# INSERT:

# COMPANY NAME

# ADDRESS

# CITY, STATE ZIP CODE

# SAMPLE

# Federal Drug and Alcohol Testing

# Policy

(Insert Company Name) complies with the drug and alcohol testing regulations of the Department of Transportation (DOT) (49 CFR part 40) and the Federal Aviation Administration (FAA) (14 CFR part 120). (Insert the Company’s Tolerance Policy, e.g., “Any employee with a federal drug or alcohol test violation[[1]](#footnote-1) will be terminated.”)

# Employee Categories Subject To Testing. All persons performing any of the following safety-sensitive functions are subject to the DOT/FAA drug and alcohol testing program:

* Flight crewmember duties.
* Flight attendant duties.
* Flight instruction duties.
* Aircraft dispatcher duties.
* Aircraft maintenance/preventive maintenance duties.
* Ground security coordinator duties.
* Aviation screening duties.
* Air traffic control duties.
* Operations control specialist duties.

**For More Information about DOT and FAA Requirements or our Company Policy,** contact (Insert Company’s Program Manager/DER Name and Title) at (Insert telephone number).

For more information relating to the FAA/DOT program requirements, visit the following websites:

For FAA: <http://www.faa.gov/go/drugabatement>

For DOT: <https://www.transportation.gov/odapc>

# TESTING INFORMATION for DOT/FAA DRUG TESTING

**Community Service Hotline.** If you have any personal problems or questions concerning drug abuse and need to confide in an employee assistance professional, you are encouraged to contact:

Name: Telephone:

# Consequences of Using Drugs While Performing Safety-Sensitive Functions

An employee who has engaged in prohibited drug use during the performance of a safety-sensitive function will be immediately removed from performing safety-sensitive functions and is permanently precluded from performing that safety-sensitive function for any FAA-regulated employer. [14 CFR § 120.111(e)(2)]

# Consequences of a Verified Positive Drug Test

A covered employee who receives one (1) verified positive drug test result on a FAA required test will be immediately removed from safety-sensitive duties. An employee who has a positive FAA drug test cannot return to the performance of safety-sensitive functions until and unless the employee successfully completes the return-to-duty process outlined in 49 CFR Part 40, Subpart O. [49 CFR § 40.23(d)]

A covered employee who receives a second verified positive drug test on a FAA required test will be immediately removed from performing safety-sensitive functions and is permanently precluded from performing that safety-sensitive function for any FAA-regulated employer that the employee performed prior to the second drug test. [14 CFR § 120.111(e)(1)] For example, an employee has a verified positive result on a random and follow-up test. The employee is permanently precluded from the safety-sensitive duties performed before the second violation for a regulated employer.

# Consequences of Refusing to Submit to a Required Drug Test

A covered employee who refuses to submit to a required drug test or who receives a verified adulterated or substituted drug test result must be immediately removed from performing safety-sensitive functions. The employee may not return to the performance of safety-sensitive duties until and unless the employee successfully completes the return-to-duty process outlined in 49 CFR Part 40, Subpart O. [49 CFR § 40.23(d)]

**Reporting to the FAA.**

Any violation by an employee who holds an airman medical certificate issued under 14 CFR Part 67 must be reported to the FAA’s Federal Air Surgeon. [14 CFR §120.113(d)(1)] For pilots, an employer must enter drug testing information into the Pilot Records Database (PRD) in accordance with 14 CFR part 111. The FAA’s Drug Abatement Division will enter reports for pilot violations of pre-employment drug testing. In addition, any employee who holds a certificate under 14 CFR Part 61, Part 63, or Part 65 and who has refused to submit to a DOT/FAA required drug test will be reported to the FAA. [14 CFR §§ 120.111(d)]

An individual hired to perform safety-sensitive functions directly or by contract is subject to drug and alcohol testing in accordance with 14 CFR part 120. This includes part-time, full-time, temporary, or intermittent employees regardless of degree of supervision. [14 CFR § 120.105]

# ALCOHOL MISUSE PREVENTION POLICY (AMPP) for DOT/FAA ALCOHOL TESTING

# Functions and Period of the Workday Employees are Covered by the AMPP

Any employee performing a safety-sensitive function is subject to alcohol testing and must refrain from consuming any alcohol (not just alcoholic beverages) whenever they are performing, ready to perform, or immediately available to perform these functions.

# Conduct Prohibited by the AMPP

# Alcohol and Alcohol Use

* Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
* Alcohol use is defined as the consumption of any beverage, mixture, or preparation, including any medication (prescribed or over the counter, intentional or unintentional), containing alcohol.

# Alcohol Concentration

* Covered employees are prohibited from reporting for duty or remaining on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

# Pre-Duty Use

* Employees are prohibited from performing flight crewmember, flight attendant, or air traffic controller duties within 8 hours after consuming alcohol.
* Employees are prohibited from performing flight instruction, aircraft dispatcher, aircraft maintenance or preventive maintenance, ground security coordinator, aviation screening, or operations control specialist duties within 4 hours after consuming alcohol.

# On-Duty Use

* Covered employees are prohibited from consuming alcohol in any form while performing safety-sensitive functions.
* This prohibition also applies to covered employees who are at work and immediately available to perform safety-sensitive functions.

# Use After an Accident

* Covered employees with knowledge of an accident involving an aircraft for which they performed a safety-sensitive function at or near the time of the accident may not use alcohol for 8 hours following the accident unless they have been given a post-accident test, or (Insert Company Name) has determined that their performance could not have contributed to the accident.
* FAA and the National Transportation Safety Board (NTSB) define an accident as an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and the time that all such persons have disembarked, and in which any person suffers death or serious injury or in which the aircraft receives substantial damage.

# Refusal to Submit to Testing

* Covered employees may not refuse to submit to a federal alcohol test conducted in accordance with 14 CFR part 120. (Insert Company Name) will not permit an employee who refuses to submit to such a test to perform or continue to perform safety-sensitive functions.

# Circumstances Under Which a Covered Employee will be Tested for Alcohol

Covered employees are subject to the following Federally mandated alcohol tests. It is an employer’s option whether to require alcohol pre-employment testing. If a company elects to do so, all applicants/employees must be subject to testing after a contingent offer of employment is made or the employee is transferred and prior to the first performance of safety-sensitive function.

# Post-Accident

* As soon as practicable following an accident, each covered employee must be alcohol tested if that employee’s performance either contributed to the accident or cannot be discounted as a contributing factor to the accident.
* A covered employee who is subject to post-accident alcohol testing must remain readily available for testing and is prohibited from using alcohol for 8-hours following an accident.
* A covered employee cannot refuse to report for a post-accident alcohol test.
* Attempts to conduct post-accident alcohol testing will cease 8 hours after the accident, even if no alcohol test has been conducted.

# Random

* Covered employees will be selected for random alcohol testing using a scientifically valid method that ensures everyone has an equal chance of being tested each time a selection is made.
* Random tests will be spaced reasonably throughout the calendar year and will be unannounced.
* Employees notified of selection for random testing must proceed immediately to the testing site.
* Random tests will be conducted while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

# Reasonable Suspicion

* A covered employee must submit to an alcohol test if (Insert Company’s Name) has determined that reasonable suspicion exists that the employee has violated the alcohol misuse prohibitions.
* This determination must be based on a trained supervisor’s specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.
* Even if an alcohol test cannot be administered, no employee who is under the influence of or impaired by alcohol, as shown by behavioral, speech, or performance indicators of alcohol misuse, should report for duty or remain on duty requiring the performance of safety-sensitive functions until a test can be administered and the results are below 0.02 or until the commencement of the employee’s next duty period if at least 8 hours has elapsed.
* Similarly, even if an alcohol test cannot be administered, (Insert Company’s Name) will not permit any employee who is under the influence of or impaired by alcohol, as shown by behavioral, speech, or performance indicators of alcohol misuse, to report for duty or remain on duty requiring the performance of safety-sensitive functions until a test can be administered and the result is below 0.02 or until the commencement of the employee’s next duty period if at least 8 hours has elapsed.
* A supervisor who identifies an employee for a reasonable suspicion test cannot conduct the alcohol test as the breath alcohol technician for that employee.
* Reasonable suspicion alcohol testing will be conducted while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

# Return-to-Duty

* Before a covered employee returns to duty in a safety-sensitive function after engaging in prohibited alcohol misuse conduct, he or she will undergo a return-to-duty alcohol test.
* The employee cannot perform a safety-sensitive function until a result indicating an alcohol concentration of less than 0.02 is obtained.
* The return-to-duty alcohol test cannot occur until the SAP has determined that the employee has successfully complied with the prescribed education and/or treatment.

# Follow-Up

* Each covered employee who has been identified by a SAP as needing assistance in resolving a problem with alcohol misuse and who has returned to performing a safety-sensitive function after a violation will be subject to follow-up alcohol testing.
* Follow-up alcohol tests will be unannounced and conducted while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.
* The schedule for follow-up alcohol testing is established by the SAP and cannot be provided to the covered employee.
* If a covered employee has a break in employment or moves to another employer, he or she will continue the follow-up testing until it is finished.

# Retests

* If (Insert Company’s Name) desires to permit an employee to perform a safety-sensitive function within 8 hours following administration of an FAA-mandated alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04, (Insert Company’s Name) will first retest the employee.
* The employee may return to the safety-sensitive function if the retest result indicates an alcohol concentration of less than 0.02.

# PROCEDURES THAT WILL BE USED TO TEST FOR THE PRESENCE OF ALCOHOL; PROTECTING THE EMPLOYEE AND THE INTEGRITY OF THE BREATH TESTING PROCESS; SAFEGUARDING THE VALIDITY OF THE TEST RESULTS; AND ENSURING THAT THOSE RESULTS ARE ATTRIBUTED TO THE CORRECT EMPLOYEE.

(Insert Company’s Name) will be using (Insert BAT or Collection Site Name) to conduct its federal alcohol testing, using one of the following procedures:

# Preparation for Breath Alcohol Testing

* When the employee enters the alcohol testing location, the breath alcohol technician (BAT) /screening test technician (STT) will require the employee to provide positive identification (photo I.D. issued by (Insert Company’s Name) or identification issued by a Federal, state or local government (e.g., a driver’s license). On request, the BAT/STT will provide positive identification to the employee. The BAT/STT will explain the testing procedures to the employee and show the instructions on the back of the DOT alcohol testing form (ATF).

# Screening Tests

* The BAT/STT will complete Step 1 on the ATF, and the employee will then complete Step 2 on the form, signing and dating the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test.

# Breath Tests

* The BAT/STT will select, or allow the employee to select, an individually wrapped or sealed mouthpiece, the BAT/STT will be open it in view of the employee and attach it to the evidential breath-testing device (EBT) in accordance with the manufacturer’s instructions.
* The BAT/STT will instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.
* The BAT/STT will show the employee the displayed test result.
* If the EBT prints the test number, device name and serial number, time, and result directly onto the form, the BAT/STT will show the employee the result displayed on the EBT and on the ATF.
* If the EBT prints the test number, device name and serial number, time, and result, but does not print directly onto the form, the BAT/STT will affix the test result printout to the ATF in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).
* If the EBT does not have a printer capable of generating a printed result showing a sequential test number, the manufacturer’s name for the device, the device’s serial number, and the time and date of the test, the BAT/STT will record the displayed result, test number, testing device, serial number of the testing device, date, time, and quantified result in Step 3 of the ATF. The BAT/STT will then complete the rest of Step 3 in its entirety.
* In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT/STT will date the form and sign the certification in Step 3 of the form.
* If a test result printed by the EBT does not match the displayed result, the BAT/STT will note the disparity in the remarks section. Both the employee and the BAT/STT will initial or sign the notation. The test is then invalid and (Insert Company’s Name) and the employee will be so advised.
* No further testing is authorized. The BAT/STT will transmit the result of less than 0.02 to (Insert Company’s Name) in a confidential manner and (Insert Company’s Name) will receive and store the information in a manner that ensures confidentiality is maintained as required.

# Saliva Alcohol Screening Device (ASD)

* The BAT/STT will check the expiration date on the device or on the package containing the device and show it to the employee. A device must not be used after its expiration date.
* The BAT/STT will open an individually wrapped or sealed package containing the device in the presence of the employee.
* The BAT/STT will offer the employee the opportunity to use the device. The BAT/STT will instruct the employee to insert it into his/her mouth and use it in a manner described by the device’s manufacturer.
* If the employee chooses not to use the device, or in all cases in which a new test is necessary because the device did not activate, the BAT/STT must insert the device into the employee’s mouth and gather saliva in the manner described by the device’s manufacturer.
* When the device is removed from the employee’s mouth, the BAT/STT must follow the manufacturer’s instructions regarding the necessary next steps to ensure that the device has activated.
* The BAT/STT must read the result displayed on the device no sooner than the device’s manufacturer instructs. In all cases the result displayed must be read within 15 minutes of the test. The BAT/STT must then show the device and its reading to the employee and enter the result on the ATF.
* If the BAT/STT is unable to successfully follow the above procedures (*e.g.,* the device breaks, you drop the device on the floor), the BAT/STT must discard the device and conduct a new test using a new device.
* The new device the BAT/STT use must be one that has been under their control or that of the employee before the test.
* The BAT/STT must note on the “Remarks” line of the ATF the reason for the new test. (Note: The BAT/STT may continue using the same ATF with which he/she began the test.)
* The BAT/STT must offer the employee the choice of using the device or having the BAT/STT use it unless the employee, in the opinion of the STT or BAT, was responsible (*e.g.,* the employee dropped the device) for the new test needing to be conducted.
* If the BAT/STT are unable to successfully follow the above instructions on the new test, the BAT/STT must end the collection and put an explanation on the “Remarks” line of the ATF.
* The BAT/STT must then direct the employee to take a new test immediately, using an EBT for the screening test.

The BAT/STT must never re-use devices, swabs, gloves, or other materials used in saliva testing.

* The BAT/STT must note the fact that a saliva alcohol screening device was used in Step 3 of the ATF.

# Breath Tube Alcohol Screening Device (ASD)

* The BAT/STT will check the expiration date on the detector device and the electronic analyzer or on the package containing the device and the analyzer and show it to the employee. A device or the analyzer must not be used after their expiration date. The BAT/STT must not use an analyzer which is not specifically pre-calibrated for the device being used in the collection.
* The BAT/STT will remove the device from the package and secure an inflation bag onto the appropriate end of the device, as directed by the manufacturer on the device’s instructions.
* The BAT/STT will break the tube’s ampoule in the presence of the employee.
* The BAT/STT will offer the employee the opportunity to use the device. If the employee chooses to use the device, the BAT/STT will instruct the employee to blow forcefully and steadily into the blowing end of the device until the inflation bag fills with air (approximately 12 seconds).
* If the employee chooses not to hold the device, the BAT/STT must hold it and provide the use instructions.
* Once the employee completes the breath process, the BAT/STT will take the device from the employee, remove the inflation bag, and prepare the device to be read by the analyzer in accordance with the manufacturer’s directions.
* If the BAT/STT were unable to successfully follow the above procedures (*e.g.,* the device breaks apart, the employee did not fill the inflation bag), the BAT/STT must discard the device and conduct a new test using a new one.
* The new device must be one that has been under the BAT/STT control or that of the employer before the test.
* The BAT/STT must note on the “Remarks” line of the ATF the reason for the new test. (Note: The BAT/STT may continue using the same ATF with which he/she began the test.)
* The BAT/STT must offer the employee the choice of holding the device or having the BAT/STT hold it unless the employee, in the BAT/STT opinion, was responsible (*e.g.,* the employee failed to fill the inflation bag) for the new test needing to be conducted.
* If the BAT/STT are unable to successfully follow the above procedures on the new test, the BAT/STT must end the collection and put an explanation on the “Remarks” line of the ATF.
* The BAT/STT must then direct the employee to take a new test immediately, using another type of ASD (*e.g.,* saliva device) or an EBT.

If the BAT/STT were able to successfully follow the above procedures without incident and after waiting the required amount of time directed by the manufacturer for the detector device to incubate, the BAT/STT must place the device in the analyzer in accordance with the manufacturer’s directions. The result must be read from the analyzer no earlier than the required incubation time of the device. In all cases, the result must be read within 15 minutes of the test.

* The BAT/STT must follow the manufacturer’s instructions for determining the result of the test. The BAT/STT must show the analyzer result to the employee and record the result on Step 3 of the ATF.
* The BAT/STT must note the fact that a breath tube alcohol screening device was used in Step 3 of the ATF.

# Confirmation Tests

* If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test must be performed by a BAT using only an EBT. If a different BAT will conduct the confirmation test, the BAT who conducted the screening test will complete and sign step 3 of the ATF. The BAT will provide the employee with Copy 2 of the form.
* In the presence of the employee, the BAT will conduct an “air blank” to ensure that the device is working correctly. You must show the reading to the employee. The air blank result must be 0.00. If the reading is greater than 0.00, the BAT will conduct one more air blank. If the reading is greater than 0.00, testing will not proceed using the instrument. However, testing may proceed on another instrument.
* The BAT will instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test, and will not be less than 15 minutes. The BAT will explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee’s benefit. The BAT will also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction, the BAT will so note in the “Remarks” section of the ATF.
* If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT must require positive identification of the employee, explain the confirmation procedures, and initiate a new ATF. The BAT will complete step 1 on the form. The employee will then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test. The BAT will note in the “Remarks” section of the form that a different BAT conducted the screening process.
* The BAT must open a new individually wrapped or sealed mouthpiece in view of the employee and insert it into the device in accordance with the manufacturer's instructions.
* The BAT must ensure that he/she and the employee read the unique test number displayed on the EBT.
* The BAT must instruct the employee to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
* The BAT must show the employee the result displayed on the EBT.
* The BAT must show the employee the result and unique test number that the EBT prints out either directly onto the ATF or onto a separate printout.
* If the EBT provides a separate printout of the result, the BAT must attach the printout to the designated space on the ATF with tamper-evident tape or use a self-adhesive label that is tamper-evident.
* If the alcohol confirmation test result is lower than 0.02, the BAT must sign and date Step 3 of the ATF and nothing further is required of the employee.
* If the alcohol confirmation test result is 0.02 or higher, direct the employee to sign and date step 4 of the ATF. If the employee does not sign the certification in Step 4 of the form, it will not be considered a refusal to be tested. In this event, the BAT will note the failure to sign in the “Remarks” section of the form.
* The BAT will immediately transmit the result directly to (Insert Company Name)’s Designated Employer Representatives in a confidential manner.
* A breath alcohol test is invalid under the following circumstances:
  + The EBT does not pass its next external calibration check (invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test; this does not invalidate negative tests).
  + The BAT does not observe the minimum 15-minute waiting period prior to the confirmation test.
  + The BAT does not perform an air blank on the EBT before a confirmation test, or such an air blank does not result in a reading of 0.00.
  + The BAT does not sign the form.
  + An EBT fails to print a confirmation test result.
  + The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.
* Employee records pertaining to alcohol testing will be maintained in a secure location with controlled access.
* These records will be promptly released to the employee, or a person identified by the employee (including subsequent employers), upon written request of the employee. This release of information will not be contingent upon payment for records other than those specifically requested.
* These records must be released to Department of Transportation agency representatives upon request.
* These records may be released to the National Transportation Safety Board (NTSB) when requested as part of an accident investigation.
* These records may be released to a Federal, state, or local safety agency with regulatory authority over the employer or the employee upon request.

# REQUIREMENTS THAT A COVERED EMPLOYEE SUBMIT TO ALCOHOL TESTS

* The federal alcohol testing regulation prohibits certain conduct by, and requires alcohol testing of persons who perform specified safety-sensitive functions. Persons who violate this regulation will be subject to consequences, including removal from safety-sensitive functions.

# AN EXPLANATION OF WHAT CONSTITUTES A REFUSAL TO SUBMIT TO AN ALCOHOL TEST

* As a safety-sensitive employee, you are considered to have refused to take an alcohol test if you:
  1. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA [see 49 CFR § 40.241(a)].
  2. Fail to remain at the testing site until the testing process is complete; Provided, that an employee who leaves the testing site before the testing process commences [see 49 CFR § 40.243(a)] for a pre-employment test is not deemed to have refused to test.
  3. Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; Provided, that an employee who does not provide an adequate amount of breath or saliva because he or she has left the testing site before the testing process commences [see 49 CFR § 40.243(a)] for a pre-employment test is not deemed to have refused to test.
  4. Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure [see 49 CFR § 40.265 (c)].
  5. Fail to undergo a medical examination or evaluation, as directed by the employer as part of the insufficient breath procedures outlined at 49 CFR § 40.265(c).
  6. Fail to sign the certification at Step 2 of the ATF [see 49 CFR §§ 40.241 (g) and 40.251(d)].
  7. Fail to cooperate with any part of the testing process.
* As an employee, when you refuse to take a company test (or non-DOT test) or sign a non-DOT ATF, you have not refused to take a DOT test. There are no consequences under 14 CFR part 120 and 49 CFR part 40 for this type of refusal.
* If you are a pilot and asked to submit to an alcohol test by law enforcement, federal regulations under 14 CFR § 91.17 may apply.

# THE CONSEQUENCES FOR COVERED EMPLOYEES FOUND TO HAVE VIOLATED THE PROHIBITIONS OF THE AMPP, INCLUDING THE REQUIREMENT THAT THE EMPLOYEE BE REMOVED IMMEDIATELY FROM PERFORMING SAFETY-SENSITIVE FUNCTIONS, AND THE PROCESS IN 49 CFR PART 40, SUBPART O:

# Immediate Removal from Safety-Sensitive Functions

* Covered employees are prohibited from performing safety-sensitive functions if they have engaged in prohibited conduct under the FAA rule or another DOT agency’s alcohol misuse rule (including refusal to submit to testing). Any employee who has violated the rules of the AMPP will be immediately removed from performing safety-sensitive functions.

# Permanent Disqualification from Service

* If a covered employee is determined to have violated the on-duty use of alcohol prohibition, he or she is permanently precluded from performing the safety-sensitive duties he or she performed before such a violation.
* If a covered employee is determined to have violated the prohibited alcohol-related conduct provision, other than on-duty use, two times after the employee becomes subject to the prohibitions, he or she is permanently precluded from performing the safety-sensitive duties he or she performed before such a violation. Below are examples of when an alcohol violation would result in a permanent disqualification:
  1. A safety-sensitive employee had a confirmed alcohol concentration result that was greater than 0.04 on a random alcohol test and a refused to submit to a required follow-up alcohol test. The employee is permanently precluded from the safety-sensitive duties he or she performed before the second violation for a regulated employer.
  2. A safety-sensitive employee had a confirmed alcohol concentration result that was greater than 0.04 on a random alcohol test and the third follow-up alcohol test. The employee is permanently precluded from the safety-sensitive duties he or she performed before the second violation for a regulated employer.
* The disqualification on two-time violators will apply both to persons who go through rehabilitation and to those who, after evaluation by an SAP, are determined not to need treatment.

# Notice to the FAA

* Any covered employee who holds an airman medical certificate issued under 14 CFR Part 67 and violates the provisions of the rule will be reported to the FAA’s Federal Air Surgeon.
* No covered employee who holds a Part 67 airman medical certificate will perform a safety-sensitive function after a violation unless and until, in addition to the required return-to-duty steps in 49 CFR Part 40, the Federal Air Surgeon has recommended that the employee be permitted to perform such duties.
* Any covered employee who holds an airman certificate issued under 14 CFR Part 61, 63, 65, or medical certificate issued under 14 CFR part 67 and refuses to submit to a required alcohol test will be reported to the FAA’s Federal Air Surgeon and Drug Abatement Division.
* For pilots, your testing information may be entered into the FAA’s Pilot Records Database (PRD) in accordance with 14 CFR part 111.

# Return-to-Duty Process and Follow-Up Procedures (49 CFR Part 40, Subpart O)

* As an employee, when you have violated a federal drug and alcohol regulations, you are prohibited from performing any DOT safety-sensitive duties for any DOT employer until and unless you complete the SAP evaluation, referral, and education/treatment process set forth in 49 CFR Part 40, Subpart O and in applicable DOT agency regulations.
* An employer must provide to each employee (including an applicant or new employee) who violates the federal drug and alcohol regulations a listing of SAPs readily available to the employee and acceptable to the employer. The list of SAPs must include names, addresses, and telephone numbers. The employer cannot charge the employee any fee for compiling or providing this list.
* An employer is not required to provide a SAP evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation. However, if an employer offers that employee an opportunity to return to a DOT safety-sensitive duty following a violation, the employer must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP that meets the requirements of 49 CFR § 40.281 and that the employee successfully complies with the SAPs evaluation recommendations. Payment for SAP evaluations and services is left for employers and employees to decide and may be governed by existing management-labor agreements and health care benefits.
* All employment determinations are specific to an employer’s own policy and outside the scope of the federal regulations.
* A SAP must:

1. Conduct a face-to-face clinical assessment, either in-person or remotely, and evaluation to determine what assistance is needed by the employee to resolve problems associated with alcohol and/or drug use.
2. Refer the employee to an appropriate education and/or treatment program.
3. Conduct a face-to-face follow-up evaluation, either in-person or remotely, to determine if the employee has actively participated in the education and/or treatment program and has demonstrated successful compliance with the initial assessment and evaluation recommendations.
4. If the employee holds a medical certificate issued under 14 CFR part 67, the SAP must verify the FAA’s Federal Air Surgeon issued a new certificate after the date of the violation.
5. Provide the employer’s DER with the initial and follow-up report, and a follow-up drug and/or alcohol testing plan for the employee.
6. Provide the employee and employer with recommendations for continuing education and/or treatment, if the SAP determines it is necessary.

* If an employer decides to permit the employee to return to the performance of safety-sensitive functions, the employer must:

1. Verify the employee has been evaluated by a SAP and successfully complied with the prescribed education and/or treatment;
2. Obtain copies of the initial and follow-up reports from the SAP.
3. Conducted a return-to-duty test and obtained a negative result.
4. Monitor the employee’s continuing education and/or treatment if the SAP determined it is necessary.

* A SAP must establish a written follow-up testing plan for each employee who has violated a federal test and provide it directly to the employer’s designated representative. The SAP is the sole determiner of the number and frequency of follow-up tests and whether these tests will be for drugs, alcohol, or both, unless otherwise directed by the appropriate DOT agency regulation. For example, if the employee had a positive drug test, but the SAP evaluation or the treatment program professionals determined that the employee had an alcohol problem as well, the SAP should require that the employee have follow-up tests for both drugs and alcohol. However, the SAP must, at a minimum, direct that the employee be subject to six (6) unannounced follow-up tests in the first 12 months of safety-sensitive duty following the employee’s return to safety-sensitive functions. The SAP may require a greater number of follow-up tests during the first 12-month period of safety-sensitive duty. The SAP may also require follow-up tests during the 48 months of safety-sensitive duty following this first 12-month period. The SAP is not to establish the actual dates for the follow-up tests he/she prescribes.
* An employer must implement the follow-up testing as directed by the SAP. The employer determines the specific dates to test the employee, and those dates must be unannounced. An employer is prohibited from imposing additional testing requirements (e.g., company tests) or going beyond the SAP’s follow-up testing plan.
* The employer and SAP are prohibited from sharing the follow-up testing plan with an employee.
* The follow-up testing plan will follow an employee through breaks in service or from one employer to another. An employee is obligated under the federal rules to report previous violations and provide written release for prospective employers.
* The employee’s return-to-duty process is not complete until the employee has passed the last follow-up test. The employer must maintain the entire return-to-duty process records for five years (or longer if company policy requires), starting from the date of the last follow-up test.
* For pilots, information reported to the PRD for drug or alcohol testing will remain in the PRD for the life of the pilot in accordance with 14 CFR part 111.

# THE CONSEQUENCES FOR COVERED EMPLOYEES FOUND TO HAVE AN ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN 0.04

* If a covered employee is found to have an alcohol concentration of 0.02 or greater but less than 0.04, that employee will be immediately removed from performing safety-sensitive functions, until the employee is retested with a result below 0.02, or until the start of the employee’s next regularly scheduled duty period, if it occurs at least 8 hours following administration of the test.
* (Insert Company Name)’s policy is to (retest until the result is below 0.02; or remove until the next scheduled duty period or for 8 hours).

# INFORMATION CONCERNING ALCOHOL

# EFFECTS OF ALCOHOL MISUSE ON AN INDIVIDUAL’S HEALTH, WORK, AND PERSONAL LIFE:

* + Alcohol is a central nervous system depressant. Taken in large quantities it causes not only the euphoria associated with “being drunk” but also adversely affects your judgment, your ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
  + Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
  + In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.
  + Workers who use alcohol (and/or other drugs) affect everyone. Studies show that compared to alcohol and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers compensation claims.
  + The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the company’s public image mean that workplace substance abuse can further cut profits and competitiveness.
  + Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
  + If drinking affects your work life, it could lead to job loss and all of the financial problems that would follow.

# SIGNS AND SYMPTOMS OF AN ALCOHOL PROBLEM

* + Any one or more of the following signs may indicate a drinking problem:

1. Family or social problems causes by drinking.
2. Job or financial difficulties related to drinking.
3. Loss of consistent ability to control drinking.
4. “Blackouts” or the inability to remember what happened while drinking.
5. Distressing physical and/or psychological reactions if you try to stop drinking.
6. A need to drink increasing amounts of alcohol to get the desired effect.
7. Marked changes in behavior or personality when drinking.
8. Getting drunk frequently.
9. Injuring yourself or someone else while intoxicated.
10. Breaking the law while intoxicated.
11. Starting the day with a drink.

# AVAILABLE METHOD OF EVALUATING AND RESOLVING PROBLEMS ASSOCIATED WITH THE MISUSE OF ALCOHOL

* + Outpatient programs exist in a variety of settings:

1. Community mental health centers.

2. Family service agencies.

3. Private physician and therapist’s offices.

4. Occupational settings

5. Specialized alcoholism treatment facilities.

* + Inpatient services designed for those with more serious alcohol problems can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.
  + Your local phone directory or the internet will list helpful referral organizations such as:

1. Local council on alcoholism.
2. Alcoholics Anonymous.
3. Community alcoholism or mental health clinic.
4. Social services or human resources department.
5. County medical society.

# INTERVENING WHEN AN ALCOHOL PROBLEM IS SUSPECTED, (INCLUDING CONFRONTATION, REFERRAL TO ANY AVAILABLE EMPLOYEE ASSISTANCE PROGRAM), AND/OR REFERRAL TO MANAGEMENT):

# Why You Should Get Involved:

* Although (Insert Company’s Name) may have a below average history of substance abuse problems, we recognize that alcoholism and alcohol misuse are problems throughout America.
* There are three good reasons why you should be concerned if any of your coworkers is using drugs or alcohol on the job:

1. Your and your coworkers’ health and safety may be at risk.
2. Alcohol misuse costs you money.
3. Alcohol creates a negative work environment.

* The U.S. Department of Labor has determined that drug and alcohol use on the job costs society an estimated $70-80 billion a year. Since most of the costs is passed on to you in the form of higher health insurance rates or in the prices you pay for things, drug and alcohol use on the job costs you and your fellow workers.
* The U.S. Department of Labor has also determined that absenteeism among problem drinkers or alcoholics is 4 to 8 times greater than normal. If your fellow workers don’t come to work, you may have to do their jobs in addition to your own.
* Workers who misuse alcohol don’t function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of the public, alcohol misuse is an especially serious issue.
* No matter what your position is in the organization, there are things that you can do to ensure that drug and alcohol use on the job never becomes a problem at (Insert Company’s Name). Acceptance of any misuse puts you, this company, and the public at risk.

1. A violation includes a verified positive drug test result, an alcohol test with a result indicating an alcohol concentration of 0.04 or greater, a drug or alcohol refusal to test (including by adulterating or substituting a urine specimen), on-duty use of a prohibited drug or alcohol, pre-duty alcohol use, use of alcohol following an accident, or working after a permanent disqualification. [14 CFR part 120, subparts C and D] [↑](#footnote-ref-1)