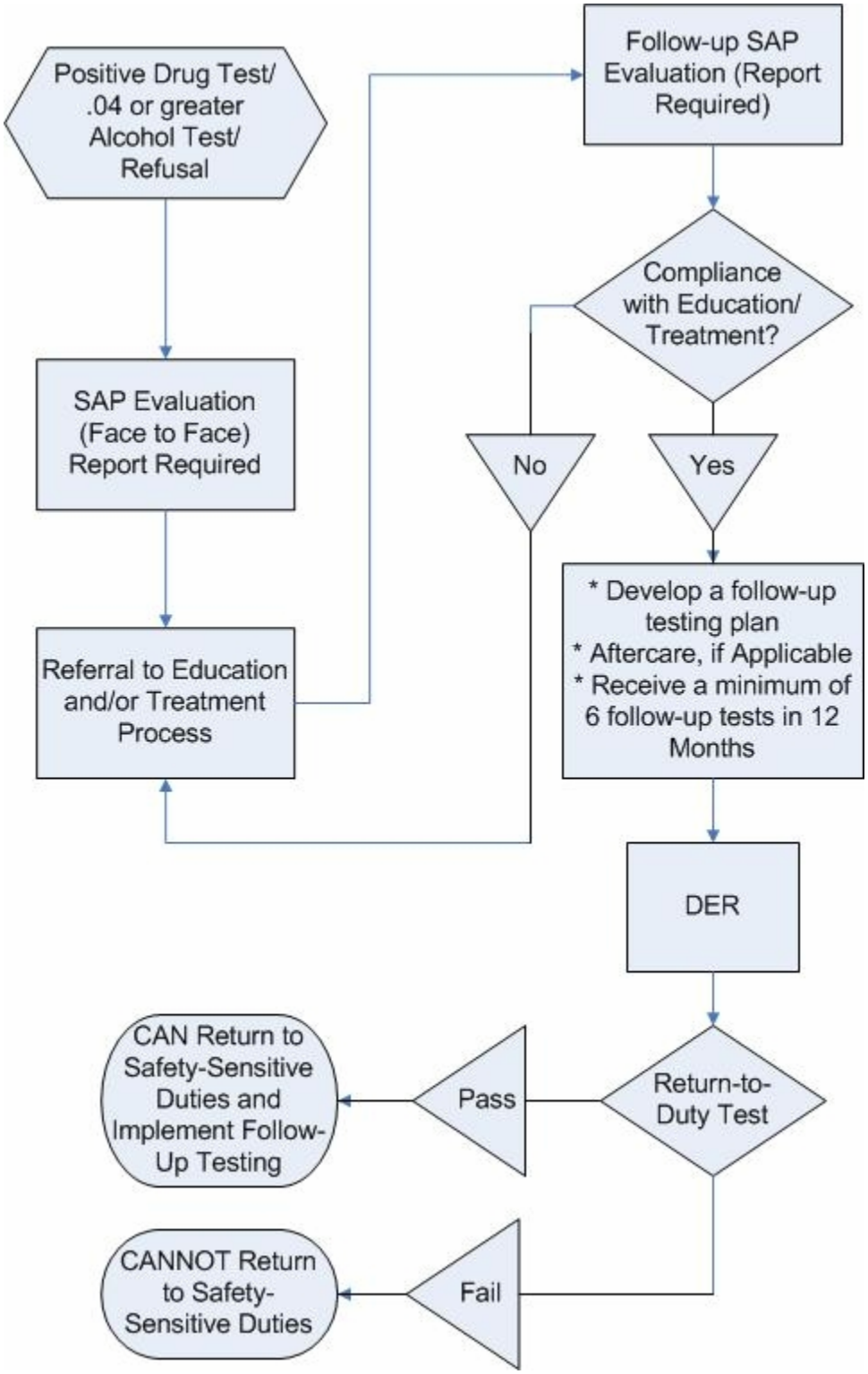


Figure 2-9. Federal Drug Testing
Custody and Control Form (CCF) Process Flowchart

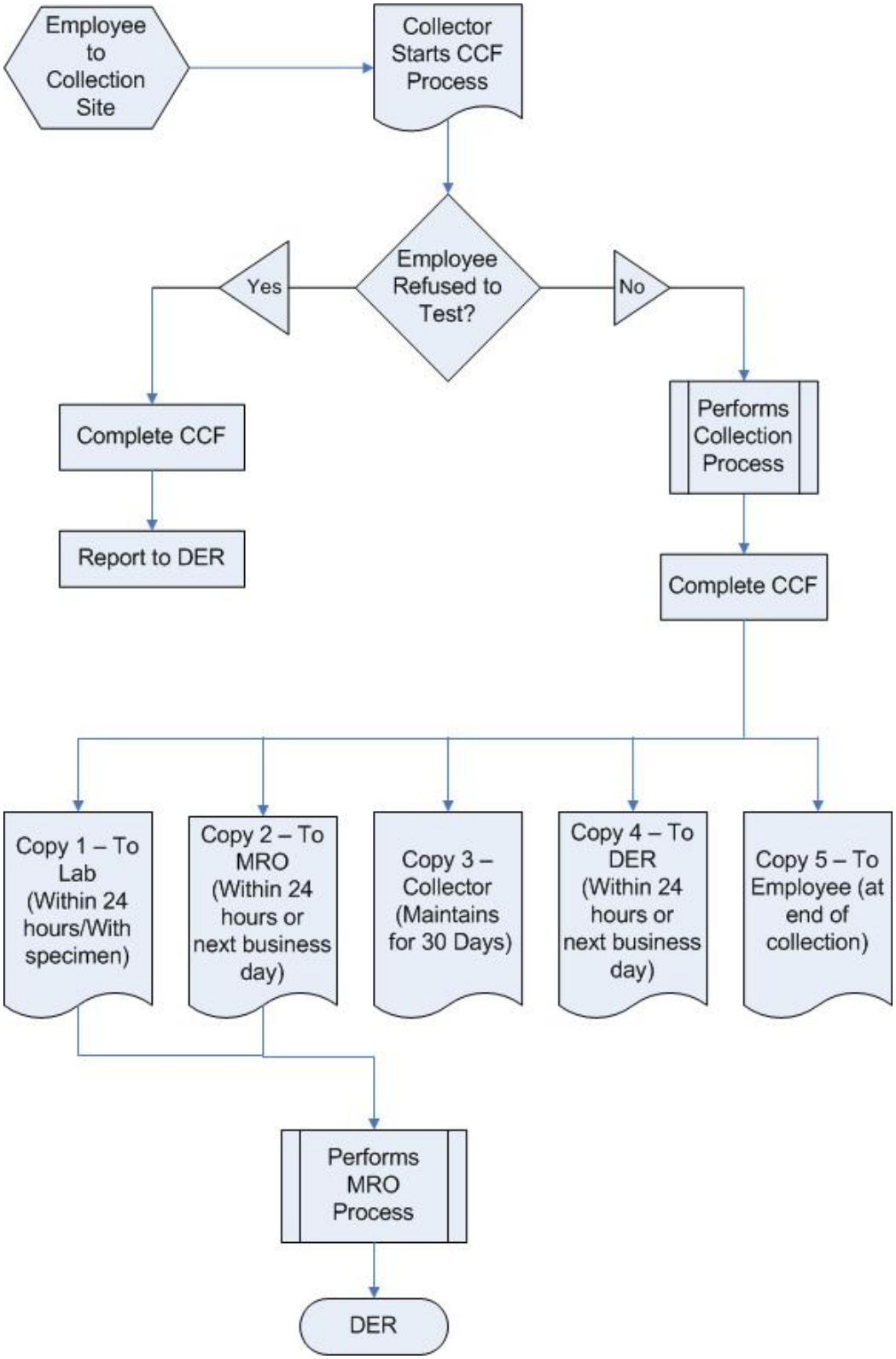


Figure 2-10. Employee Interview Guide

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

Employer_____ Date/Time_____

Interviewer Name_____

Employee Name_____

Employee Job Title_____

Length of Service with Employer_____ Total Experience_____

This interview is voluntary. Its purpose is to help evaluate the drug and alcohol testing program mandated by the FAA.

What type of work do you do and when were you hired? Explain your duties/assignments.

Are you a supervisor?

When did you first perform safety-sensitive duties?

Have you submitted to any drug tests? When?

If a pre-employment test is not mentioned, ask:

Did you have a pre-employment drug test? When?

If the employee cannot recall when he/she received a pre-employment test, ask:

Was this before or after you first performed safety-sensitive functions?

Do you know how your name was selected for a drug test or tests after you were hired?

After you were notified of your selection, when did you have to appear for your test?

Have you submitted to any alcohol tests? When?

After you were notified of your selection, when did you have to appear for your test?

Have you received training regarding the drug and alcohol testing program of your employer?

What are some of the effects and consequences of drug use on personal health, safety, and the work environment?

Figure 2-10. Employee Interview Guide (cont'd)

Can you name some of the behavioral indicators that may indicate drug use?

What are some of the effects and consequences of abusing alcohol on personal health, safety, and the work environment?

Can you name some of the behavioral indicators that may indicate alcohol abuse?

Have you received any informational materials on the drug and alcohol testing program? If so, what types of materials have you received?

Have you received a community service hotline telephone number for employee assistance? If so, when and where did you receive the number?

Have you received a copy of your employer's policy regarding drug use in the workplace?

(When interviewing Supervisors Only)

Have you received training concerning reasonable cause and reasonable suspicion testing?
Describe the training you received.
When did you receive this training?
How often have you received training?
When was the last time you received this training?
Did the training include specific contemporary physical, behavioral, and performance indicators of drug and alcohol use?
How long was the training?
(*If necessary, ask:*) Was the training at least 60 minutes in length for both the alcohol and drug portions?

Do you have any general comments, concerns, or complaints regarding the drug and alcohol testing program?

Figure 2-11. Witness Statement Form

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

Inspection Witness Statement Form

(PRINT)

Name of Employer or C/TPA:_____

Witness Name:_____ Date:_____

Mailing Address:_____ Time:_____

Telephone:(Home)_____(Work)_____Place:_____

Inspector's/Investigator's Name:_____

Others Present:_____

Narrative:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Witness Signature:_____ Date:_____

Signature(s) of others present _____, _____, _____

Inspector/Investigator Signature:_____ Page ____of_____

Figure 2-11. Witness Statement Form (cont'd)

Witness Statement Form (cont'd)

(PRINT)

Witness Name: _____
Date:_____

Narrative:

Witness Signature:_____ Date: _____

Inspector/Investigator Signature:_____ Page _____of_____

Figure 2-12 – Record of Interview

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

Record of Interview

Federal Aviation Administration
Office of Aerospace Medicine

EIR#

INTERVIEW SUBJECT

Name:		Telephone:	
Position:		Address:	
Date/Time of Interview:			

INTERVIEW NARRATIVE

FOR OFFICIAL USE ONLY
Public availability to be determined under 5 USC 552

Figure 2-13. Inspection Correspondence Flowchart

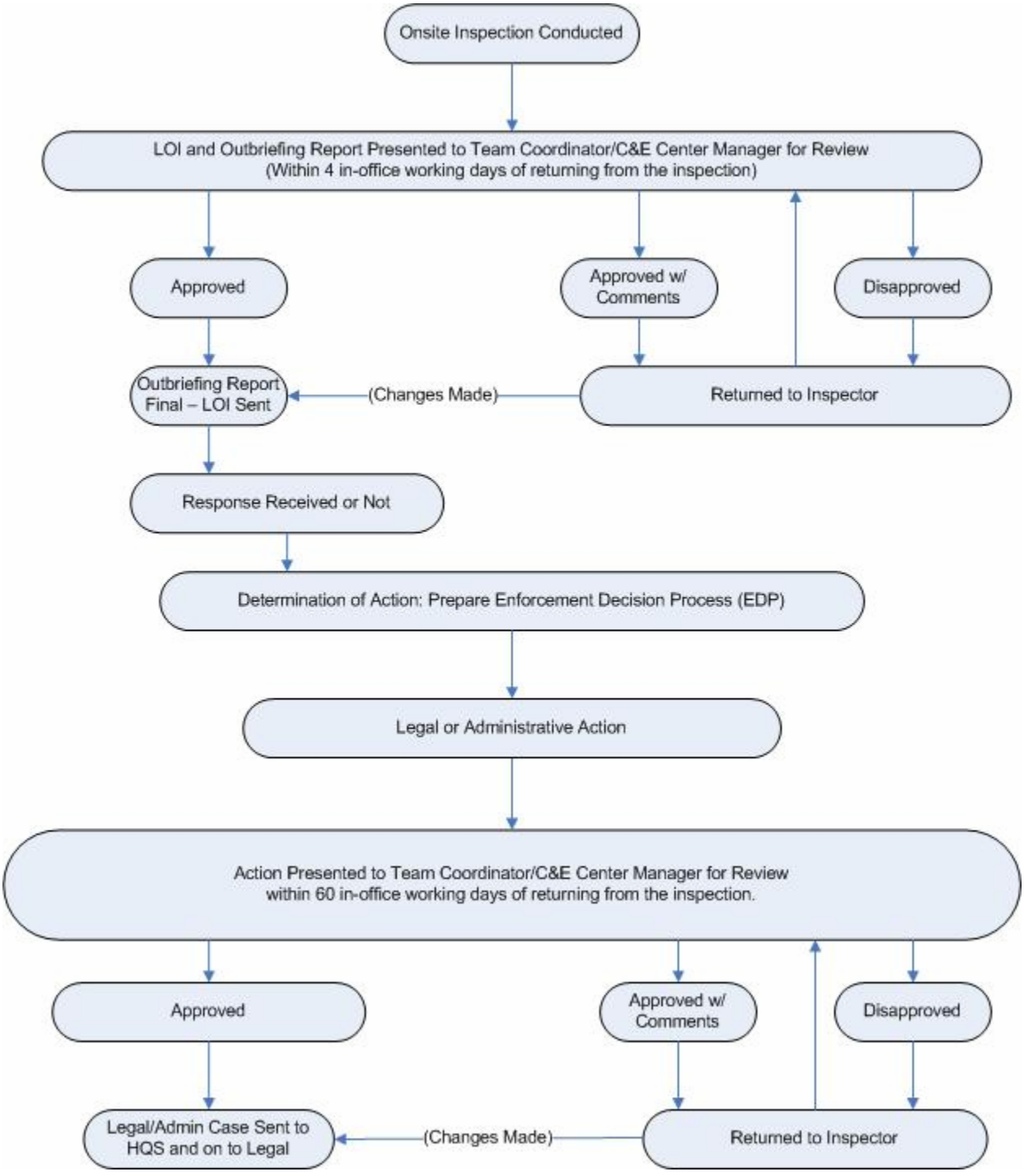
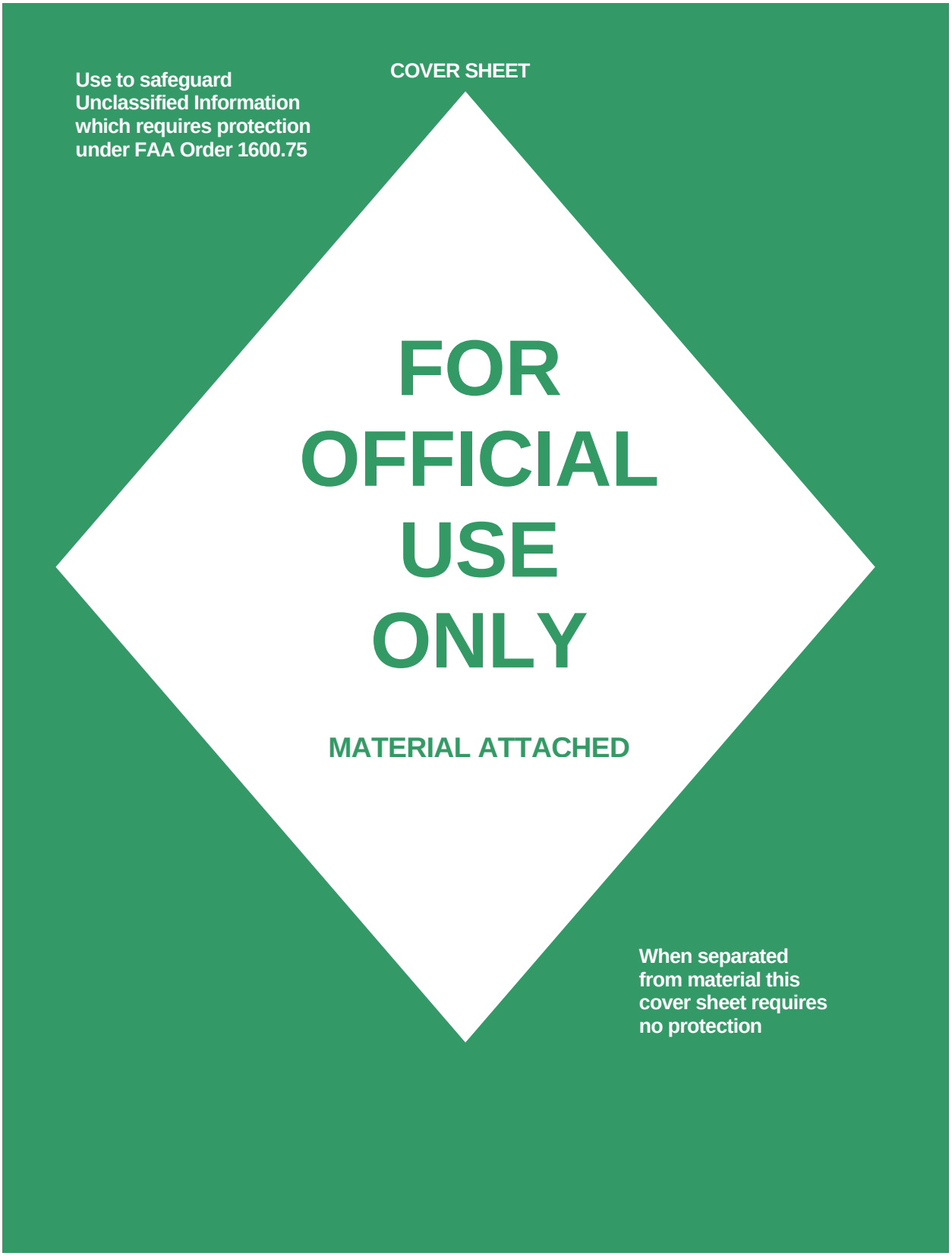


Figure 2-14. Sample FOUO Coversheet



Chapter 3. Investigations

1. General. All Drug Abatement Division activities involve some element of an investigation in which the facts of an issue are examined. The majority of these investigations pertain to alleged violations of the drug and alcohol testing regulations by companies or individuals who perform safety-sensitive functions. The purpose of these investigations is to determine whether a violation exists and warrants the need for legal enforcement action (i.e., civil penalty or certificate action) or administrative action (i.e., WN or LOC) to ensure future compliance with the drug and alcohol testing regulations.

a. Each inspector/investigator is responsible for reporting all alleged violations to his/her manager. Based on the source and subject of the alleged violation, the investigation will be conducted by an inspector in the field or an investigator in the Special Investigations Branch (AAM-830).

b. Investigations are categorized as investigations of a company (i.e., employers, contractors, service agents) or investigations of individuals who perform safety-sensitive functions. This chapter will describe the sources of allegations, categories of investigations, and the Branch or C&E Center responsible for the investigation.

2. Sources of Allegations. An allegation may come from any of the following sources: FAA Aviation Safety Hotline, noncompliance transmittals (NCT), Congressional inquiries, refusal reports, part 67 reports, and complaints. Under each company's profile in CETS, there is a tab titled "Special Issues." This tab allows for the documentation of the source and allows for the initiation of an investigation, inspection, or a decision not to conduct a further inquiry. If an investigation is necessary, it will be initiated under the company's activity record.

a. FAA Aviation Safety Hotline. These allegations are received through the FAA's Aviation Safety Hotline office and directed to the Drug Abatement Division for action and may involve individuals and/or companies. Issues involving individuals are referred to AAM-830 for investigation. However, some issues involving companies may be assigned to the C&E Centers for inspection or investigation.

b. NCT. An NCT is an internal process that inspectors, investigators, managers, or anyone within the Drug Abatement Division may use to document issues that emerge during an inspection, an investigation, or through the course of normal duties. These issues typically involve possible noncompliance by another company or an individual. The majority of these will be handled by the C&E Centers, unless circumstances require action by AAM-830.

c. Congressional Inquiries. Congressional inquiries are correspondence requesting information regarding constituents. Congressional inquiries are referred to the Program Policy Branch (AAM-820) for action, but may be coordinated with the other Branches and the C&E Centers where necessary.

d. Refusal Reports. An employer is required to report all refusals to submit to drug or alcohol testing by an individual who holds an airman certificate issued in accordance with 14 CFR parts 61, 63, or 65. These refusals are investigated by AAM-830.

e. Part 67 Reports. An employer is required to report all verified positive drug test results, confirmed alcohol misuse violations, or refusals to submit to testing by any individual who holds a medical certificate issued in accordance with 14 CFR part 67 or refusals to submit to testing. These cases are also investigated by AAM-830.

f. Complaints. Complaints are the result of an individual or company requesting an investigation of an event, or information received from other FAA sources (e.g., Flight Standards Service). These allegations may be against a company or individual. These issues are referred to AAM-830 for review. AAM-830 may conduct the investigation and coordinate with the C&E Centers for assistance where necessary. It is possible that the issue may be referred to the C&E Center for inspection or investigation.

3. Investigations of a Company. These investigations include similar procedures established for an inspection, as described in Chapter 2 of this order. An LOI is issued alleging the violation. The response may result in administrative action (i.e., WN or LOC) or legal enforcement action (civil penalty or certificate action). An on-site investigation at the company or one of its locations may or may not be necessary and this determination is made by a Branch or Center Manager.

4. Investigations of Individuals Who Perform Safety-Sensitive Functions. Investigations involving individuals who perform safety-sensitive functions are critical and require an immediate investigation. All investigations of individuals are the responsibility of AAM-830. These investigations most often result from the following:

a. Report of an individual's refusal to submit to a drug or alcohol test;

b. Report of a verified positive drug test or an alcohol misuse violation by an individual who holds a medical certificate issued in accordance with 14 CFR part 67;

c. An individual performing safety-sensitive functions after testing positive or refusing to submit to a drug and/or alcohol test without complying with the return-to-duty process;

d. An FAA Aviation Safety Hotline complaint; or

e. A complaint received based on the activities of an employee as they relate to drug and alcohol testing.

5. If an inspection team finds, during the normal course of an inspection, any issues that relate to violations by an individual who performs safety-sensitive functions, the inspection lead will notify the C&E Center Manager, who will subsequently notify AAM-830. The Manager of AAM-830 will provide further directions/actions and the matter should be left open.

Chapter 4. Voluntary Disclosures

1. General. One of the elements of the FAA's compliance and enforcement philosophy is that aviation safety depends primarily on voluntary adherence to the regulations. The FAA has developed programs to encourage companies to examine their own compliance efforts. Holders of part 119 certificates with authority to operate under parts 121 and/or 135 and part 145 repair station certificates are eligible to participate in the Voluntary Disclosure Reporting Program, which is described in Advisory Circular (AC) 00-58B. This program allows certificate holders to report inadvertent violations to the FAA along with a description of the corrective action taken, and the comprehensive fix for preventing future violations.

2. Procedures. When processing voluntary disclosure cases, each inspector/investigator must use the information in this chapter, in conjunction with AC 00-58B, and adhere to the procedures established under the Quality Management System of ISO AAM-800-007. Failure to follow these procedures may result in a corrective action report, as described in the ISO procedure. When a company has a voluntary disclosure, the inspector/investigator must check the status of the voluntary disclosure. If the disclosure is still pending, the inspector/investigator must gather evidence of the violation, immediate corrective actions, and comprehensive fix. The information should be provided to the responsible inspector, investigator or program analyst assigned to the voluntary disclosure. If the disclosure is closed, the inspector/investigator must check to ensure the comprehensive fix has been implemented. All follow-up activities should be entered in CETS. All outgoing correspondence must be written and transmitted through USPS, certified return receipt. Electronic mail is not authorized.

a. Once a certificate holder discovers an apparent violation, the company may voluntarily disclose it to the FAA within 24 hours. The process for documentation when a disclosure is received is critical to whether it is accepted or denied. Each Drug Abatement employee is responsible for ensuring that a disclosure is reported immediately to the appropriate Branch or C&E Center Manager.

b. Initial notification from the company can be accomplished by the following means:

(1) By phone, through contacting any Drug Abatement employee. Once the notification is received, the Drug Abatement employee must refer the certificate holder to the appropriate Branch or C&E Center Manager and then prepare a detailed statement of the conversation to transmit to the Branch or C&E Center Manager.

(2) Written correspondence via regular mail or electronic mail. All written correspondence must be referred to the appropriate Branch or C&E Center Manager.

(3) In person, during an inspection or investigation. When this occurs, the inspector/investigator should not tell the company that the disclosure is unacceptable. Take the information and complete your inspection or investigation, including the issues that were disclosed. Advise the company to submit the information to the appropriate Branch or C&E

Center Manager. As soon as possible, the inspector/investigator should prepare a detailed statement of the submission to transmit to the appropriate Branch or C&E Center Manager. Ensure that the statement includes the date and time of the notification, as well as the name and title of the person who provided the information.

c. After receipt of the disclosure, the assigned manager must determine if there is a violation of the regulations or not. If there is not, the certificate holder is advised in writing that its disclosure was not a violation using the letter template contained in CETS.

d. Issuance of the Letter of Acknowledgment (LOA). If the disclosure describes a violation of the regulations or if it's unknown as to whether a violation exists, the inspector/investigator must issue an LOA using the letter template contained in CETS and send through USPS, certified return receipt. Electronic mail is not authorized. The LOA serves two purposes. First, it acknowledges receipt of the initial notification. Second, it identifies, in accordance with AC 00-58B, the information that the certificate holder must submit in writing to the FAA, if not already provided. This information should be provided to the FAA, within 10 working days after the initial notification was made.

e. Upon receipt of the response to the LOA, the inspector/investigator must analyze the violation and the information, obtain the evidence to show the violation has been corrected, and determine whether the comprehensive fix is acceptable. The determination to deny or accept a voluntary disclosure is based on specific factors of the violation and the certificate holder's actions. When making this determination, it is important for the inspector/investigator and Branch or C&E Center Manager to follow the procedures established under AC 00-58B and Order 2150.3B. Additionally, it's imperative to coordinate with the Drug Abatement Division Manager and Chief Counsel's Office for disclosures that are complex or require legal guidance.

(1) If the FAA accepts the voluntary disclosure, the inspector/investigator must send the certificate holder an LOC (using the letter template contained in CETS) through USPS. The LOC is assigned an EIR File Number. At the conclusion of the disclosure process, the employer is referred for inspection in CETS. At the next inspection, inspectors/investigators will evaluate the comprehensive fix and annotate the results in CETS.

(2) If the voluntary disclosure is denied, the inspector/investigator must generate a letter of denial using the letter template contained in CETS and send it through USPS, certified return receipt, and refer the employer for inspection or investigation in CETS. Ultimately, the issue will be handled via the inspection results or the investigative action. At the next inspection, inspectors/investigators will gather evidence of violation and process inspection paperwork as if the company had not disclosed the violation. When closing the inspection, inspectors/investigators will add notes to the analysis of the voluntary disclosure indicating the findings and action taken with the inspector/investigator's initials and date information was entered.

f. Once the disclosure is complete, it must be included under the employer's enforcement record in its C&E Center and CETS profile. In addition to the correspondence and evidence, the C&E Center record must include the following:

(1) Inspector/Investigator Analysis. The inspector/investigator analysis must include the following (see sample analysis in Figure 4-1):

(a) Summary of the voluntary disclosure. This is a chronological summary, including affiliated dates, of the voluntary disclosure. This includes a summary of the written and verbal communications to and from the certificate holder.

(b) Summary of the certificate holder's comprehensive fix.

(c) Analysis and recommendation to deny or accept voluntary disclosure.

(d) Final action.

(2) Copy of the 2150-5 Form. Refer to the Drug Abatement Division's EIS Manual for completing the 2150-5 form for a voluntary disclosure. Some of the certificate holder's information, such as its name and address, certificate number, etc. is not included on the 2150-5. Records submitted to the FAA under the Voluntary Disclosure Program are protected from release to the public.

Figure 4-1. Sample Inspector/Investigator Analysis

VOLUNTARY DISCLOSURE ONE TWENTY ONE AIRWAYS, INC.

On April 17, 2006, One Twenty One Airways, Inc.'s Drug and Alcohol Program Manager, Brian Smith, was performing an internal audit of its drug and alcohol testing program. During this audit, he discovered that on March 28, 2006 One Twenty One Airways, Inc. transferred an employee, Mr. David Baker, from a non safety-sensitive position to a safety-sensitive position, but did not perform a pre-employment drug test on Mr. Smith prior to that transfer. Upon discovering this item of noncompliance, David Baker was immediately sent for a pre-employment drug test. On April 18, 2006, Brian Smith notified the FAA, via phone, and voluntarily disclosed the apparent violation of the drug testing regulations.

On April 20, 2006, an LOA was sent to One Twenty One Airways, Inc., via certified mail, requesting the information prescribed in AC 00-58A and a copy of Mr. Baker's verified negative test result. On May 2, 2006, One Twenty One Airways, Inc. submitted to the FAA, via fax, the information requested in the LOA.

COMPREHENSIVE FIX:

- All employees being transferred must go through the entire human resources process. The Human Resource Action form was amended so that the negative drug test results will be documented prior to the employee's transfer. This will ensure that a pre-employment drug test has been performed and a verified negative test received prior to transferring an employee into a safety-sensitive position.

- One Twenty One Airways, Inc. has a self audit program for its drug and alcohol testing program. They have added transfers from non safety-sensitive positions to safety-sensitive positions to that audit.

- Brian Smith will be responsible for monitoring and ensuring that the violation does not reoccur in the future.

RECOMMENDATION:

A review of CETS shows that One Twenty One Airways, Inc. has not had any other violations of this nature. Based upon One Twenty One Airways Inc.'s compliance with the protocol in AC 00-58A, I recommend approval of the voluntary disclosure.

FINAL ACTION:

On May 16, 2006, One Twenty One Airways, Inc. was issued an LOC and referred to the inspection planner for a future inspection.

Chapter 5. Administrative Information

1. Authority to Change this Order. Practices, procedures, and documents contained in this order cannot be changed without the consent of the Drug Abatement Division Manager. Supplements to this order are prohibited unless authorized by the Drug Abatement Division Manager.

2. Background. In response to fatal aviation accidents related to substance abuse, the FAA adopted regulations in 1988 (codified as 14 CFR part 121, appendix I), which required aviation employers to implement a drug testing program for those personnel who perform safety-sensitive functions. In 1994, the mandate for alcohol testing was added to 14 CFR part 121, appendix J, as a result of the investigatory findings that the Exxon Valdez oil spill of 1989 was alcohol related and that pilots of a major U.S. air carrier had flown while intoxicated in 1990. In 2009, both appendices I and J were joined to create 14 CFR part 120, Drug and Alcohol Testing Program. Upon the inception of the drug testing regulations, the Drug Abatement Division developed a comprehensive inspection program. This order has been designed to serve as a multipurpose document that will guide the inspectors and investigators in the effective implementation of the inspection program, as well as provide them with supplemental information regarding the FAA-mandated drug and alcohol testing program.

3. References. These are the references that inspectors and investigators must use to perform his/her job.

a. Code of Federal Regulations (CFR). The CFR contains the regulations implemented by each Federal agency to implement statutes passed by the United States Congress. The drug and alcohol testing regulations are located in 14 CFR part 120 and 49 CFR part 40. The CFR can be accessed online through the Government Printing Office Web site at: http://www.gpoaccess.gov .

b. Federal Register. The Federal Register is the official daily publication for Executive Orders, proposed rulemaking, final rules, and notices of Federal agencies and organizations. The Federal Register is published by the Office of the Federal Register, National Archives and Records Administration (NARA), and can be accessed through the Government Printing Office Web site at: http://www.gpoaccess.gov .

c. United States Code (USC). The USC consists of Federal statutes passed by the United States Congress. The drug and alcohol testing regulations are promulgated under the statutory authority of the Omnibus Transportation Employee Testing Act of 1991 (49 USC §§ 45101-45107) and the FAA's general safety authority outlined in 49 USC§§106(g) and 44701. The USC can be accessed online through the Government Printing Office Web site at: http://www.gpoaccess.gov

d. Drug Abatement Division (AAM-800) QMS Web Site. This site is a part of the FAA's Aviation Safety Quality Management System (AVS QMS) Web site. It contains AAM-800's ISO approved processes and procedures, records, documents, and forms. This Web site can be accessed at: https://intranet.faa.gov/faaemployees/org/linebusiness/avs/qms/qms_homepages/aam/qms_divisions/ .

e. FAA Drug Abatement Division Web Site. This Web site is a comprehensive source of information as it pertains to the Drug Abatement Division's development, implementation, administration, evaluation, and compliance monitoring of the aviation industry drug and alcohol

testing program described in 14 CFR part 120. This Web site can be accessed at: http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/

f. FAA Orders/Notices/Advisory Circulars (AC). FAA orders, such as the Compliance and Enforcement Program (Order 2150.3B), and notices are directives to its own personnel and designees on how to carry out its responsibilities. ACs are issued to provide guidance and information in a designated subject area or to show a method acceptable to the Administrator for complying with a Federal Aviation Regulation. FAA orders, notices, and ACs can be accessed online at the following Web sites: http://rgl.faa.gov
http://isddc.dot.gov/OLPWeb.ASP

g. Compliance Enforcement Tracking Subsystem (CETS). CETS provides the Office of Aerospace Medicine's Drug Abatement Division with automated capabilities for tracking, scheduling, and managing enforcement activities (i.e., inspections, investigations, voluntary disclosures, and other enforcement-related activities). It also maintains a database of cases, future schedules, employers/contractors and C/TPAs, and correspondence templates. Guidance on using CETS has been published by AAM-800 in the CETS manual. Letters of notification, investigation, correction, and warning must adhere to the formats in CETS and may be altered only on the direction of the Drug Abatement Division Manager.

h. Drug Abatement Division's Enforcement Information Subsystem (EIS) Manual. This manual contains the procedures for entering enforcement-related information into the FAA's EIS. Inspectors and investigators should contact their manager for a copy of this manual.

i. DOT Office of Drug and Alcohol Policy and Compliance (ODAPC) Web Site. The ODAPC Web site is a comprehensive source of information as it pertains to the implementation and interpretation of the drug and alcohol testing regulations in 49 CFR part 40. This Web site can be accessed at: http://www.dot.gov/ost/dapc/ .

j. Drug Abatement Division Policy and Guidance SharePoint Site. This site catalogues the Industry Drug and Alcohol Testing documents. This Web site can be accessed at: https://avssharepoint.faa.gov/AAM/800/820/DA_Policy_Database/default.aspx

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

Appendix A. FAA Drug Abatement Program Inspection Guide

The following inspection guide is designed to assist inspectors and investigators in conducting an inspection of an employer or contractor's drug and alcohol testing program. This guide replaces the Inspection Checklist, which is re-designated as the CETS Reference List. The CETS Reference List will continue to be the tool used for documenting out of compliance items or concerns in CETS.

Another benefit to using this guide is to ensure that inspections are consistent and thorough. All inspectors and investigators must use this guide for conducting all inspections. Any changes to this guide should be referred to the Program Policy Branch Manager in AAM-820.

A comprehensive inspection consists of the following parts:

Part 1 – Administrative and Quality Assurance Review Guide
Part 2 – Records Review Guide
Part 3 – Collection Site Review Guide
Part 4 – Medical Review Officer (MRO) Review Guide
Part 5 – Substance Abuse Professional (SAP) Review Guide

Not all inspections will include a review of each of the above parts. However, each inspection MUST include a review of parts 1 and 2. Once the inspection lead has entered the information from the inspection guide into the CETS record, the hard copy should be discarded.

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

PART 1: ADMINISTRATIVE AND QUALITY ASSURANCE REVIEW GUIDE

The following guide should be used during each inspection to ensure that areas regarding the company and their testing program are addressed. It's important that the inspector(s) listen to the answers to verify the information during the records review.

Company Name: _____
Inspection Date(s): _____

Company Information

_____ **Please explain the type of business you conduct.**

_____ **What kind of work do(es) your employee(s) perform that requires him/her to be subject to the FAA drug and alcohol testing regulations?**

Coverage

____ 1. How many total employees do you have?
____ 2. How many safety-sensitive employees do you have? Where are they located and what are their job categories?
____ 3. Do you contract out any or all safety-sensitive work?
a. How do you ensure these individuals are subject to an FAA-mandated drug and alcohol testing program? (Alternative Question – If so, are they subject to testing under their own FAA-mandated drug and alcohol testing program?)

Service Agent

____ 1. Do you use a consortium/third party administrator to help with your program?
Name/Location: _____
____ 2. Where do you conduct your collections?
____ 3. If the employer has employees at many locations, or works during non-regular business hours, what collection site do they use?

_____ **Do you have a company program for testing non safety-sensitive employees?**

Mandatory Testing

Pre-employment Testing

____ 1. Have you hired any new safety-sensitive employees in the last 24 months? What is your process for hiring an employee, identifying the duties from one job category to the other?
____ 2. Have you transferred any non safety-sensitive employees into safety-sensitive positions in the last 24 months? What is your process and how is this documented?

____ 3. How do you advise employees of the requirement for testing and the five drugs?
____ 4. Do you perform alcohol pre-employment testing? If not, move on. If so, are all applicants tested?
____ 5. Explain your process for performing the drug and alcohol records check. Have you ever not received a response from a previous employer? When and/or do you make a good faith effort if no response is received?
____ 6. Have you ever received a drug and alcohol records check for a previous employee? If so, how did you respond?
____ 7. How do you ask employees about pre-employment positives or refusals that the employee was not hired for? (an element required under section 40.25(j))

Random Drug and Alcohol Testing
____ 1. Do you manage your own random testing program, or does your C/TPA administer the program for you?
____ 2. Are you in your own pool or combined (if managed by a C/TPA)?
____ 3. How do you (or your C/TPA) generate the random selection list and how often?
____ 4. How do you receive the random selection list?
____ 5. Explain your random testing process (at each location) once selections are done, starting from receiving the list, to notification, to ensure the collection is completed?
____ 6. How are employees added or removed from the random testing pool?
____ 7. Are you, as the program manager or DER, a safety-sensitive employee? If so, please explain how you are notified.

Note: Additional questions relating to random review are in Appendix C of this Order.

Post-accident Testing
____ 1. Have you ever had any post-accident testing? If not, move on.
____ 2. If so, ask to explain the accident. Verify documentation during the records review.

Reasonable Cause/Suspicion Testing
____ 1. Have you ever had a reasonable cause or suspicion test? If not, move on to supervisory training.
____ 2. If so, ask to explain the circumstances including information regarding the trained supervisor who made the determination. Verify information during the records review.
____ 3. How many trained supervisors do you have? If you have multiple worksites/times, do you have a trained supervisor available (if applicable)?
____ 4. Who conducts your supervisory training? How often?
____ 5. What is covered during this training?

_____ Have any of your employees had a verified positive drug test, alcohol misuse violation, or refusal to test? If not, move on.

____ 1. If so, describe your company's response to the outcome of the test.

____ 2. Do you have a policy for rehabilitation or termination?

____ 3. Do you provide the SAP information to every employee who tests positive? Verify SAP qualifications during record review and/or SAP interview (if applicable).

____ 4. Have any of your employees who hold a part 67 airman medical certificate had a verified positive drug test or alcohol violation? If so, have you reported the information to the Federal Air Surgeon?

____ 5. Have any of your employees refused? If part 61, 63, 65, or 67 airmen, have you reported the information to the Federal Air Surgeon?

_____ Return-to-Duty Testing

____ 1. (If they have a policy for rehabilitation) Please explain your process for returning individuals who test positive, refuse or have an alcohol violation while on duty?

____ 2. How do you receive the SAP recommendation?

_____ Follow-up Testing

____ 1. Explain your follow-up testing process?

____ 2. Who performs your follow-up testing notifications?

____ 3. When do you perform your follow-up testing?

_____ Do you or your Consortium/Third Party Provider advise your collector of the required information in §40.14? (e.g., employee name, ID number, etc.) If so, how?

_____ Have you ever received results indicating insufficient specimen, dilute, cancelled, or invalid? If not, move on. If so, ask to explain what they did with the result.

EAP/Training

_____ 1. Where do you display your drug use/abuse materials?

_____ 2. How do you make your alcohol information available to your employees?

_____ 3. What information/training do you provide to your employees (including supervisors) about the drug and alcohol testing program? Is this documented?

_____ 4. Who provides your training and how often?

Recordkeeping

_____ 1. Where do you maintain your drug and alcohol testing records, which include your drug and alcohol records check?

_____ 2. Who has access to these records? Are they secured and how?

This is the conclusion of PART 1, Administrative and Quality Assurance Review. The inspection team must move to PART 2, Record Review, to support or obtain evidence to verify the procedures described. For inspections of service agents (collection site, MRO, or SAP) for this employer, use PARTS 3, 4, or 5 of this guide accordingly.

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

PART 2: RECORDS REVIEW GUIDE

Each inspection must include a review of one or all of the following program documents/records. For each area inspected, the responsible inspector/investigator must initial in the box on the right.

Documents/Records		Inspector's/ Investigator's Initials	Time Period of Review (Start to End)
1. Pre-employment Federal Drug Testing Custody & Control Forms and Results	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
1a. Maintenance Records	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
1b. Pilot Flight Records/Logs	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
1c. Flight Attendant and Other Job Category Work Records	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
1d. Job Descriptions	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
2. Drug and Alcohol Records Check Forms and Responses, which may include employment applications.	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
3. Random Testing Records, which includes: - Listing of random pool prior to selection; - Random selections; - Custody and Control forms and/or results - Alcohol Testing Forms w/ results	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
4. Reportable Accident Records & Post-Accident Test Results	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		

5. Reasonable Cause & Reasonable Suspicion Results and Documentation	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
6. Records of verified positive drug test results or alcohol violations for part 67 medical certificate holders, including notifications to the Federal Air Surgeon	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
7. Refusal Documentation (drug and/or alcohol), including notifications to the Federal Air Surgeon for part 61, 63, 65, and 67 airman.	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
8. Verified Positive Drug Test Results	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
9. Alcohol Misuse Violations	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
10. Disposition of Verified Positive Drug Test Cases and Alcohol Misuse Violation Cases, including Return-to-Duty and Follow-up Testing Records (if applicable)	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
11. Documents Pertaining to Drug and/or Alcohol Testing Arbitration or Litigation	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
12. Drug and Alcohol Program Training Records Employee Records Supervisor Records	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
13. Alcohol Policy and Drug Information Materials	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
14. Documentation to Verify Contractor Compliance	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		

15. Collection Site Documentation: Collector/Breath Alcohol Technician Training Records Specimen Collection Logs Calibration Logs for EBT devices	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
16. MRO Records: MRO Qualification/Training Records Records of Notification & Determination/Verification	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
17. SAP Records: SAP Qualification/Training Records Initial and Follow-up Evaluations	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		
18. Laboratory Records Semi-annual Summaries Blind Testing Results	☐**Reviewed** ☐**Not Reviewed** ☐**Not Applicable**		

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

PART 3: COLLECTION SITE REVIEW GUIDE

When an inspection includes a review of the collection site, including a simulated collection with the specimen collector and/or breath alcohol technician (BAT), each inspector must use the following guide.

Collection Site Facility Name: _____
Interviewee (site manager and/or collector): _____

Evaluation of Facility

____ Privacy for testing.
____ Security of the testing site, results and specimens.
____ Toilet area for collection is compliant.
____ EBT or ASD are on conforming products listing.
____ If the dry gas method is used to calibrate the EBT, check the expiration date on the "Scotty Bottle".

Documents that must be reviewed:

____ Collector and BAT Training Certificates
____ Quality Assurance Plan for the EBT and ASD
____ Review of custody and control forms and alcohol testing forms used for DOT testing
____ External calibration logs/documentation
____ Facility manuals to ensure they include the up-to-date regulations.

How does the employer or Consortium/Third Party Provider advise you of the following information (required under 40.14)?

(a) Full name of the employee being tested
(b) Employee SSN or ID number
(c) Laboratory name and address (if not pre-printed on the form)
(d) Employer name, address, phone number, fax number (if not preprinted on the form)
(e) Designated employer representative (as required by 40.35)
(f) MRO name, address, phone number and fax number (if not preprinted on the form)
(g) DOT Agency which regulates the employees safety-sensitive duties (if not pre-checked on the form)
(h) Test reason, as appropriate: Pre-employement, random, reasonable suspicion/reasonable cause, post-accident, return-to-duty, and follow-up
(i) Whether the test is to be observed or not
(j) (Optional) Consortium/Third Party Administrator's name, address and fax number (if not preprinted on the form)

During the simulated urine collection, ensure that the following steps are demonstrated:

Name of Collector: _____

☐ Identify the donor by picture identification.
☐ Explain the collection process, including showing the instructions on the back of the CCF.
☐ Complete step 1 of the custody and control form.
☐ Instruct the donor to remove any unnecessary outer garments, empty pockets, etc. (allow the items to be locked and provide a key?)
☐ Instruct the donor not to list any medications on the CCF.
☐ Instruct the donor to wash and dry their hands. Instruct the donor not to wash their hands again until after delivering the specimen.
☐ Allow the donor to, or in their presence, select a collection cup.
☐ In the donor's presence, open the collection cup from a sealed bag/package.
☐ Prepare the collection area – blue dye in the toilet, tape/shut off faucets and/or soap dispensers.
☐ Inspect the collection area.
☐ Advise the donor to provide 45ml in the cup and not to flush.
☐ Upon receipt of the specimen, and in the presence of the donor, does the collector:
  ☐ Read the temperature and note the CCF?
  ☐ Evaluate specimen for signs of being tampered?
  ☐ Open the two specimen bottles and pour 30ml into the first and 15ml in the second?
  ☐ Firmly cap both bottles, place seal A over the 30ml and seal B over the 15ml bottles. Date both seals.
  ☐ Have the donor initial each seal.
☐ Complete and sign Step 4 of the CCF.
☐ Instruct the donor to read the certification and complete Step 5 of the CCF.
☐ Provide the donor with copy 5; place the sealed bottles and copy 1 of the CCF into the shipping container. Seal the container.
☐ Initial and date the shipping container seal.
☐ Advise the donor that the collection process is complete and that he/she may leave.
☐ Transmit (via fax, mail, etc.) copy 2 to the MRO and copy 3 to the employer within 24 hours or the next business day.

Further questions you may ask:

1. Has the collector ever had a shy bladder situation? If so, explain the steps they followed.

2. Has the collector ever had a specimen outside of temperature? If so, explain the steps they followed.

3. Have they ever had a refusal, where an individual refused to cooperate or provide? If so, explain the steps they followed.

4. Have they ever conducted a direct observation collection? If so, explain the steps they followed.

During the simulated alcohol test, ensure that the following steps are demonstrated:

Name of BAT (if different from collector): _____

☐ Identify the donor by picture identification.
☐ Explain the testing process, including showing the instructions on the back of the ATF.
☐ Complete Step 1 of the ATF.
☐ Instruct the donor to complete Step 2 of the ATF and sign the certification.
☐ Open a sealed mouthpiece in view of the donor and attach it to the device.
☐ Instruct the donor to blow forcefully into the mouthpiece until adequate breath is provided.
☐ Show the donor the result displayed on the EBT.
☐ Record the displayed result, test number, device, the serial number of the device, time and result in Step 3 of the ATF or;

☐ Attach the printed result to the ATF in the proper place with tamper-evident tape.

☐ Advise the donor that the alcohol testing process is complete and that he/she may leave.
☐ Transmit (via fax, mail, etc.) the result to the designated employer representative in a confidential manner.

Further questions you may ask:

1. Has the BAT ever had a result that was above 0.02? If so, do they perform the following steps:
   ☐ Explain the confirmation procedure as follows:
      ☐ Instruct the donor not to eat, drink or put any object or substance in their mouth, and to the extent possible, not belch during the waiting period before the confirmation test.
      ☐ Wait 15 to 30 minutes after the completion of the initial test.
   ☐ At the completion of the waiting period, conduct the confirmation test.
   ☐ In the presence of the donor, conduct an air blank and show the reading to the donor.
   ☐ Open a sealed mouthpiece in view of the donor and attach it to the device.
   ☐ Instruct the donor to blow forcefully into the mouth piece until adequate breath is provided.
   ☐ Show the donor the result displayed on the EBT.
   ☐ Record the displayed result, test number, device, the serial number of the device, time and result in Step 3 of the ATF or; attach the printed result to the ATF in the proper place with tamper-evident tape.

☐ Date and sign the ATC certification in step 3.
☐ Instruct the donor to sign the ATF certification in Step 4.
☐ Immediately transmit (via person, telephone or electronic means) the results using Copy 1 to the designated employer representative in a confidential manner, ensuring it was received.

2. At what point does the BAT perform the EBT calibrations?

3. Has the BAT ever had a situation with a shy lung? If so, explain the steps they followed.

4. Have they ever had a refusal, where an individual refused to cooperate or provide? If so, explain the steps they followed.

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

PART 4: MEDICAL REVIEW OFFICER (MRO) REVIEW GUIDE

When an inspection includes a review of the MRO, each inspector must use the following interview and document review guides.

NOTE: This is not an exhaustive listing of questions for the MRO. If you have information regarding a specific incident, you may require more specific questions.

MRO's Name: _____
Address: _____

Interview Questions

_____ 1. How long have you been a Medical Review Officer?
_____ 2. What type of initial and qualification training have you completed?
_____ 3. Explain your verification process for negatives and non-negatives.
_____ 4. Are your assistants involved in your verifications? If so, please explain.
_____ 5. How do you receive the laboratory confirmed results?
_____ 6. Have you ever downgraded a confirmed positive? If so, please explain.
_____ 7. How do you handle the following?
Invalid Results
Dilute Positives or Dilute Negatives
Shy bladder situations
_____ 8. Where do you maintain your MRO records and who has access?
_____ 9. How do you report verified results (negative and non) to the employer?
_____ 10. Have you ever downgraded a confirmed positive? If so, please explain.
_____ 11. What is your procedure for fatal flaws or correctible flaws?

Documents/areas that must be reviewed:

1. Training and Certification Records
2. Documentation of five percent review
3. Downgrades
4. Non-negative tests and verification notes
   ---Efforts to contact employee documented?
   ---Split offered?
   ---Part 67 holder?
5. If the MRO is co-located with the C/TPA, ensure physical and operational separation.

This document is available electronically on our Drug Abatement Division (AAM-800) QMS Web Site.

PART 5: SUBSTANCE ABUSE PROFESSIONAL (SAP) REVIEW GUIDE

When an inspection includes a review of the SAP, each inspector must use the following interview and document review guides.

NOTE: This is not an exhaustive listing of questions for the SAP. If you have information regarding a specific incident, you may require more specific questions.

SAP's Name: _____
Address: _____

Interview Questions

_____ 1. How long have you been a Substance Abuse Professional?
_____ 2. What license(s) or certification(s) do you hold to perform as a SAP?
_____ 3. Have you received qualification training?
_____ 4. Explain your role in the evaluation, referral and treatment process of employees who have violated DOT drug and alcohol testing regulations.
_____ 5. What type of follow-up testing do you recommend?
_____ 6. How do you determine the number and frequency of tests?
_____ 7. How do you report your initial and follow-up evaluation assessment to the employer?
_____ 8. Where do you keep the SAP reports and for how long?

Documents that must be reviewed:

1. Training and Certification Records
2. Initial and final evaluations, including follow-up testing recommendations

Appendix B. Conducting Reviews of Service Agents

PURPOSE: This guidance establishes procedures for the inspection or investigation of service agents. A service agent is defined in 49 CFR part 40 as any person or entity, other than an employee of the employer, who provides services specified in part 40 to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, a consortium/third-party administrator (C/TPA); collection site, collector, or breath alcohol technician; medical review officer (MRO); or a substance abuse professional (SAP). Although service agents are not employers, they must meet the qualifications and requirements set forth in the regulations. Any service agent can be inspected independently or as part of a company inspection.

Note: The guidance established in this appendix applies to independent inspections of service agents.

This guide is divided into the following four sections:

- Section I describes the pre-planning aspects of the inspection.
- Section II discusses relationships and why it's important to ask questions to ensure the C/TPA and laboratory, SAP, and/or MRO are separate and confidentiality is maintained.
- Section III outlines the on-site inspection activities, addressing the inspector/investigator's responsibilities once the inspection team arrives at the service agent location.
- Section IV describes the follow-up activities associated with a service agent inspection.

The guidance in this document outlines the basic concepts of a service agent inspection. This guidance is not intended to be an exhaustive listing and inspectors/investigators should always ask follow-up questions.

All Drug Abatement offices must follow this guidance.

Section I: Pre-Inspection Activity

After management assigns a team to inspect/investigate a service agent, the inspector/investigator must accomplish the following tasks prior to arriving at the location:

- Review any relevant documents, including past inspections and noncompliance transmittals (NCTs). Coordinate with other inspectors/investigators that have had issues with the service agent. Some of this information may be helpful in planning your inspection.

- Access the company's Web site to see what services it "advertises."

- Determine priorities/objectives you hope to achieve through the inspection.

- Determine whether information for your assigned service agent is in CETS. If it is not, please see your Team Coordinator (TC) or C&E Center Manager or Branch Manager.

- If the inspection is announced, generate and send a letter of notification announcing your team's review. The letter is sent through United States Postal Service (USPS) mail, certified return receipt. Electronic mail is not authorized. This is similar to the letter sent to an employer for an inspection, as discussed in chapter 2 of this Order. The attachments to the LON do NOT go to a service agent. If the inspection is unannounced, a letter is not necessary.

- Discuss the planned inspection with your team, ensuring that you set the priorities, objectives, and what is expected of each of them.

Section II: Relationships

It is important that the inspector/investigator understand the established relationships between the different service agents and employers. Relationships between the service agents, specifically the laboratories, MROs, and SAPs, must foster independence and confidentiality.

Inspectors/investigators must ask the following questions to ensure all associations between services agents are objective and impartial:

A. C/TPA and the Laboratory

- What is the relationship between the C/TPA and the laboratory?

- Does the C/TPA set up the employer information with the laboratory/ies?

  - How are the CCFs set up for the employer?
  - Does the C/TPA or employer send the employer's information to the laboratory?

- Does the C/TPA have a financial interest in the laboratory?

- Does the relationship foster independence and confidentiality?

- How are testing records secured?

B. C/TPA and the Medical Review Officer (MRO)

- Where is the MRO's place of business?

- Does the MRO have several offices?
  - If yes, which office is his/her primary place of business?
  - Does he/she physically visit the office where the results are received and/or verified?
  - If no, how does he/she oversee the verification process, and who conducts the reviews and verifications?

- Does the MRO have an office or work at another location other than the C/TPA's?

- If the test results are received from the laboratory at the same address as the C/TPA, does the MRO have a confidential fax? How does the MRO maintain confidentiality?

- Does the MRO work out of the C/TPA's place of business?
  - If the C/TPA and MRO are co-located, is there a firewall between the two?
  - Are the files kept separately?
  - Does the C/TPA receive the results from the laboratory on a shared fax, or does the MRO have its own secure fax to maintain confidentiality?
    - Who has access to the results?
    - Where are the MRO records maintained?
    - How are they maintained?
  - If the same employees work for the C/TPA and the MRO, when do they work for the MRO versus the C/TPA? (Duties should remain separate and distinct.)
    - Are the employees' schedules consistent or do the times vary (example of consistent schedule: works for MRO from 8:00 a.m. until noon and the C/TPA from noon until 4:00 p.m.)?
    - Who has direct supervision over the employees (who hires, fires, pays, disciplines)?
  - Is the owner and operator of the C/TPA also the MRO's assistant?

- If so, how does that relationship work? If the C/TPA hired the MRO and the C/TPA is the MRO's assistant, how do they keep the functions separate and distinct?

C. C/TPA and the Substance Abuse Professional (SAP)

- What is the relationship between the C/TPA and SAP?
- Are there any financial ties?

D. MRO and the Laboratory

- Review and discuss the MRO's relationship with the laboratory.
- Are there any financial ties between the MRO and the laboratory?

Section III: On-site Inspection Activity

This section outlines the inspector/investigator's responsibilities once the inspection team arrives at the service agent location. The inspection team should:

- Conduct an inbriefing, similar to an employer inspection, with the service agent regarding the scope of your inspection.
- Discuss the types of services the service agent provides to its clients and the procedures/guidance it follows when carrying out each type of service.
- Obtain a copy of the service agent's client list.
- Conduct interviews with various service agent employees.
  - Does each employee follow the same process for each service provided?

Specific Areas to Review

A. C/TPA

- What other modes of transportation does the C/TPA service (i.e., motor carrier, railroads, Coast Guard, etc.)?
- If the C/TPA sets up new collection sites, laboratories, or MROs, review the process used.
  - Is a checklist used? If yes, obtain a copy of it.
- Review and discuss the procedure used when setting up a new client.

  - Is a checklist used?
  - What information is received from the client?
  - What information is provided to the client?

- Are company policies and other informational materials or examples of such provided to clients?
  - Who is responsible for updating the information and how is this communicated with the client?

- Does the service agent provide written documentation on its operational set-up to its clients?

- Does the service agent provide up-to-date information to assist the client in implementing its drug and alcohol program?

- Does it provide information on how and when to test?

- Does it provide information to each of its clients on changes to FAA/DOT regulations?

- How does each client receive information on changes to the regulations? How is each client notified of changes?

- What type of services does the service agent provide regarding the different types of testing?

- Review procedures the service agent uses for (aviation) employers for the various types of testing (random testing, for example; see section below).

- Does the service agent maintain records for its clients?
  - If yes, what records does it maintain? How are the records maintained?
  - If it maintains records for employers, how are those records provided to the client and how long does it take for the client to receive copies, if requested?

- Review documents provided to (aviation) employers.

- Review education and training, if provided to aviation employers.

B. Random Testing

To ensure a thorough review of a service agent's random testing procedures and records, inspectors/investigators must determine the following:

- Does the C/TPA's selection process meet the regulatory requirements?

  - Does the selection process ensure that each covered employee has an equal chance of being tested each time selections are made?
  - Are various types of safety-sensitive employees being random tested at roughly the same rates? (For example, do pilots and mechanics have an equal chance of being tested each time selections are made for a random test?)

- Did the C/TPA meet the random testing rate each year (25% for drugs and 10% for alcohol) if utilizing a combined pool?

- Does the C/TPA combine the random testing pool of an FAA-regulated company with that of other FAA-regulated companies?

- How and when are the random testing pools updated?

- How and when are random selections made (i.e., computer number generators)?

- How are random selections conducted for each FAA random pool?

- How are companies notified of random selections (secure notifications)?

- Are random notifications documented?
  - Does the C/TPA document when and to whom they provide the random selection lists?
  - Does the C/TPA have its client annotate and report back to the C/TPA who was tested on the random selection list?
  - Does the C/TPA provide information to its client regarding random notifications?

- How are the random notifications conducted for companies that have one individual/employee?

- How does the C/TPA notify individuals, who are also the DERs, of their random selection?

- How does the C/TPA ensure that the individuals selected are tested?

- How many times were individuals selected, but not tested?
  - Is there any follow-up with the companies/clients when tests are not conducted? If so, how is the follow-up conducted?
  - What action does the C/TPA take, if any, against employers who do not random test employees who are selected?

- How do the individual companies or collection sites notify the C/TPA when random alcohol tests are completed?

  - How does the C/TPA ensure that the annual random alcohol rate is met for combined pools?
  - Does the C/TPA provide any follow-up, for companies that have their own pools, regarding whether or not they will meet the annual alcohol testing rate?
  - How does the C/TPA determine if it met its annualized random testing rate for drugs and alcohol?

- How does the C/TPA determine if it met its annualized random testing rate for drugs?

C. Collection Site

If the service agent you are reviewing is a drug and alcohol collection site, the inspector/investigator must determine the following:

- How are collection sites set up for the employer?

- Can the collection sites conduct both drug and alcohol collections, or are separate sites used for the different collections?

- Can collection sites conduct collections during the company's operating hours or after hours for emergencies?

- Are there secondary collection sites set up for the times when the primary collection site is closed, no personnel are available, or the evidentiary breath testing device is not working?

- If the C/TPA sets up collection sites, does the C/TPA provide information to the employer regarding the collection site? If yes, what type of information?

- Who follows up with collection sites if there are problems? How is the follow-up conducted and documented?

- If the C/TPA does follow up, how does the client know the corrective action has been taken?

- If the C/TPA sets up collection sites, does the C/TPA ensure that the collectors meet the training and qualification requirements and that the collection site meets the regulatory requirements? Review all collectors and BAT's training documentation.

- Is the quality assurance plan (QAP) for each evidentiary testing device (EBT) being met.
  - Review the calibration and external calibration records (reviewing the actual print-out from the EBT, not just a handwritten log book).

  - Review the method used to conduct the external calibration checks.
  - Check the canister for an expiration date. If it is past expiration date, that may not require cancellation of any of the tests. You must elevate this issue to your Branch or Center Manager for resolution.
- Check the value on the dry gas or wet bath solutions and the external calibration results from the EBT to verify results are within allowable limits, as stated in the QAP.

D. Medical Review Officer (MRO)

If the service agent you are reviewing is an MRO, the inspector/investigator must determine the following:

- Review the MRO's qualifications, knowledge, and training, specifically their M.D. or D.O. qualification and re-qualification training.
- Verify information you received from the MRO by checking some of the following organizations to confirm their licensed, trained, and certified:
  - American Association of Medical Review Officer (AAMRO) at www.aamro.com,
  - Medical Review Officer Certification Council (MROCC) at www.mrocc.org,
  - American College of Occupational and Environmental Medicine (ACOEM) at www.acoem.org,
  - American Society of Addiction Medicine (ASAM) at www.asam.org,
  - American Medical Association (AMA) at www.ama-assn.org, or
  - American Board of Medical Specialties (ABMS) at www.abms.org.

- How does the MRO receive lab test results?

- How does the MRO receive Copy 2 of the CCF?

- What are the procedures used by the MRO or his/her staff in processing negative test results? If the MRO's assistant (staff) is processing the negative test results, how is this being documented on the CCF?

- What are the procedures used by the MRO or his/her staff in processing positive test results?
  - Is there a checklist/standard protocol and is it consistently used?
  - Who contacts the donor?
    - If it's the MRO, what is initially stated to the donor?
    - If it's the MRO's staff, what is initially stated to the donor?
  - Who conducts the verification interview?
  - What does the MRO tell and ask the donor during the interview?

- What is the MRO's procedure when he/she or designee is unable to contact the donor?

- If there is a stand-down waiver, how does the MRO comply with the waiver?

- Who follows up with the collection sites and/or employer and/or C/TPA when Copy 2 of the CCF is not received?
  - Is this follow-up documented? If yes, how?
  - What occurs if, after the first follow-up is conducted, the CCF is not received by the MRO?

- Who reviews the CCFs for quality control (to make sure the items that need correcting are identified and corrective action or appropriate action is taken)?

- Who completes and signs Copy 2 of the CCF?

- How are the CCFs annotated when completed by the MRO assistant?

- How soon after the test is verified does the MRO complete the verification process (sign and date Copy 2 and send a copy of Copy 2 or a written report, if used, to the employer)?

- Who signs the written report (if one is prepared and sent)?

- Does the same MRO who conducted the verification also sign the written report?

- Does the MRO provide the employer with a copy of Copy 2 and/or a written report?
  - How is this provided to the employer?
    - Does the employer confer with the MRO to ensure that the referral physician is acceptable to the MRO?
    - Is the employer referred to a physician with expertise in the issues(s) of what could cause a shy bladder or the issue(s) the individual stated he/she was experiencing?
    - Does the MRO provide the referring physician with information in part 40?
    - Does the MRO ensure that the referring physician agrees to follow the requirements in 49 CFR 40.193?
    - Does the MRO conduct appropriate follow-up with the referring physician if the information received does not comply with part 40?

- Who sends the test results to the employer, the MRO or C/TPA?

- How are invalid results handled?

- Does the MRO confer with the laboratory director or certifying scientist if there is a question about the test result?

- How does the MRO handle shy bladder situations?
  - Does the MRO refer the individual to a physician with expertise in the issue(s) of what could cause a shy bladder or the issue(s) the individual stated he/she was experiencing?
  - Does the MRO provide the referring physician with information in part 40?

- Does the MRO conduct the required quality control checks on negative test results?
  - If the MRO is part of an MRO service, how does the service comply, and how is it monitored?
  - How are the CCFs selected for the 5% review?
  - Does the MRO personally review at least 5 percent of all CCFs reviewed by his/her assistant?

E. MRO Assistant

When reviewing the MRO assistant, the inspector/investigator must determine the following:

- Who supervises the assistant (hires, fire, monitors performance)?

- What are the MRO assistant's responsibilities?
  - Does he/she review Copy 2 of the CCF to determine if there are any fatal or correctable errors that may require corrective action or cancellation?
  - Does he/she review the negative laboratory documents to ensure they are consistent with the information on the CCF?
  - Does he/she request a copy of documentation from the laboratory or the collection site if the copy on hand appears unclear?
  - Does he/she prepare reports sent to the employer? Prior to sending the report to the employer, does he/she ensure the office has the following:
    - A legible copy of Copy 2 of the CCF or another CCF copy containing the employee's signature?
    - A legible copy of Copy 1 of the CCF that conveys the negative test result?
  - When handling a confirmed positive, adulterated, substituted, or invalid test result, does he/she schedule a discussion between the MRO and employee?

  - What information does the assistant provide to the donor?
    - Does he/she explain the consequences to the employee of declining to speak with the MRO?
    - If the employee declines to speak with/schedule a discussion with the MRO, does he/she document this decision, including date and time?

- Does he/she advise an employee to have medical information ready to present at the discussion with the MRO?

- Does the MRO/MRO assistant make and document reasonable efforts, including dates and times, to contact the employee at the day and evening phone numbers listed on the CCF?
    - Does he/she make at least three attempts reasonably spaced over a 24-hour period?

- If the MRO/MRO assistant can't reach the employee, does he/she:
    - Contact the DER, documenting dates and times of attempts to reach him/her, and instruct the DER to contact the employee to tell him/her to contact the MRO?
        - How does the MRO know which time period to use when he/she contacted the donor for assistance?
        - Is the employer representative advised to contact the MRO after contacting the donor or after making the required reasonable attempts.

- Who informs the DER that the employee has a confirmed positive, adulterated, substituted, or invalid test?

- Are quality reviews conducted? If yes, by whom and when?

- During your review ensure:
    - The assistant is not canceling tests. This can only be done by the MRO. The assistant does not gather medical information or information containing possible explanations of the test results.
    - The assistant does not participate by sitting or listening in on the MRO's interview with the donor.

F. Substance Abuse Professional (SAP)

If the service agent you are reviewing is a SAP, the inspector/investigator must determine the following:

- Does the C/TPA provide SAP service or contract out for SAP services for its clients?

- Is the SAP part of a referral agency?

- Is the individual referred to a SAP who is qualified under DOT regulations? This may require a check of one or more of the organizations referenced on the ODAPC Web site link for Substance Abuse Professionals (http://www.dot.gov/ost/dapc/industry_links.html?prog) to ensure the SAP is trained or certified.

- Is the individual referred to a qualified SAP who is located close to where the individual resides?

- Does the SAP perform his/her duties in accordance with the regulations?

- How does an individual contact the SAP service?

- Does the SAP prepare and send the evaluation reports to the employer (or does the referral agency perform this function)?

- Are the reports on the SAP's letterhead, not the referring agency or other organization?

G. Miscellaneous

Inspectors/investigators must ask the following questions when reviewing service agents:

- Is the C/TPA knowledgeable of the types of tests that must be reported to the FAA? NOTE – all tests may be reported, however, some are required.

- How is the FAA notified of positives or refusals that are reportable?

- Are companies advised that a test is reportable to the FAA?

- If the C/TPA, collection site, MRO, and SAP are all from the same entity, how do they separate their respective functions? How do they maintain confidentiality?

Section IV: Post-Inspection Activity

The post-inspection activities for a service agent include documenting the inspection in CETS and entering the compliance issues into the regulation tab creating an outbriefing report. The letters to a service agent are different than the employer's letter. A flowchart of the correspondence process for a service agent review is found in Figure B-1 of this appendix.

The following will briefly discuss the procedures used for reporting a service agent inspection:

- The inspection lead prepares the outbriefing report and briefs the service agent on the findings.

- The first type of correspondence, as a result of the inspection, is the Notice of Corrective Action (NOCA). The NOCA template is available on the Drug

Abatement Division (AAM-800) QMS Web Site. Once the NOCA is generated by the inspector/investigator, it should be provided to the TC and/or Manager for review, and sent to the Drug Abatement Division Manager. Prior to sending the NOCA to the service agent, the Drug Abatement Division Manager or his/her designee will contact the service agent to determine whether there is any further information that will have a bearing on the decision to send a NOCA. The NOCA is then sent, if the service agent does not provide additional information. The letter is sent through USPS mail, certified return receipt. Electronic mail is not authorized.

- The service agent has 60 days to respond to the NOCA and provide satisfactory corrective action.

- If the Drug Abatement Division Manager or his/her designee is satisfied that the service agent satisfactorily corrected the issue(s) and is in compliance, the inspector/investigator will prepare a NOCA Closeout letter outlining the issues and the corrective action taken. The NOCA Closeout letter template is available on the Drug Abatement Division (AAM-800) QMS Web Site. The letter is sent to the TC and/or Manager for review, and to the Drug Abatement Division Manager for review and signature. No public interest exclusion (PIE) will be initiated.

- If the service agent is unable to correct the compliance concerns, the PIE proceeding begins. This process begins with the inspection lead preparing a report, similar to the legal enforcement format, and a Notice of Proposed Exclusion (NOPE) is sent to the service agent. The NOPE Letter template is available on the Drug Abatement Division (AAM-800) QMS Web Site. The NOPE is sent through USPS mail, certified return receipt. Electronic mail is not authorized. This entire process must be coordinated with your C&E Center Manager and/or the Field Operations Branch Manager, AAM-802.

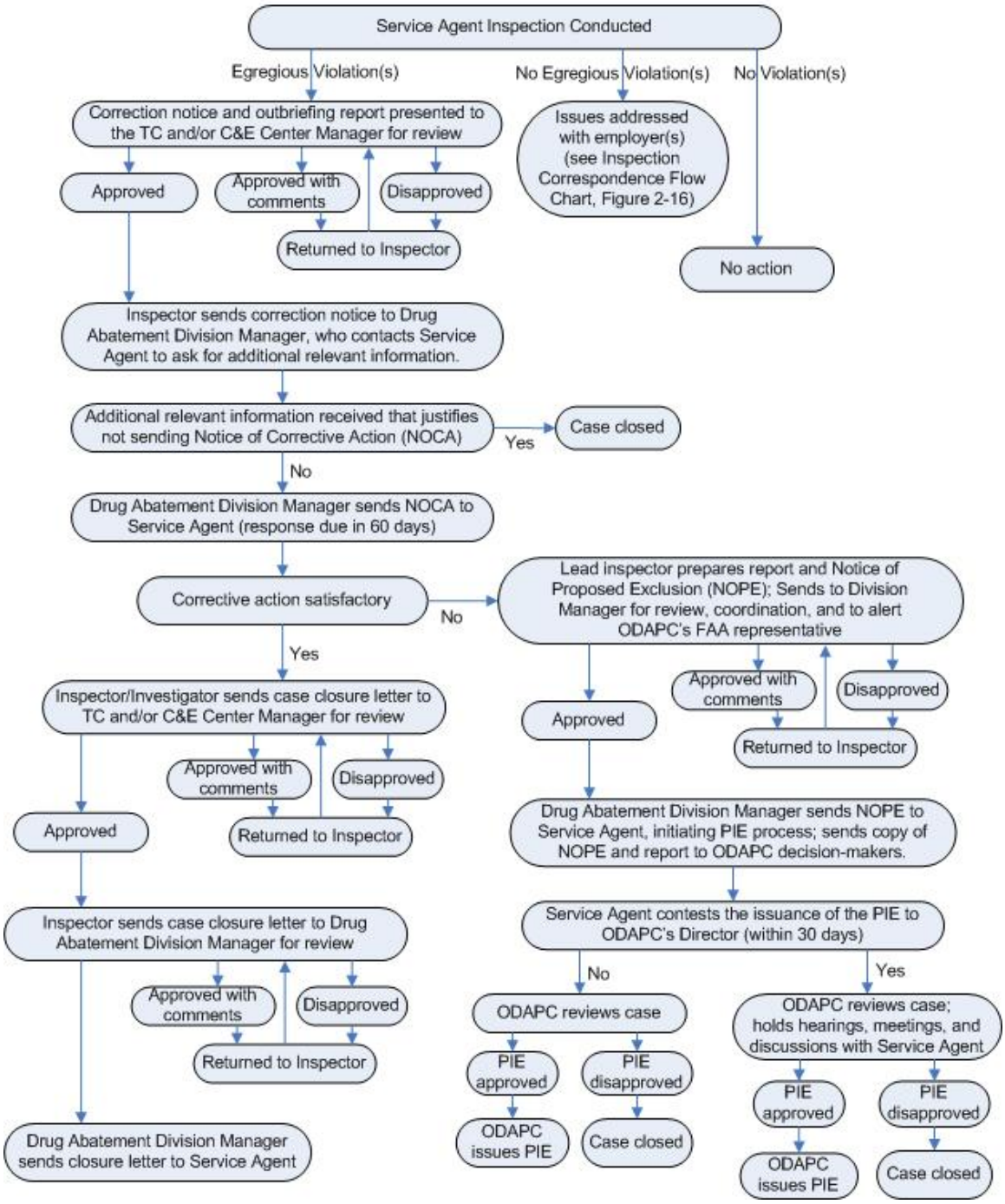
- The report and NOPE must be sent to the Division Manager or his/her designee for review and signature.

- The Division Manager or his/her designee will coordinate with a representative of the Department of Transportation's Office of Drug and Alcohol Policy and Compliance (ODAPC) and provide him/her with a copy of the NOPE and the report supporting the PIE before the NOPE is sent to the service agent.

- The service agent has 30 days to contest the NOPE and proposed PIE by contacting the ODAPC Director and providing information in writing or in person.
  - If the service agent does not contest the NOPE in 30 days, the ODAPC Director or designee will make the final decision based on the information in our report.

– If the service agent contests the NOPE, the ODAPC Director or designee will consider all information presented in person (informal meeting which will be transcribed) or in writing before making a final decision. The burden of proof is on the FAA.

Figure B-1. Service Agent Correspondence Flowchart



Appendix C. Random Drug and Alcohol TestingJob Aid

Random testing has two purposes: (1) To detect and deter illegal drug use and alcohol misuse and (2) to remove employees engaged in such use from the performance of safety-sensitive functions. The FAA's regulatory authority to mandate random drug and alcohol testing for the aviation industry is found in 14 CFR part 120. The Supreme Court of the United States has upheld this authority, because the FAA has balanced the DOT's need to conduct testing for safety with the individual's expectation of privacy.

In order for an inspector/investigator to appropriately determine whether an employer's random testing program is in compliance, it is critical for him or her to understand random testing. The following job aid must be used by every inspector/investigator when inspecting an employer's random program.

Applicability of Random Testing

Random testing is applicable to all persons who perform, are ready to perform, or are immediately available to perform, a safety-sensitive function either directly or by contract (at any tier) for a part 119 certificate holder with authority to operate under parts 121 and/or 135, an operator as defined in 14 CFR §91.147, or an air traffic control facility not operated by the FAA or by or under contact to the U.S. military. A repair station or contractor that performs safety-sensitive duties for an employer may be covered under the employer's DOT drug and alcohol testing program. The FAA also permits repair stations and contractors to obtain and implement their own DOT drug and alcohol testing program.

Employees who **do not** perform safety-sensitive duties are not permitted to be included in the DOT drug and alcohol testing program.

Minimum Annual Random Testing Rate

The regulations require random drug and alcohol testing of safety-sensitive employees at a minimum annual percentage rate. The annual rates for random drug and alcohol testing for the coming year are published in the Federal Register each December. Since 1997, the rates have consistently remained at 25% for drugs and 10% for alcohol. However, the FAA Administrator may change these rates based on the reported positive rate for the entire industry.

Formula for Calculating an Employer's Annual Testing Rate

Use the following formula to calculate the *average number of safety-sensitive employees*:

$$\frac{\text{Total \# safety-sensitive employees during each testing period}}{\text{\# of testing periods}}$$

Use the following formula to calculate the *Company's Annual Testing Rate*:

$$\frac{\text{\# random testing results}}{\text{Average \# safety-sensitive employees}}$$

Example:

Quarter	SS Employees	Number of Random Tests
1	50	2
2	60	3
3	70	4
4	90	4

Average Number of Employees = $\frac{50+60+70+90}{4 \text{ quarters}}$ = 68 (Always round up)

Company's Annual Testing Rate = $\frac{2+3+4+4}{68}$ = 19.1%

Selection Methodology

Employers must use a scientifically valid method such as a random-number table or a computer-based random-number generator to select covered employees for testing. Each covered employee in the pool must have a unique identifier such as Social Security Number, payroll number, or other comparable identifying number.

The employer must ensure that all employees have an equal chance of being tested each time the selections are made. Specific individuals or groups must not be targeted, including certain occupational groups or locations.

Updating the Random Pool

Before making random selections, the employer must ensure that the random pool is complete and up-to-date.

- *Only* those persons performing safety-sensitive functions can be placed in the pool.

- Once an individual is hired or transferred into a safety-sensitive position, he/she should be added to the random pool. He/she must be added to the random pool prior to the next random selection.

- The employer must remove any employee from the pool who has been terminated.

- The employer may remove an employee from the pool if the employee is unavailable to perform safety-sensitive duties for the length of the selection period.

- Employees who have previously been removed from the pool for any reason should be placed back into the random pool before they start performing safety-sensitive duties again. He/she must be added to the random pool prior to the next random selection.

Notification Procedures

The employer, collector/BAT, and employee have responsibilities for ensuring that random drug and alcohol test notifications and collections are conducted in accordance with the regulations. These responsibilities include the following:

- Employers are responsible for notifying the collection site as to when employees are expected to report to the collection site for testing. This will ensure that the collection site will be open and ready for testing (i.e., required equipment/supplies are available and working) when the employee arrives.

- Employers are responsible for notifying the selected employee as close to the test time as possible. This will minimize or eliminate the employee's attempt to avoid a positive drug test or alcohol violation.

- Employers are responsible for requiring the selected employee to immediately report for testing after he/she has been notified. (Reference: 14 CFR §120 (b)(8) and 14 CFR §120 (c)(8))

- The employer is responsible for ensuring that random alcohol tests take place just before, during, or immediately after the employee has performed a safety-sensitive function. (Reference: 14 CFR §120 (c)(9))

- Collectors/BATs are responsible for being prepared to conduct drug and/or alcohol tests. This will minimize the number of cancelled tests.

- Collectors/BATs are responsible for notifying the employer if an employee fails to appear at the collection site for a test.

- To the greatest extent possible, collectors/BATs must first test an employee for alcohol if the employee is to be tested for both drugs and alcohol. (Reference: 49 CFR §40.61(b)(1). Since alcohol dissipates quickly in the body, this ensures that the test result represents the employee's current alcohol concentration.

- Once notified, the employee must proceed immediately to the collection site for testing. Failure to do so may constitute a refusal to test as described in 49 CFR §40.191.

- The employee is responsible for complying with the collector's/BAT's instructions for providing a specimen. Failure to do so may constitute a refusal to test as described in 49 CFR §40.191.

If an employee is notified and not tested for a reason beyond his/her control, another attempt to test cannot be made during that testing period. One example of "reasons beyond his/her control" is the collection site was closed when the donor arrived for testing. Another example is the facility only collected for drug testing when alcohol testing was also supposed to be conducted.

Policies for Excusing an Individual from Testing

Liberal excusal policies increase the opportunity for testing bias. Employers should not excuse employees from testing during a random selection unless a legitimate reason exists. Legitimate excuses must be implemented in the same way for all safety-sensitive employees. If an employee is excused, the random list should be annotated with the reason for the excusal.

One legitimate basis for excusing an employee occurs when an employee has been terminated from the company, but has not yet been removed from the pool. Likewise, an employee in the hospital who is not expected to return to the workplace before the next testing period could reasonably be excused. However, if an employee is on sick leave, vacation, or travel and will return to the workplace before the next random selection, the employee's name must be held in confidence and the employee tested upon his/her return. In these situations, the employee must not be notified of his/her selection until immediately before the collection is to occur.

Over Selection and the Use of Alternates

Some employers will select more employees than necessary to prevent under-testing when employees are excused. While this practice is not against the regulations, it does create a potential problem. It can lead to a liberal excusal policy. For example, an employer finds it difficult to locate employee A, so he decides to skip employee A and move down the list. This practice can also lead to testing bias. Generally, maintenance workers tend to be easy to find, while flight crew and flight attendants can be difficult to track down. *Best Practice:* A company should recalculate the number of selections needed following each selection period to ensure the minimum rate is met.

Frequency of Selecting and Testing

Selections *should* be spaced reasonably throughout the year. This practice ensures a "clean pool". *Best Practice:* Selections should be made a minimum of four times per year. Once a random selection has been made, the names and testing date(s) must remain unannounced until the employees are notified to report for testing.

The testing *must* be spaced reasonably throughout the year. Employers *must* conduct testing throughout the selection period so employees cannot predict when they might be tested. Collecting only at the beginning or end of a month, or collecting on the same date within test periods removes the element of surprise for testing. Employers can test all selected employees at one time or may choose to spread testing throughout a testing period.

Inspecting a Random Program

As previously stated in this Order, an inspector/investigator must adhere to the Inspection Guide for all inspection activities, including those that apply to a random program. In addition to using the Inspection Guide, each inspection of a random program should include the additional questions listed below.

- Is the company meeting its minimum annual testing rates?
- Is the random pool being updated in a timely fashion?
  - Are new employees being added in time for the first selection following their date of hire?
  - Are employees who no longer perform safety-sensitive duties being removed from the selection pool before the next selection period?
- Are all occupation groups being treated equally?
  - Are excusal criteria consistent across occupational groups?

- Do all employees have an equal chance of being tested regardless of occupation?
- Does one occupational group have a much higher (or lower) rate of testing than other groups?

- Are all locations being treated equally?
  - Do all employees have an equal chance of being tested regardless of location (or home base)?
  - Does one location have a much higher (or lower) rate of testing than other locations?

- Are employees being tested immediately following notification?

- If an employee is excused in a testing period, is he/she still being tested in that period?

- Are the excusal policies too lax?
  - Is the company excusing employees for reasons other than leave that extends through the entire testing period?

Appendix D. Acronyms

Below is a list of acronyms that are used in this order and by inspectors and investigators in the performance of his/her duties.

a.	ADPM	Alcohol and Drug Program Manager
b.	AAM	Office of Aerospace Medicine
c.	ATF	Alcohol Testing Form
d.	BAT	Breath Alcohol Technician
e.	C&E	Compliance and Enforcement
f.	CCF	Federal drug testing custody and control form
g.	CETS	Compliance and Enforcement Tracking Subsystem
h.	CFR	Code of Federal Regulations
i.	C/TPA	Consortium/Third-Party Administrator
j.	DER	Designated Employer Representative
k.	DHHS	Department of Health and Human Services
l.	DOT	Department of Transportation
m.	EBT	Evidential Breath Testing Device
n.	EAP	Employee Assistance Program
o.	EDP	Enforcement Decision Process
p.	EIR	Enforcement Investigative Report
q.	EIS	Enforcement Information Subsystem
r.	FAA	Federal Aviation Administration
s.	FOIA	Freedom of Information Act
t.	FOUO	For Official Use Only
u.	FSDO	Flight Standards District Office
v.	ISO QMS	ISO Quality Management System

w.	LOA	Letter of Acknowledgement
x.	LOC	Letter of Correction
y.	LOI	Letter of Investigation
z.	LON	Letter of Notification
aa.	MRO	Medical Review Officer
bb.	NIDA	National Institute on Drug Abuse
cc.	NOCA	Notice of Corrective Action
dd.	NOPE	Notice of Proposed Exclusion
ee.	NTSB	National Transportation Safety Board
ff.	ODAPC	Office of Drug and Alcohol Policy and Compliance (DOT)
gg.	OPSPEC	Operations Specifications
hh.	OST	Office of the Secretary of Transportation
ii.	PIE	Pubic Interest Exclusion
jj.	PMI	Principal Maintenance Inspector
kk.	POC	Point of Contact
ll.	POI	Principal Operations Inspector
mm.	SAMHSA	Substance Abuse and Mental Health Services Administration
nn.	SAP	Substance Abuse Professional
oo.	SCMP	Strategic Compliance Monitoring Plan of the Drug Abatement Division
pp.	SOP	Standard Operating Procedures
qq.	SPAS	Safety Performance Analysis System
rr.	STT	Screening Test Technician
ss.	USPS	United States Postal Service
tt.	WN	Warning Notice

Appendix E. Inspection Scheduling Procedures

PURPOSE: This guidance establishes the procedures for coordinating pre-inspection materials and assembling groups/teams of companies for the national inspection schedule. This appendix applies to the program assistants assigned to the Field Operations Branch, AAM-802. The program assistants are tasked with supporting each Compliance and Enforcement Center and establishing their quarterly inspection schedule.

This appendix is divided into three sections: (1) Drafting preliminary schedules in the CETS Planner and completing the corresponding team worksheets, (2) Notifying companies of upcoming inspections, and (3) Completing and coordinating the Inspection Week Work Plan.

All Drug Abatement personnel must follow this guidance, unless specifically advised otherwise by the Drug Abatement Division Manager or Field Operations Branch Manager.

Section 1: Preliminary Scheduling and Team Worksheet Completion

The preliminary schedules in the CETS planner and the team worksheets must be completed by the program assistant approximately three weeks prior to each quarterly scheduling meeting. For example, team worksheets for the 2nd quarter (April – June) would be due February 1st as the quarterly scheduling meeting occurs on or about February 15th. The information is provided to the respective Center Manager.

Note: Each region should have 7 to 8 team worksheets completed for each inspection week for the upcoming quarter. This will depend on how many inspectors currently reside within each region.

Prior to drafting the preliminary schedules in CETS, the program assistants should estimate the length of time needed for each inspection by accessing information listed in the company's CETS profile. The estimate is based on company size, previous inspection and any outstanding issues (i.e., voluntary disclosures, non-compliance transmittal forms, type of company). The information may be written on a draft team worksheet as an information collection tool.

Team Worksheet

The team worksheet is an at-a-glance reference sheet that details the company information contained in CETS as well as relevant airfare required for inspectors from each region to reach the area to be inspected. The final team worksheet is for the Center Managers' use during each quarterly scheduling meeting.

The following information should be included in each Team Worksheet:

- Company name;
- Address/location;
- Number of safety-sensitive employees;
- Previous inspection year; Team lead and team members;

- Type of company;
- Airfare chart; and
- Any pertinent information (such as NCTs, voluntary disclosures, legal enforcement actions).

A sample of the Team Worksheet is available electronically on the Drug Abatement Division (AAM-800) QMS Web site.

Preliminary Schedule

When drafting the preliminary schedule in CETS, the program assistant should make selections based on which companies are highest in priority according to the current Strategic Compliance Monitoring Plan (SCMP[1]).

After determining which companies are highest in priority and estimating the length of time needed for each inspection, the program assistant must use the mapping feature in the CETS planner, along with any other Internet mapping tools (i.e., Yahoo or Google), to determine which additional companies nearest the location of the highest priority companies may be added to each team.

Note: Time to travel between each location must be considered when placing companies on the schedule.

Once the preliminary schedule in CETS is completed, the program assistant completes the final Team Worksheet for submission to the Center Manager. After the Field Operations Branch Manager finalizes the quarterly schedule, the program assistant begins notifying companies of the upcoming inspection.

Section 2: Company Notification

Prior to notifying companies of their inspection, the program assistant should organize the date and time of each company's inspection. To organize the dates and times of each inspection, the program assistant may use the "Inspection Week Schedule Organizer" Worksheet, which is available on the Drug Abatement Division (AAM-800) QMS Web Site. The organization of the companies should be based on location from the airport, location from each other, length of time needed for each inspection, etc. This is a tentative schedule that the program assistant may need to adjust after contacting the company to determine their availability.

[1] The SCMP sets the goals to prioritize investigations and the selection of companies and service agencies to inspect, maximize the number of inspections, and ensure the effectiveness of individual inspections. The SCMP is available on the Drug Abatement Division (AAM-800) QMS Web Site. and is updated annually.

Approximately three to four weeks prior to the inspection week, the program assistant must contact the companies via telephone to notify them of the upcoming inspection.

When contacting the company, the program assistant should do the following:

- Confirm the name and phone number of the current Alcohol and Drug Program Manager (ADPM)/Designated Employer Representative (DER).
- Notify the ADPM/DER of the upcoming inspection.
- Verify the correct records location.
- Gather pertinent information to update the company's CETS profile, which include:
  - current number of covered employees,
  - number of new hires in the last two years,
  - number of positive drug and alcohol tests, and
  - number of refusals to test.

The "Scheduling of Inspection Worksheet" (available on Drug Abatement Division (AAM-800) QMS Web Site) will be helpful in gathering and annotating the information discovered during the notification discussion.

Note: If the company claims they are not available for the inspection, the program assistant must contact a Headquarters AAM-802 program analyst/scheduler to verify that the company can be removed from the schedule.

Section 3: Inspection Week Work Plan Completion and Coordination

Within 24 hours of notifying the company of the upcoming inspection, the program assistant must generate each company's Letter of Notification (LON) in CETS/Hummingbird. The LON is then faxed to the ADPM/DER. After faxing the LON, the program assistant must manually enter the LON as "sent" in CETS.

The final step to the pre-inspection process is for the program assistant to complete the Inspection Week Work Plan (available on the Drug Abatement Division (AAM-800) QMS Web Site) and send it via electronic mail at least two weeks prior to the inspection week. The program assistant must send the work plan to the inspection lead and a Headquarters AAM-802 program analyst/scheduler.

If there are any changes to the work plan once it has been posted (e.g. a company's inspection has been cancelled), the inspectors are responsible for changing the plan and informing their Team Coordinator and Center Manager. This may include a new company assignment, which the inspector will then be responsible for notifying and sending the LON.