

MANDATORY DRUG & ALCOHOL TESTING REGULATIONS FOR MOTOR CARRIERS

DEPARTMENT OF TRANSPORTATION

AND

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Federal drug and alcohol testing regulations (published in the Federal Register 49CFR, Part 40 and Part 382, et. al.) impose a requirement on motor carriers and drivers. Each employer was required to implement a company drug and alcohol testing program by January 1, 1996.

The Federal Motor Carrier Safety Administration (FMCSA) requires regulation compliance. Employers in violation are subject to civil and criminal penalties.

The NEFI ALLIANCE Consortium is a simple, quick and inexpensive solution to this federal requirement. As a non-profit group, the NEFI ALLIANCE is able to offer this comprehensive program at a reasonable cost.

Provided by the



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NEFI ALLIANCE CONSORTIUM

P. O. Box 9137 - Watertown, Massachusetts 02471-9137

Application Information: (617) 924-1000, ext. 220 or (617) 923-5020

Program Information: (800) 223-2133

Revised January 2010 – program details and specifics are subject to change.

Federal Motor Carrier Safety Administration Drug and Alcohol Testing Program

The Regulation

The regulation is now embodied in 49 Code of Federal Regulations (CFR), Parts 40 and 382. Numerous amendments or modifications have been published since the date of the final rule. The regulations requiring drug and alcohol testing require that (a) All domestic-domiciled employees must implement the requirements of Title 49 Part 382 Sec. 382.115 on the date the employer begins commercial vehicle operations; (b) All foreign-domiciled employers must implement the requirements of Title 49 Part 382 Sec. 382.115 on the date the employer begins commercial motor vehicle operations in the United States.

Purpose

The purpose is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

Who is Affected

Any person who operates a commercial motor vehicle that:

- 1) has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- 2) has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- 3) is designed to transport 16 or more passengers, including the driver; or
- 4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act [49 U.S.C. 5103(b)] and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

Penalties

Any employer or driver who violates the requirements of this part shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521 (b). In addition, any employer or driver who violates the requirements of 49 CFR Part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b).

Services Provided

The NEFI Alliance Consortium provides all the required paperwork, recordkeeping, random selection and notification, reporting, and testing required by the FMCSA. A complete description of services is contained on page three.

Enrollment Information

To enroll in the Consortium, complete both sides of the enclosed application including information requested for each of your drivers to be registered into the Consortium. You may make photocopies of the application. You will receive a certificate of compliance and all materials directly from the Consortium.

The annual fee covers all services provided by the Consortium, including all drug and alcohol tests and related testing costs from January 1 through December 31. Consortium fees are outlined on the attached registration form.

Supervisor/Employee Training Program

Each company with two or more drivers must establish Supervisor and Employee Training Programs. The training program for all supervisory personnel must consist of at least 60 minutes of training on drugs and 60 minutes of training on alcohol.

The program for CDL holders must consist of at least 60 minutes of substance abuse training. The Consortium provides each company with a training package, for both supervisors and employees at no additional cost.

EAP and SAP Option

There is an optional employee assistance program (EAP) to provide your staff with a 24-hour, 7 day a week counseling and referral service to help employees deal with personal issues before they become work performance issues. Counselors are available to deal with substance abuse, marital and family issues, personal crises, etc.

The Substance Abuse Professional (SAP) is **REQUIRED** when any employee tests positive for drugs and/or alcohol. A SAP is a licensed physician or a licensed/certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders. An evaluation by a SAP is included with the employee assistance program.

If chosen as an option, the EAP will be available to your employees, their dependents, and to your management and supervisory staff to assist in job performance concerns.

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Federal Motor Carrier Safety Administration Drug and Alcohol Testing Program

Here are some of the requirements of the current FMCSA drug and alcohol testing regulations and the services offered by the NEFI ALLIANCE Consortium to help you meet them.

Company Policy

The FMCSA regulations state that each company must have a written policy on alcohol and controlled substances. This policy must be kept in your company files and be readily accessible.

The Consortium provides a sample company policy which is meant as a guide, should the company not have a current policy in place. A Certificate of Compliance for the company is included to demonstrate compliance.

Record Keeping

Each company must keep all records of the administration and results of the program for up to five years. In addition, a summary of the company's drug and alcohol testing records must be prepared.

The Consortium prepares and maintains all necessary records and summaries for each firm. The consortium will supply required reports to all company members.

Collection Sites and Testing Laboratories

Each company must have collection sites which have the resources to comply with all required procedures for urine sample collection and alcohol testing. Testing of samples must be performed at laboratories certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

The Consortium will provide a listing of approved collection sites for each company from its nationwide network. The consortium also contracts with SAMHSA labs who perform all testing procedures in compliance with the regulations.

Pre-Employment Testing

The company shall require a driver-applicant whom the company intends to hire or use, to be tested for the use of controlled substances as a pre-qualification condition.

Pre-Employment drug testing is required by Federal Regulations. The Consortium manages the collection and testing of specimens. All costs of testing are included in the membership fee.

Random Testing

The company shall use a random selection process to select and request a driver to be tested for the use of controlled substances and/or alcohol.

The Consortium provides each company with a random testing program, which includes a selection and notification process as well as the actual testing. Random selection rates comply with the Federal regulations. All costs of testing are covered in the membership fee.

Post-Accident Testing

A driver shall provide a urine sample to be tested for the use of controlled substances as soon as possible, but not later than 32 hours after a reportable accident under certain conditions. A alcohol test must also be conducted within 2 (but no more than 8) hours of the accident.

In those instances where the driver is unable to report to their assigned collection site for the drug and alcohol tests, a nationwide collection service is contacted to arrange for the collection of the sample. All costs of testing are covered by the membership fee.

Reasonable Cause Testing

The company shall require a driver to be tested, upon reasonable cause, for the use of controlled substances and/or alcohol.

The Consortium manages the collection and testing of these specimens. All costs of testing are covered by the membership fee.

Return-to-Duty and Follow-Up Testing

Before a driver may be returned to duty following a positive drug and/or alcohol test, that employee must be referred by a Substance Abuse Professional (SAP) into a program for treatment and rehabilitation.

At the conclusion of this program, the employee must successfully complete a return-to-duty drug and/or alcohol test, as well as receive a minimum of six follow-up drug and/or alcohol tests within twelve months.

The Consortium provides all of the above testing services. The Substance Abuse Professional evaluation is covered under the Employee Assistance Program.

Medical Review Officer

All drug test results must be reviewed and interpreted by a certified Medical Review Officer (MRO).

The Consortium provides certified Medical Review Officers to review and interpret each drug test result.

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THE NEFI ALLIANCE CONSORTIUM

Due to the complexities of the Federal Motor Carrier Safety Administration and the related Department of Transportation and Health & Human Services regulations, your choice of a group to manage your overall program is a critical one.

As a service to its members, this program enables small companies to be in compliance with all aspects of the FMCSA regulation. This program is available to all NEFI member companies.

The program actively reviews all new regulations and adjusts the program to maintain a quality compliance program.

We utilize a national network of collection facilities and SAMHSA-certified testing laboratories.

For information, contact Donna Carcerano, Benefits Administrator, NEFI, donna@nefi.com, 617-923-5020 direct line.

See our other program information at www.nefiinsurance.com



EMPLOYEE REGISTRATION

DIRECTIONS

1. Fill out the information section below for each person to be covered in the drug and breath alcohol testing consortium.
2. Enclose a check covering the enrollment.
3. The Federal Register (Part 382) defines an OWNER/OPERATOR as persons who are both employer and driver, that is, the person who owns a business and also drives a commercial motor vehicle for that business. Owner/operators must comply with both the driver and the employer requirements of the regulations. If you fit into this category, please complete the information below.

_____ I am an owner/operator with no employees. _____ I am an owner/operator with _____ employees.

Name: _____ Home Telephone: () _____

Social Security Number: _____ Date of Birth: _____

Please check appropriate program to add employee: **Federal (CDL-Commercial Driver's License)** or **Non-Federal (Non-CDL) (State law must allow non-federal testing)**

Drug Testing Consortium effective date: _____ **EAP** effective date: _____
(Please enter the effective date that the employee should be entered into the program – not the hire date)

Name: _____ Home Telephone: () _____

Social Security Number: _____ Date of Birth: _____

Please check appropriate program to add employee: **Federal (CDL-Commercial Driver's License)** or **Non-Federal (Non-CDL) (State law must allow non-federal testing)**

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(Please enter the effective date that the employee should be entered into the program – not the hire date)

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Please note that program information and specifics are subject to change.



NEFI ALLIANCE CONSORTIUM

COMPANY REGISTRATION

COMPANY NAME _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE (____) _____ FAX (____) _____

DESIGNATED EMPLOYER REPRESENTATIVE _____

(Contact person) (List an individual who will not be enrolled in the program)

ALTERNATE CONTACT PERSON _____

BILLING ADDRESS (if different from above) _____

SEASON _____ MONTHS OF OPERATION _____

Do you prefer a VHS training tape _____ Or a DVD _____

Please identify how you wish to receive your drug testing results. (Please select one option only)

E-Mail (write e-mail address) _____ Fax (write fax #) _____

NEFI WILL NOT FAX DOCUMENTS CONTAINING SENSITIVE INFORMATION UNLESS SPECIFICALLY REQUESTED. Please note that program information and specifics are subject to change.

MEMBERSHIP FEES

DRUG AND BREATH ALCOHOL TESTING CONSORTIUM

(Registration fee is per person, per calendar year. New hires added to your plan will be billed according to the month the employee is entered into the consortium.) ANNUAL FEE: \$85.00 per participant, per year. Companies with more than 20 employees take a \$10 per person discount off membership fees.

AGREEMENT

(Only required if company is going to be enrolled in the Federal (DOT) Program)

This company and/or independent operator agrees to comply with all Federal Motor Carrier Safety Administration's federal regulations pertaining to controlled substances and alcohol misuse testing and has a company policy pertaining to this in place. I am aware that all employees must have a negative pre-employment test (or meet the exception) prior to performing safety-sensitive functions and agrees to provide documentation if necessary.

Signature

Date

EMPLOYEE ASSISTANCE PROGRAM (EAP)/SUBSTANCE ABUSE PROFESSIONAL (SAP) EVALUATION

MONTH EMPLOYEE JOINS

January - March	\$35.00	July - September	\$20.00
April - June	\$27.50	October - December	\$12.50

The optional Employee Assistance Program (EAP) is available to your employees and their dependents. The EAP is a highly confidential, professional source of help for persons needing information, assessment, and referral to counseling or treatment resources throughout the New England states. This program also includes an evaluation by a Substance Abuse Professional, should it be needed. The Substance Abuse Professional (SAP) evaluation is **required** when any employee tests positive for drugs and/or alcohol. The cost for a SAP evaluation without an employee assistance program is \$100 per hour with a cap of \$600 per case.

INSTRUCTIONS

1. Complete Company Registration above.
2. Choose membership options and sign/date Agreement (if applicable)
3. Complete individual Employee Registration(s) on the back of this form for each employee (make additional copies as needed).
4. Return with payment to: **The NEFI ALLIANCE Consortium, P.O. Box 9137, Watertown, MA 02471-9137**
(617) 923-5020 or (617) 924-1000 ext. 220



NEFI ALLIANCE CONSORTIUM

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COMPANY NAME _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE (____) _____ FAX (____) _____

DESIGNATED EMPLOYER REPRESENTATIVE _____

(Contact person) (List an individual who will not be enrolled in the program)

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E-Mail (write e-mail address) _____ Fax (write fax #) _____

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NON-MEMBERSHIP FEES

DRUG AND BREATH ALCOHOL TESTING CONSORTIUM

(Registration fee is per person, per calendar year. New hires added to your plan will be billed according to the month the employee is entered into the consortium.) ANNUAL FEE: \$125.00 per participant, per year. Companies with more than 20 employees take a \$10 per person discount off membership fees.

AGREEMENT

(Only required if company is going to be enrolled in the Federal (DOT) Program)

This company and/or independent operator agrees to comply with all Federal Motor Carrier Safety Administration's federal regulations pertaining to controlled substances and alcohol misuse testing and has a company policy pertaining to this in place. I am aware that all employees must have a negative pre-employment test (or meet the exception) prior to performing safety-sensitive functions and agrees to provide documentation if necessary.

Signature

Date

EMPLOYEE ASSISTANCE PROGRAM (EAP)/SUBSTANCE ABUSE PROFESSIONAL (SAP) EVALUATION

MONTH EMPLOYEE JOINS

January - March	\$60.00	July - September	\$35.00
April - June	\$47.50	October - December	\$22.50

The optional Employee Assistance Program (EAP) is available to your employees and their dependents. The EAP is a highly confidential, professional source of help for persons needing information, assessment, and referral to counseling or treatment resources throughout the New England states. This program also includes an evaluation by a Substance Abuse Professional, should it be needed. The Substance Abuse Professional (SAP) evaluation is **required** when any employee tests positive for drugs and/or alcohol. The cost for a SAP evaluation without an employee assistance program is \$100 per hour with a cap of \$600 per case.

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