

## What Do I Include In My DQ Files?

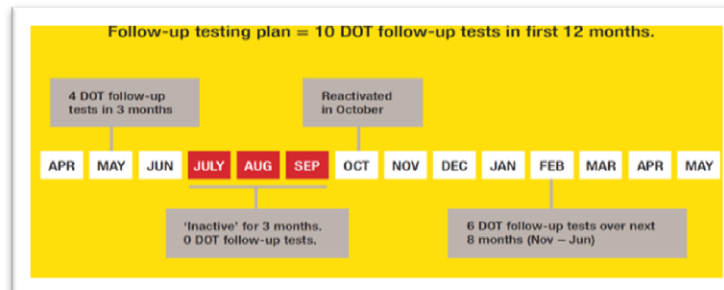
A motor carrier is required to maintain a driver's qualification (DQ) file for each driver it employs. The DQ file may be combined with the driver's personnel file, investigation history file, and/or the drug/alcohol file. The following documents are to be included in a DQ file:

- Application for employment (§391.21).
- Motor vehicle record(s) from states for new hires, going back three years (§391.23).
- Road test form and certificate (§391.31g), or license or certificate accepted in lieu of road test (§391.33).
- Proof of medical certification. For non-CDL drivers: a copy of the medical certificate (§391.43(g)). For CDL drivers whose MVR contains current medical certification information: a MVR showing the driver's current medical certification status, or a copy of a medical certificate that was issued within the last 15 days (§391.23(m)(2)).
- Documentation of any medical variance granted to the driver (§391.49).
- Annual motor vehicle record from states for current drivers (§391.25(a)).
- Annual review of driving record (§391.25(c)).
- Driver's annual list of violations (§391.27).
- If applicable: entry-level driver training certificate (§380.509), longer-combination vehicle training (or grandfathering) certificate (§380.111, §380.401), and/or certificate of training for drivers transporting radioactive materials (§397.101(e)).



## Follow-Up Testing and Extended Absence

Employers with "second chance" programs are often puzzled about how to properly administer follow-up testing when an employee is absent for extended periods. When the employee takes a leave of absence, the employer must pause follow-up testing until safety-sensitive duties are resumed, per §40.307(e).



Consider a seasonal employee who works for three months and takes the first four of ten follow-up tests required by the follow-up testing plan. The employee is on inactive status and is activated three months later. The employer

must distribute the remaining six follow-up tests over the next nine working months, as opposed to six calendar months.

Due to the requirement to pause testing during those times when the employee is inactive, the maximum 60-month duration of follow-up testing may sometimes extend beyond five calendar years.

## Nicotine Testing



When one considers that smoking causes more than 1,300 deaths in the U.S. every day, combined with the fact that the Affordable Healthcare Act allows up to 50% more for smoking status, it seems obvious that the need for nicotine testing by employers is more relevant today than ever before. Nicotine testing, often referred to as cotinine testing, can be conducted using multiple drug test methods including urine and saliva.

## Test Type

## Detection Period

## Benefits

Urine Lab

4 to 7 days

Can be combined with other drug tests you are already using.

Urine Instant

4 to 7 days

Rapid tests can provide results within 5 minutes.

Saliva Lab

1 to 2 days

Non-invasive & observed collection limits specimen tampering.

Saliva Instant

1 to 2 days

Rapid tests can provide results within 10 minutes.

Employers should consider what kind of policy should be in place regarding nicotine use and the action that should be taken if an employee tests positive for nicotine before and during their employment. If an employee tests positive for nicotine on either a urine or saliva rapid screening, it is recommended to have a laboratory do

It needs to be expressed that since cotinine is a metabolite the body produces when nicotine is ingested, employees will most likely test positive even while using nicotine replacement therapies like the patch, gum, or even the electronic cigarette. Due to high cut off levels, second hand smoke is not likely to trigger a positive result. Please call DATCS for a consultation at 1-888-201-0242 today.

## Refusal To Test



During the testing process, collectors occasionally encounter disruptive, uncooperative, or obstructive donors whose actions or statements make clear they are refusing to participate in the test. Per §40.261 (c) and §40.191 (d), collectors are required to document and record actions they deem to be a refusal to test. This is usually done in the remarks section of the Alcohol Testing Form (ATF) (under step 3) or Custody and Control Form (CCF) (under step 2). Collectors are also required to advise the donor that failure to comply is a refusal to test.

Collectors often simply write "Refused" in the remarks section to indicate unacceptable behavior has occurred. Since in most cases it is the employer who makes the official 'refusal' designation and is responsible for assessing the documentation provided by the collector, a detailed and descriptive statement of events is necessary.

Short but descriptive narratives are essential, such as "donor did not provide a sufficient specimen and left the collection site before three hours elapsed", "donor refused to empty their pockets", or "donor admitted their specimen was diluted with toilet water". Collectors must not write only an employee "refused to test", since this is

By making genuinely descriptive remarks, collectors assist the MRO, Designated Employee Representative (DER), or reviewing physician in their decision-making responsibilities. Documentation of the events resulting in termination of the testing process is required to be included on the ATF and CCF. However, as the remarks section is relatively small, it is a good idea to include a supplemental account on a separate paper describing the circumstances, conversations, and any other information, and transmit documentation along with the relevant copies of the ATF and CCF.



*We, at DATCS, pride ourselves as leading educators in the field of drug testing. This being said, we would like to share a few commonly asked questions from Designated Employer Representatives.*

- **What does a negative dilute drug result mean?** The US Department of Transportation allows a regulated employer to accept a negative-dilute specimen as a negative. You have a couple of choices: accept the test

as a negative or require retesting of all negative-dilute specimens. If you retest, it is important that you ensure consistency and that it is addressed in your policy.

- **I received a “non-negative” result on a quick test. Can I fire the employee?** You should never take action on the results of a quick test. We recommend that the test be sent to a SAMHSA certified laboratory for GC/MS confirmation. Gas chromatography/mass spectrometry is used to confirm presumptive positive drug screen specimens. Should the test be released from the laboratory as a positive, we also recommend that the test be reviewed by the Medical Review Officer for any viable prescriptions.

- **Why are screening and confirmation cut-off levels different?** The immunoassay tests used to perform initial drug screening are designed to detect a wide range of chemically similar compounds that react with the antibodies which are the core of the chemistry make-up of the tests. GC/MS confirmatory testing detects specific metabolites that provide identification and quantification of a specific drug.

- **I received a call that my employee was seen doing drugs with some friends this past weekend. Can I send him in for a reasonable suspicion test?** No, the suspicion must be based on specific observations by the supervisor or company official that has been trained to recognize the signs and symptoms of drug and alcohol use. The company official must observe and document the employee’s current appearance, behavior, speech, and smell that is associated with drug and alcohol use. Testing cannot be required based on a hunch or complaint from another person or a phone call tip.

# datcs

**is committed to ensuring your workplace  
stays safe, informed, and productive.**

**Thank you for your support!**