

dot@datcs.com

903-234-1136

EDUCATING THE WORKFORCE IN SUBSTANCE ABUSE PROGRAM MANAGEMENT

When Does A Test Actually Begin?

A drug collection begins at the time the donor selects or accepts the collection cup. In cases with breath specimens, alcohol screens begin when the individually wrapped mouthpiece is accepted or selected. If saliva is used, an alcohol screen begins when the sealed package containing the screening device is opened in the presence of the employee. While it is possible to refuse testing before these points, receipt or selection of the collection cup, mouthpiece, or testing device is when collections technically begin.

For random, post-accident, reasonable suspicion, follow-up, and return-to-duty testing, the process begins at the point of notification. Failure to follow the instructions of a company official to proceed immediately to the collection site is considered a refusal.

For pre-employment testing, it is not possible for the applicant or covered employee to refuse until the collection has commenced. For instance, the applicant or employee can arrive late or not at all to the collection site without

being deemed to have refused the pre-employment test. Further, they can begin the initial steps of the testing process (40.61 and 40.241) up to the point where the cup is handed to them (40.63(c)) or when the mouthpiece is selected (40.243(a)) and still decide they do not want to participate in the collection without it being called a refusal. It is important to remember this allowance is for pre-employment testing only.



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Why Is Compliance Important?

Improved safety equals good business for carriers.

Violations cost money

Fines, vehicles and drivers out-of-service all add up. This doesn't even include management time and aggravation to remedy the problems. It costs less to avoid the violation in the first place.

Crashes are expensive

Current estimates are that the cost of a nonfatal crash (to the carrier and society) is \$200,000 and a staggering \$3.6 million for a crash with fatalities. It's been calculated that a carrier with a 2% profit margin must take in \$5 million in revenues to pay

for each \$100,000 of crash costs.

Reduced delays

Out-of-Service (OOS) vehicles and drivers delay deliveries and cost management time to coordinate and fix. Carriers with multiple violations will be stopped more often for inspections, adding to road time.



Delays cost money.

Several studies show the minimum cost of delay to motor carriers is \$1 per minute.

Improved driver retention

Safe drivers like evidence that management cares about driver safety and cares about keeping drivers in compliance. It improves morale and avoids the cost of hiring and training new drivers. Carriers with good safety practices are more likely to retain good drivers. Since the cost of recruiting, hiring, and training a new driver can top \$8,000, this is a major benefit.

Opioid Crisis In America



Every day, more than 90 Americans die after overdosing on opioids. The misuse of and addiction to opioids — including prescription pain relievers, heroin, and synthetic opioids such as fentanyl—is a serious national crisis that affects public health as well as social and economic welfare. The Centers for Disease Control and Prevention estimates that the total "economic burden" of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement.

rates. This subsequently led to widespread diversion and misuse of these medications before it became clear that these medications could indeed be highly addictive. Opioid overdose rates began to increase. In 2015, more than 33,000 Americans died as a result of an opioid overdose, including prescription opioids, heroin, and illicitly manufactured fentanyl, a powerful synthetic opioid. That same year, an estimated 2 million people in the United States suffered from substance use disorders related to prescription opioid pain relievers, and 591,000 suffered from a heroin use disorder (not mutually exclusive). Here is what we know about the opioid crisis:

- An estimated 4 to 6 percent who misuse prescription opioids transition to heroin.
- About 80 percent of people who use heroin first misused prescription opioids.

This issue has become a public health crisis with devastating consequences including increases in opioid misuse and related overdoses, as well as the rising incidence of neonatal abstinence syndrome due to opioid use and misuse during pregnancy. The increase in injection drug use has also contributed to the spread of infectious diseases including HIV and hepatitis C. As seen throughout the history of medicine, science can be an important part of the solution in resolving such a public health crisis.

*For more information, please see Opioid Crisis – National Institute on Drug Abuse

- Roughly 21 to 29 percent of patients prescribed opioids for chronic pain misuse them.
- Between 8 and 12 percent develop an opioid use disorder.

Roughly 21 to 29 percent of patients prescribed opioids for chronic pain misuse them.

How did this happen?

In the late 1990s, pharmaceutical companies reassured the medical community that patients would not become addicted to prescription opioid pain relievers, and healthcare providers began to prescribe them at greater

Importance of DER Contact Information

Many situations may arise during drug tests that require the collector or breath alcohol technician to contact the employer, specifically the Designated Employer Representative (DER). These include notification of an alcohol test result of 0.02 or

greater, reporting an employee's uncooperative behavior, asking clarifying questions about a desired test, or to report a problem with testing equipment. As the DER, it is your responsibility to ensure you can be reached

when needed and anytime a drug or alcohol test may be conducted. Should there be times when the DER cannot be reached (vacation, holidays, after hours, etc.), there must be an additional DER who will take the appropriate required action.





Random selection must meet a minimum of 50% drug and 25% alcohol for the year.

Maintenance Of Way Changes

In response to both a congressional mandate and a National Transportation Safety Board (NTSB) recommendation, FRA is broadening the scope of its existing drug and alcohol testing regulation to cover Maintenance of Way (MOW) employees. Previously, a MOW employee was only drug and alcohol tested when he or she had died as a result of an accident or incident. As of June 12, 2017, MOW employees are now fully subject to FRA's drug and alcohol testing that includes random, post-accident, reasonable suspicion, reasonable cause, pre-employment, return-to-duty and follow-up testing.

This has been the 1st major update to 49 CFR Part 219 for the Federal Railroad Administration

since 1985 by adding Maintenance of Way workers. Since the study began (2002) the FRA found disproportionately high levels of positive test results among deceased MOW employees compared to covered service employees (directly employed by the railroad).

A Maintenance of Way roadway worker, under CFR 214, is defined as any employee of a railroad or of a contractor to a railroad whose duties include inspection, construction, maintenance or repair of railroad track bridges, roadway signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near the track or with the potential of fouling the track and

flagman and watchmen/lookouts as defined in the section.

Each MOW contractor was required to provide a drug and alcohol plan, a list of employees who were already performing MOW functions on or before June 11, and which railroad they work for to the FRA in order for those employees to be allowed to be grandfathered into the random drug testing program. Any employee that started performing functions on June 12, 2017 or later are required to have a federal pre-employment drug.

These employees are required to be in a random selection pool that meets a minimum 50% drug and 25% alcohol rate for the year.

Updated Personnel Lists and Random Testing

Updated personnel lists are necessary in order for the computer to accurately select which of your employees is due for a random test. This personnel list can be updated over the internet, by email, or by fax. Our preferred method is for the Designated Employer Representative (DER) to update the personnel list on the DATCS website. We highly recommend that you incorporate updating the personnel

list into your termination procedure. This will ensure that your company is continuously up-to-date.

Excel spreadsheets are also accepted and can be automatically downloaded into the computer program.

As the DER, it is your responsibility, once notified by DATCS of randomly selected employees, for completing the random selection during the

designated time. The DER is also responsible for notifying DATCS of the reason an employee does not complete their random drug and /or alcohol test. Terminations and employees out on extended medical leave are generally the only acceptable excuses for auditors.

If you need assistance with your web log in, please contact a friendly client representative at 903-234-1136.

