**Drug and Alcohol Testing Compliance**

Instructions: Adoption of Drug and Alcohol Policy

The Federal Transit Administration (FTA) requires 5311 subrecipients and/or their transit providers, as applicable to have policies in place that fully explain their drug and alcohol program**[[1]](#footnote-1)**. This document outlines steps to ensure compliance with drug and alcohol policy requirements.

| **Step** | **Activity Description** | |
| --- | --- | --- |
| **1** | **Review the FTA drug and alcohol policy requirements.**   * Drug and Alcohol Policy Requirements Checklist   <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/Checklist/PolicyReqsChecklist.aspx>   * 49 CFR Parts 655 and 40   <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Regulations/Regulations/default.aspx> | |
| **2** | **Determine the appropriate model policy.** | |
| **Zero Tolerance Policy** | **Second Chance Policy** |
| The **Zero Tolerance Policy** requires the ***termination or exclusion from hire*** of safety sensitive employees or applicants who test positive on, or refuse to take, a USDOT required drug or alcohol test.  ***See sample template on WisDOT-Transit Drug and Alcohol Testing Program website.*** | The **Second Chance Policy** allows safety sensitive employees or applicants who test positive on, or refuse to take, a USDOT required drug or alcohol test to complete an evaluation and treatment program provided by a USDOT qualified Substance Abuse Professional (SAP). A return-to-duty negative test result must be received before an employee can be placed back into a safety-sensitive.  ***See sample template on WisDOT-Transit Drug and Alcohol Testing Program website.*** |
| **3** | **Customize the policy.**   1. Review and customize all components of the selected policy. Underlined sections in the sample template are suggested provisions and not required by the FTA. Determine if the underlined sections are to be deleted, if they remain, or if the provisions need to be changed to reflect current transit system policy, (i.e. disciplinary actions). 2. Insert the applicable contact information on the cover page and within the document. 3. Use “find and replace” to change the word ‘**Transit Provider**’ to the specific name of your agency. 4. Insert the relevant contact information required for **Appendix A** and identify and list all relevant safety sensitive positions in **Appendix B**. | |
| **4** | **Obtain written approval and adoption from the highest-ranking official in your agency (e.g. owner, partner, board of trustees, etc.).** | |
| **5** | **Provide a copy of the approved policy to the subrecipient** ***and*** **WisDOT.** | |
| **6** | **Obtain written acceptance and/or acknowledgement of the policy by the Subrecipient.**   * Retain a copy of the written acceptance (in the form of an email, letter or fax) in your records. | |
| **7** | **Provide the following to new and existing employees in safety sensitive positions:**   * A copy of the adopted Drug and Alcohol Policy * Drug and Alcohol Training Information * Employee assistance information | |
| **8** | **Retain a signed copy of the employee *Acknowledgement of Policy* form in the employee’s training file.** | |
| **9** | **Update policy as needed, per federal regulation changes.**   * Clearly specify the revision and approval date. * Obtain approval from the highest-ranking official anytime substantive changes are made to the policy. * Provide a copy of the up-to-date policy to: safety sensitive employees, subrecipient and WisDOT. * Review the adopted drug and alcohol policy at least once a year to determine if modifications are necessary. Document the date of the review in the *Policy Update-Activity Log* section. | |

References

* 49 CFR Parts 655 and 40

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Regulations/Regulations/default.aspx>

* Drug and Alcohol Policy Requirements Checklist

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/Checklist/PolicyReqsChecklist.aspx>

* FTA Policy Builder

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/PolicyBuilder/CreatePolicy.aspx>

If you need assistance, please contact:

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1. The subrecipient should dictate through its contract with the transit provider the minimum policy requirements. The policy adopted by the transit provider must be written and made available to every safety sensitive employee. [↑](#footnote-ref-1)