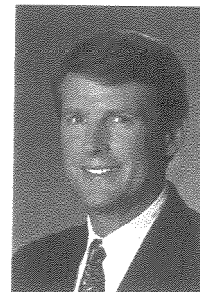


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Welcome to the SAPAA Designated Employer Representative (DER) Training Course and Certification.

Read carefully before getting started

Why is SAPAA DER training critical to your organization?

As the DER in your organization, you and the Alternative DER have tremendous responsibility under the Department of Transportation (DOT) regulations to ensure that all aspects of your employer's mandatory drug and alcohol testing program are properly administered in accordance with extensive and complex DOT regulations. While you may hire Service Agents (MROs, collectors, SAPs, TPAs, etc.) to assist you, by DOT regulation your employer is ultimately responsible for meeting all applicable requirements and procedures. Additionally, your employer is by regulation responsible for all actions of Service Agents you may hire and is subject to DOT sanctions for their non-compliance. (See 49 CFR Part 40.15(c)). Those include fines of up to \$10,000 per violation. (See 49 U.S.C. 521(b)(2)(A)).

To help you better understand your regulatory responsibilities, to enable you to confidently respond to employee questions, interact intelligently with your collectors, MROs, SAPs, TPAs, and to avoid the governmental sanctions, SAPAA (Substance Abuse Program Administrators Association) has retained me, as the legal content provider of part40.com, LLC, to develop a DER training and certification course under 49 CFR Part 40 ("Part 40") and the DOT Agency-specific regulations as part of the family of SAPAA Training Institute Courses offered. SAPAA has a long history of providing quality training and certification programs to professionals in the drug and alcohol testing industry. See the SAPAA website www.sapaa.com for information on benefits of becoming a SAPAA member and other training course offer via web and live.

SAPAA DER Course "User Name" and "Password" is what you selected at time of registration. Please record it here so you will have it at the time you LOG IN to take the exam.

My User Name is:

My Password is:

What does this SAPAA DER training/certification course consist of?

The program is a combination print and web based course comprised of the following five (5) parts:

1. 5 worksheets with numbered answer boxes for Part 40, and individual worksheet(s) for the DOT Agency you have chosen to be certified under.
2. Following each worksheet is a multiple choice test which corresponds with the worksheet answer boxes. You should use this paper test to circle the correct answer from among the 3 choices for each numbered blank answer box.
3. Part 40 Made E-Z (html file) CD-Rom (which you will receive by separate mailing), searchable with your internet browser, containing completely hyperlinked DOT regulations under 49 CFR Part 40, and all Federal Agency Drug & Alcohol Testing Regulations. This is your research guide to the correct answers to the worksheet blank question boxes. If you like this resource, you may purchase a one year subscription to SAPAA's Part 40 Made E-Z so your disk is keep updated. See www.sapaa.com
4. Once you have selected answers for all of the worksheets, you will then log into the SAPAA website <http://www.sapaa.com/sapaatraining/index.asp> using your **User Name and Password** you recorded on page 1 of this welcome letter and make your selection from the pull-down of 3 choices. **You must complete the test online at www.sapaa.com to obtain your certification.** You must score at least 90% or better to obtain your SAPAA DER certification, both under Part 40 and the DOT Agency of your choice. You will receive electronic confirmation of your exam status and a Printed Certificate to follow by mail.

What is the secret of doing well on the exam?

Read the regulations referred to in the questions. There is no shortcut, and even drug testing professionals will find the exam challenging if they fail to heed this advice. The correct answers should be very apparent once you read the designated Code of Federal Regulation (CFR). The DOT went to great lengths to make the regulations "plain English, easy to read and understand." You can navigate the Part 40 Made E-Z CD-Rom in seconds using your computer's Internet.

To Navigate or Search in Part 40 Made E-Z on CD Rom:

1. Use hypertext links (words in blue and underlined) to jump to sections or questions of interest, or
2. Click "Edit" at top and choose "Find in Page" or "Find (on this Page)," and type in word or phrase, or regulation number you want to search. Continue to search with "Find Next."
3. All federal regulations you will be hyperlinked to in the CD-Rom are in separate files or "pages" so you have to search them separately using the same search commands. A hyperlink index for each regulation is included at the top of the page and the beginning of each section. Connecting to the Internet may allow you to retrieve PDF links and link to various websites for additional or update information.

It will literally take you 15 seconds to find the answers to most of your questions using Part 40 Made E-Z. This DER training course is designed not only to teach you much of what you need to know, but also how to quickly find answers in the future and become proficient with the regulations that govern 99% of what you will be doing in regulated drug and alcohol testing.

How much time should the course take?

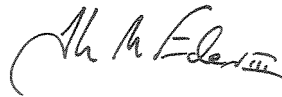
Allocate at least 6 hours total to complete the paper part of the course. Do yourself and your employer a great service and read the entire regulation designated. You will find your time well invested when you must make a crisis decision.

What if you need help or other resources?

My e-mail address is te@wallacejordan.com, and my secretary is Robin at rr@wallacejordan.com. I guided the development of the DER training and certification course, Part 40 Made E-Z CD-Rom, with the help of the SAPAA Training Institute. A special thanks to Dennis Kerns and Jim Wright of that organization for their editorial assistance, ideas and inspiration. I, or one of my staff, will try to promptly respond to your inquiries. For more additional contact or resource information see: http://www.wallacejordan.com/attorneys/page_eden.html.

Thank you for taking the time to improve your knowledge of this important aspect of your job and to protect your employer from unnecessary DOT sanctions.

Good luck,



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SAPAA

DESIGNATED EMPLOYER REPRESENTATIVE (DER) TRAINING PROGRAM

49 CFR PART 40 - (Procedures for Transportation Workplace Drug and Alcohol Testing Programs)

DUE DILIGENCE REVIEW OF SERVICE AGENTS

§ 40.11 What are the general responsibilities of employers under 49 CFR Part 40?

As an employer you are responsible for meeting all applicable requirements and procedures of this part (49 CFR Part 40) and are responsible for all actions of your officials, representatives, and agents. You are also subject to DOT [1 _____] [2 _____] for noncompliance by your service agents. [40.11(a & b); 40.15(c)].

All agreements and arrangements, written or unwritten, between and among employers and service agents concerning the implementation of DOT drug and alcohol testing regulations are deemed, as a matter of law, to require [3 _____] with all [4 _____] provisions of Part 40 and DOT Agency drug and alcohol testing regulations. Compliance with these provisions is a [5 _____] term of all agreements and arrangements. [40.11(c)].

§ 40.15 May an employer use a service agent to meet DOT drug and alcohol testing requirements?

As an employer you are responsible for ensuring that the service agents you use meet the qualifications set forth in 49 CFR Part 40, and you may require service agents to show you [6 _____] that they in fact meet the requirements. [40.15(b)].

Service agent – any person or entity other than an employee of the employer who provides services specified under Part 40 to employers and/or employees in connection with DOT drug and alcohol testing regulations. This includes, but is not limited to, collectors, BATs and STTs, laboratories, [7 _____], substance abuse professionals, and C/TPAs to act as service agents, person and organizations must meet the qualifications set forth in applicable sections of Part 40. Service agents are not employers for purposes of Part 40 [40.3].

§ 40.3 What do the terms used in this regulation mean?

Designated employer representative (DER). An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required [8 _____] in the testing and evaluation processes. The DER also [9 _____] test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.

QUESTION:

Can the employer himself or herself act as a Designated Employer Representative (DER), as opposed to appointing another employee to play this role?

ANSWER:

- *The employer (e.g., the owner of a small business) may act personally as the DER.*
- *The employer may also appoint an employee or employees to play this role.*
- *The DER must exercise his or her authority to remove an employee from safety sensitive functions either directly or by causing the employee to be removed from performing these functions (e.g., by having the employee's supervisor effect the actual removal).*
- *The employer may [10 _____] delegate the DER role to a service agent. Only the employer or an actual employee of the employer may perform this function.*
- *The Department will not authorize a "DER-for-hire" concept (e.g., a person under contract by several companies to serve as their DER), either.*

§40.3, §40.15(d) – 9/1/01

QUESTION:

If a C/TPA is hired as an "independent safety consultant" that executes all aspects of the employer's safety and drug and alcohol testing programs, can the C/TPA act as a DER?

ANSWER:

- *Service agents are prohibited from acting as DERs under any circumstances.*
- *The fact that an organization that is called an "independent safety consultant" acts as a consultant to an employer for purposes of executing a drug and alcohol testing or safety program does not make it any less a service agent. It is still [11 _____] from acting as a DER.*

49 U.S.C. 521(b) Penalties.

Any employer or employee who violates the requirements of 49 CFR Part 40 or DOT regulations shall be subject to the penalty provisions of 49 U.S.C. 521(b). That statute provides for civil penalties of up to [12 _____] for each offense. [49 U.S.C. 521(b)].

SAPAA

DESIGNATED EMPLOYER REPRESENTATIVE (DER) TRAINING PROGRAM

49 CFR PART 40 - (Procedures for Transportation Workplace Drug and Alcohol Testing Programs)

HIRING PROCEDURES MANDATED

Prior to Safety-Sensitive Duty:

§ 40.25 *Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?*

As an employer you must ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain safety-sensitive transportation work covered by DOT Agency drug and alcohol testing rules during the past [1 _____] years. [40.25(j),

If the employee admits he/she has tested positive, or refused to test, you may not use the employee to perform safety-sensitive functions for you until and unless the employee documents successful completion of the [2 _____] to [3 _____] process. [40.25(j)].

As an employer, for a new-hire or before transferring employee into a DOT regulated [4 _____]-[5 _____] position, you must, after obtaining the employee's written consent, request from the former DOT employers who have employed the person within the last [6 _____] years, before the application or transfer date, the following:

- 1 alcohol test with a result of 0.04 or higher alcohol concentration;
- 2 verified positive drug test;
- 3 refusal to be tested (including verified adulterated or substituted drug test results);
- 4 other violations of DOT agency drug and alcohol testing regulations; and
- 5 With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-do-duty process (*e.g.*, an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee. [40.25(b)]

If feasible, you must obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, you must obtain and review the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after [7 _____] days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a [8 _____] [9 _____] effort to obtain this information. [40.25(d)].

DER Training Worksheet 1

Due Diligence Review of Service Agents

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
1	department
1	agency
1	branch
2	laws
2	rules
2	sanctions
3	obedience
3	agreement
3	compliance
4	valid
4	applicable
4	related
5	material
5	significant
5	substantive
6	documentation
6	certification
6	credentials
7	DER
7	regulators
7	MRO's
8	decisions
8	options
8	choices
9	requests
9	retrieves
9	receives
10	always
10	not
10	never
11	restricted
11	prohibited
11	authorized
12	\$5,000
12	\$10,000
12	\$25,000

As the employer requesting the information required under this section, you must maintain a written, confidential record of the information you obtain or of the good faith efforts you made to obtain the information. You must retain this information for [10 _____] years from the date of the employee's [11 _____] performance of safety-sensitive duties for you. [40.25(i)].

DER Training Worksheet 2

Hiring Procedures Mandated

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
1	1
1	3
1	2
2	return
2	come back
2	depart
3	duty
3	obligation
3	responsibility
4	security
4	safety
4	protective
5	aware
5	responsive
5	sensitive
6	1
6	2
6	3
7	10
7	30
7	60
8	first rate
8	fine
8	good
9	faith
9	trust
9	confidence
10	3
10	2
10	4
11	initial
11	first
11	earliest

SAPAA**DESIGNATED EMPLOYER REPRESENTATIVE (DER) TRAINING PROGRAM**

49 CFR PART 40 - (Procedures for Transportation Workplace Drug and Alcohol Testing Programs)

ADULTERATION / SUBSTITUTION***§ 40.41 Where does a urine collection for a DOT drug test take place?***

A urine collection for a DOT drug test must take place in a collection [1 _____] meeting the requirements of this section. If you are operating a collection site, you must have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, temporary storage, and shipping of urine specimens to a laboratory, and a suitable clean surface for writing. [40.41(c)].

§ 40.43 What steps must operators of collection sites take to protect the security and integrity of urine collections?

Collectors and operators of collection sites must take the steps listed in Part 40 to prevent unauthorized access that could compromise the integrity of collections. As a collector, you must do the following before each collection to deter tampering with specimens:

- (1) Secure any [2 _____] sources or otherwise make them unavailable to employees (e.g., turn off water inlet, tape handles to prevent opening faucets);
- (2) Ensure that the water in the toilet is [3 _____];
- (3) Ensure that no [4 _____], disinfectants, cleaning agents, or other possible adulterants are present;
- (4) [5 _____] the site to ensure that no foreign or unauthorized substances are present;
- (5) [6 _____] or otherwise secure shut any movable toilet tank top, or put bluing in the tank;
- (6) Ensure that undetected [7 _____] (e.g., through a door not in your view) is not possible;
- (7) [8 _____] areas and items (e.g., ledges, trash receptacles, paper towel holders, under-sink areas) that appear suitable for concealing contaminants. [40.43(b)(1-7)].

§ 40.145 *On what basis does the MRO verify test results involving adulteration or substitution?*

As an MRO, when you receive a laboratory report that a specimen is adulterated or substituted, you must treat that report in the same way you treat the laboratory's report of a confirmed [9 _____] for a drug or drug metabolite. [40.145(a)].

- (c) In the verification [10 _____], the MRO must explain the laboratory findings to the employee and address technical questions or issues the employee may raise. [40.145(c)].
- (d) The MRO must [11 _____] the employee the opportunity to present a legitimate medical explanation for the laboratory findings with respect to presence of the adulterant in, or the creatinine and specific gravity findings for, the specimen. [40.145(d)].
- (e) The employee has the [12 _____] of proof that there is a legitimate medical explanation. [40.145(e)].
 - (1) To meet this burden in the case of an adulterated specimen, the employee [13 _____] demonstrate that the adulterant found by the laboratory entered the specimen through physiological means. [40.145(e)(1)].
 - (2) To meet this burden in the case of a substituted specimen, the employee [14 _____] demonstrate that he or she did produce or could have produced urine, through physiological means, meeting the creatinine and specific gravity criteria of less than 2 mg/dL and the specific gravity criteria of less than or equal to 1.0010 or greater than or equal to 1.0200. [40.145(e)(2)].
 - (3) The employee must present information meeting this burden at the time of the verification interview. As the MRO, you have discretion to extend the time available to the employee for this purpose for up to [15 _____] days before verifying the specimen, if you determine that there is a reasonable basis to believe that the employee will be able to produce relevant evidence supporting a legitimate medical explanation within that time. [40.145(e)(3)].
- (f) As the MRO or the employer, you are [16 _____] responsible for arranging, conducting, or paying for any studies, examinations or analyses to determine whether a legitimate medical explanation exists. [40.145(f)].
- (g) As the MRO, you must exercise your [17 _____] professional judgment in deciding whether the employee has established a legitimate medical explanation. [40.145(a)-(g)].

- (1) If you determine that the employee's explanation does not present a reasonable basis for concluding that there may be a legitimate medical explanation, you must report the test to the [18 _____] as a verified refusal to test because of adulteration or substitution, as applicable. [40.145(g)(1)].

- (2) If you believe that the employee's explanation may present a reasonable basis for concluding that there is a legitimate medical explanation, you must direct the employee to obtain, within the [19 _____] day period set forth in paragraph (e)(3) of this section, a further medical evaluation. This evaluation must be performed by a licensed physician (the "referral physician"), acceptable to you, with expertise in the medical issues raised by the employee's explanation. (The MRO may perform this evaluation if the MRO has appropriate expertise). [40.145(g)(2)].
 - (i) As the MRO or employer, you are [20 _____] responsible for finding or paying a referral physician. However, on request of the employee, you must provide reasonable assistance to the employee's efforts to find such a physician. The final choice of the referral physician is the employee's, as long as the physician is acceptable to you.

 - (ii) As the MRO, you must consult with the [21 _____] physician, providing guidance to him or her concerning his or her responsibilities under this section. As part of this consultation, you must provide the following information to the referral physician:
 - (A) That the employee was required to take a DOT drug test, but the laboratory reported that the specimen was adulterated or substituted, which is treated as a refusal to test;

 - (B) The consequences of the appropriate DOT agency regulation for refusing to take the required drug test;

 - (C) That the referral physician must agree to follow the requirements of paragraphs (g) (3) through (g) (4) of this section; and

 - (D) That the referral physician must provide you with a signed statement of his or her recommendations.

- (5) As the MRO, if you determine that there is a legitimate [22 _____] explanation, you must cancel the test and inform ODAPC in writing of the determination and the basis for it (e.g., referral physician's findings, evidence produced by the employee). [40.145(g)(5)].

- (6) As the MRO, if you determine that there is not a legitimate medical explanation, you must report the test to the DER as a verified [23 _____] to test because of adulteration or substitution. [40.145(g)(6)].

- (h) The following are examples of types of evidence an employee could present to support an assertion of a legitimate [24 _____] explanation for a substituted result. [40.145(h)].
- (1) Medically valid evidence demonstrating that the employee is capable of physiologically producing [25 _____] meeting the creatinine and specific gravity criteria of §40.93(b). [40.145(h)(1)].
- (i) To be regarded as medically [26 _____], the evidence must have been gathered using appropriate methodology and controls to ensure its accuracy and reliability.
- (ii) Assertion by the employee that his or her personal characteristics (e.g., with respect to race, gender, weight, [27 _____], working conditions) are responsible for the substituted result does not, in itself, constitute a legitimate medical explanation. To make a case that there is a legitimate medical explanation, the employee must present evidence showing that the cited personal characteristics actually result in the physiological production of urine meeting the creatinine and specific gravity criteria of §40.93(b).
- (2) Information from a medical evaluation under paragraph (g) of this section that the individual has a medical condition that has been demonstrated to cause the employee to physiologically produce urine meeting the creatinine and specific gravity criteria of §40.93(b). [40.145(h)(2)].
- (i) A finding or diagnosis by the physician that an employee has a medical condition, in itself, does [28 _____] constitute a legitimate medical explanation.
- (ii) To establish there is a legitimate medical explanation, the employee must demonstrate that the cited medical condition actually [29 _____] in the physiological production of urine meeting the creatinine and specific gravity criteria of §40.93(b). [40.145(h)(1)-(2)].

§ 40.153 How does the MRO notify employees of their right to a test of the split specimen?

- (a) As the MRO, when you have verified a drug test as positive for a drug or drug metabolite, or as a refusal to test because of adulteration or substitution, you must notify the employee of his or her right to have the [30 _____] specimen tested. You must also notify the employee of the procedures for requesting a test of the split specimen.
- (b) You must inform the employee that he or she has [31 _____] hours from the time you provide this notification to him or her to request a test of the split specimen.

- (c) You must tell the employee how to contact you to make this request. You must provide telephone numbers or other information that will allow the employee to make this request. As the MRO, you must have the ability to receive the employee's calls at [32 _____] times during the 72 hour period (e.g., by use of an answering machine with a "time stamp" feature when there is no one in your office to answer the phone).
- (d) You must tell the employee that if he or she makes this request within 72 hours, the employer must ensure that the test takes place, and that the employee is [33 _____] required to pay for the test from his or her own funds before the test takes place. You must also tell the employee that the employer may seek reimbursement for the cost of the test (see §40.173).
- (e) You must tell the employee that additional tests of the specimen (e.g., DNA tests) are [34 _____] authorized. [40.153(a) - (e)].

§ 40.171 *How does an employee request a test of a split specimen?*

- (a) As an employee, when the MRO has notified you that you have a verified positive drug test or refusal to test because of adulteration or substitution, you have [35 _____] hours from the time of notification to request a test of the split specimen. The request may be verbal or in writing. If you make this request to the MRO within 72 hours, you trigger the requirements of this section for a test of the split specimen.
- (b) (1) If, as an employee, you have [36 _____] requested a test of the split specimen within 72 hours, you may present to the MRO information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO (e.g., there was no one in the MRO's office and the answering machine was not working), or other circumstances unavoidably prevented you from making a timely request. [40.171(a)-(b)].

§ 40.173 *Who is responsible for paying for the test of a split specimen?*

- (a) As the employer, [37 _____] are responsible for making sure (e.g., by establishing appropriate accounts with laboratories for testing split specimens) that the MRO, first laboratory, and second laboratory perform the functions noted in §§40.175 - 40.185 in a timely manner, once the employee has made a timely request for a test of the split specimen.
- (b) As the employer, you must [38 _____] condition your compliance with these requirements on the employee's direct payment to the MRO or laboratory or the employee's agreement to reimburse you for the costs of testing. For example, if you ask the employee to pay for some or all of the cost of testing the split specimen, and the employee is unwilling or unable to do so, you must ensure that the test takes place in a timely manner, even though this means that you pay for it.

- (c) As the employer, you [39 _____] seek payment or reimbursement of all or part of the cost of the split specimen from the employee (e.g., through your written company policy or a collective bargaining agreement). This part takes no position on who ultimately pays the cost of the test, so long as the employer ensures that the testing is conducted as required and the results released appropriately. [40.173(a)-(c)].

§ 40.193 What happens when an employee does not provide a sufficient amount of urine for a drug test?

As the DER, when the collector informs you that the employee has not provided a sufficient amount of urine (see paragraph (b)(4) of this section), you must, after consulting with the MRO, direct the employee to obtain, within [40 _____] days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. (The MRO may perform this evaluation if the MRO has appropriate expertise.) [40.193(c)].

DER Training Worksheet 3

Adulteration / Substitution

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
1	site
1	place
1	location
2	wet
2	damp
2	water
3	clear
3	blue
3	violet
4	bleach
4	soap
4	cleanser
5	inspect
5	examine
5	study
6	tie
6	tape
6	wrap
7	access
7	admission
7	write to entry
8	locked
8	safe
8	secure
9	optomistic
9	affirmative
9	positive
10	meeting
10	interview
10	conference
11	present
11	offer
11	proffer
12	burden
12	responsibility
12	problem
13	has to
13	should
13	must
14	should
14	must
14	has to

DER Training Worksheet 3
Adulteration / Substitution
Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
15	5
15	7
15	10
16	definitely
16	not
16	absolutely
17	finest
17	top
17	best
18	DER
18	SAP
18	DOT
19	10
19	7
19	5
20	definitely
20	mandated
20	not
21	donors
21	referral
21	company
22	health
22	medical
22	mental
23	refusal
23	denial
23	negative response
24	medical
24	physical
24	mental
25	pee
25	liquid
25	urine
26	suitable
26	convincing
26	valid
27	food
27	diet
27	drink
28	not
28	definitely
28	without question

DER Training Worksheet 3

Adulteration / Substitution

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
29	outcome
29	results
29	production
30	separate
30	split
30	additional
31	36
31	48
31	72
32	some
32	24/7
32	all
33	always
33	not
33	never
34	not
34	never
34	always
35	36
35	48
35	72
36	yet
36	not
36	belatedly
37	they
37	we
37	you
38	always
38	sometimes
38	not
39	may
39	should
39	always
40	2
40	5
40	14

SAPAA

DESIGNATED EMPLOYER REPRESENTATIVE (DER) TRAINING PROGRAM

49 CFR PART 40 - (Procedures for Transportation Workplace Drug and Alcohol Testing Programs)

MRO / DER INTERACTION – PART A

§ 40.3 *What do the terms used in this regulation mean?*

Designated employer representative (DER). An employee authorized by the employer to take immediate action(s) to [1 _____] employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs. [40.3].

Medical Review Officer (MRO). A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating [2 _____] explanations for certain drug test results. [40.3].

§ 40.131 *How does the MRO or DER notify an employee of the verification process after a confirmed positive, adulterated, substituted, or invalid test result?*

- (a) When, as the MRO, you receive a confirmed positive, adulterated, substituted, or invalid test result from the laboratory, you must contact the employee [3 _____] (i.e., actually talk to the employee), on a confidential basis, to determine whether the employee wants to discuss the test result. In making this contact, you must explain to the employee that, if he or she [4 _____] to discuss the result, you will verify the test as positive or as a refusal to test because of adulteration or substitution, as applicable. [40.131(a)].
- (b) As the MRO, staff under your personal supervision may conduct this initial contact for you.
 - (4) Since you are required to speak personally with the employee, face-to-face or on the phone, your staff must [5 _____] inquire if the employee wishes to speak with you. [40.131(b)(4)].
- (c) As the MRO, you or your staff must make reasonable efforts to reach the employee at the day and evening telephone numbers listed on the CCF. Reasonable efforts include, as a minimum, [6 _____] attempts, spaced reasonably over a [7 _____] hour period, to reach the employee at the day and evening telephone numbers listed on the CCF. If you or your staff cannot reach the employee directly after making these efforts, you or your staff must take the following steps:

- (1) [8 _____] the efforts you made to contact the employee, including dates and times.
- (2) [9 _____] the DER, instructing the DER to contact the employee.
- (i) You must simply [10 _____] the DER to inform the employee to contact you.
- (ii) You must [11 _____] inform the DER that the employee has a confirmed positive, adulterated, substituted, or invalid test result.
- (iii) You must document the [12 _____] and [13 _____] of your attempts to contact the DER, and you must document the name of the DER you contacted and the date and time of the contact. [40.131(c)(2)(i)-(iii)].
- (d) As the DER, you must attempt to contact the employee immediately, using procedures that protect, as much as possible, the confidentiality of the MRO's request that the employee contact the MRO. If you successfully contact the employee (i.e., actually talk to the employee), you must document the date and time of the contact, and inform the MRO. You must inform the employee that he or she should contact the MRO immediately. You must also inform the employee of the consequences of failing to contact the MRO within the next 72 hours (see §40.133(a)(2)). [40.131(d)]
- (1) As the DER, you must [14 _____] inform anyone else working for the employer that you are seeking to contact the employee on behalf of the MRO.
- (2) If, as the DER, you have made all reasonable efforts to contact the employee but [15 _____] to do so, you may place the employee on temporary medically unqualified status or medical leave. Reasonable efforts include, as a minimum, [16 _____] attempts, spaced reasonably over a 24-hour period, to reach the employee at the day and evening telephone numbers listed on the CCF.
- (i) As the DER, you must [17 _____] the dates and times of these efforts.
- (ii) If, as the DER, you are unable to contact the employee within this 24-hour period, you must [18 _____] a message for the employee by any practicable means (e.g., voice mail, e-mail, letter) to contact the MRO and inform the MRO of the date and time of this attempted contact. [40.131(d)(i)-(ii)].

§ 40.133 Under what circumstances may the MRO verify a test as positive, or as a refusal to test because of adulteration or substitution, without interviewing the employee?

- (a) As the MRO, you normally may verify a confirmed positive test (for any drug or drug metabolite, including opiates), or as a refusal to test because of adulteration or substitution, [19 _____] after interviewing the employee as provided in §§40.135 - 40.145 . However, there are three circumstances in which you may verify such a result without an interview:
- (1) You may verify a test result as a positive or refusal to test, as applicable, if the employee expressly [20 _____] the opportunity to discuss the test with you.
 - (2) You may verify a test result as a positive or refusal to test, as applicable, if the DER has successfully made and documented a contact with the employee and instructed the employee to contact you and more than [21 _____] hours have passed since the time the DER contacted the employee.
 - (3) You may verify a test result as a positive or refusal to test, as applicable, if neither you nor the DER, after making and documenting all reasonable efforts, has been able to contact the employee within [22 _____] days of the date on which the MRO receives the confirmed test result from the laboratory. [40.133(a)(1)-(3)].
- (c) As the MRO, after you have verified a test result as a positive or refusal to test under this section and reported the result to the DER, you must allow the employee to present information to you within [23 _____] days of the verification documenting that serious illness, injury, or other circumstances unavoidably precluded contact with the MRO and/or DER in the times provided.

§ 40.127 What are the MRO's functions in reviewing negative test results?

As the MRO, you must do the following with respect to [24 _____] drug test results you receive from a laboratory, prior to verifying the result and releasing it to the DER:

- (a) Review Copy 2 of the CCF to determine if there are any [25 _____] or correctable errors that may require you to initiate corrective action or to cancel the test (see §§40.199 and 40.203).
- (b) Review the negative laboratory test result and ensure that it is consistent with the information contained on the [26 _____].
- (c) Before you report a negative test result, you must have in your possession the following documents:
 - (1) Copy 2 of the CCF, a legible copy of it, or any other CCF copy containing the [27 _____] signature; and

- (2) A legible copy (fax, photocopy, image) of Copy 1 of the CCF or the [28 _____] laboratory results report that conveys the negative laboratory test result.
- (d) If the copy of the documentation provided to you by the collector or laboratory appears [29 _____], you must request that the collector or laboratory send you a legible copy.
- (e) On Copy 2 of the CCF, place a check mark in the "Negative" box (Step 6), provide your name, and sign, initial, or [30 _____] and date the verification statement.
- (f) Report the result in a confidential manner. [40.127].

§ 40.129 What are the MRO's functions in reviewing laboratory confirmed positive, adulterated, substituted, or invalid drug test results?

- (a) As the MRO, you must do the following with respect to confirmed positive, adulterated, substituted, or [31 _____] drug tests you receive from a laboratory, before you verify the result and release it to the DER:
 - (1) Review Copy 2 of the CCF to determine if there are any fatal or correctable errors that may require you to [32 _____] the test (see §§40.199 and 40.203). Staff under your direct, personal supervision may conduct this administrative review for you, but only you may verify or cancel a test.
 - (2) Review Copy 1 of the CCF and ensure that it is consistent with the information contained on Copy 2, that the test result is legible, and that the certifying scientist [33 _____] the form.

§ 40.149 May the MRO change a verified positive drug test result or refusal to test?

- (a) As the MRO, you may [34 _____] a verified positive or refusal to test drug test result only in the following situations:
 - (1) When you have reopened a verification that was done [35 _____] an interview with an employee (see §40.133(c)).
 - (2) If you receive information, not available to you at the time of the original verification, demonstrating that the laboratory made an [36 _____] in identifying (e.g., a paperwork mistake) or testing (e.g., a false positive or negative) the employee's primary or split specimen.
 - (3) If, within 60 days of the original verification decision –
 - (i) You receive information that could [37 _____] reasonably have been provided to you at the time of the

decision demonstrating that there is a legitimate medical explanation for the presence of drug(s)/metabolite(s) in the employee's specimen; or

- (ii) You receive credible new or additional evidence that a legitimate [38 _____] explanation for an adulterated or substituted result exists.
- (4) If you receive the information in paragraph (a)(3) of this section after the 60-day period, you must consult with [39 _____] prior to changing the result.
- (5) When you have made an administrative [40 _____] and reported an incorrect result.
- (b) If you change the result, you must immediately notify the [41 _____] in writing, as provided in §§40.163 - 40.165.
- (c) You are the [42 _____] person permitted to change a verified test result, such as a verified positive test result or a determination that an individual has refused to test because of adulteration or substitution. This is because, as the MRO, you have the sole authority under this part to make medical determinations leading to a verified test (e.g., a determination that there was or was not a legitimate medical explanation for a laboratory test result). For example, an arbitrator is not permitted to overturn the medical judgment of the MRO that the employee failed to present a legitimate medical explanation for a positive, adulterated, or substituted test result of his or her specimen. [40.149] [technical correction].

§ 40.155 What does the MRO do when a negative or positive test result is also dilute?

- (a) When the laboratory reports that a specimen is [43 _____], you must, as the MRO, report to the DER that the specimen, in addition to being negative or positive, is dilute.
- (b) You must check the "dilute" box (Step 6) on Copy 2 of the [44 _____].
- (c) When you report a dilute specimen to the DER, you must explain to the DER the employer's obligations and [45 _____] under §40.197, to include the requirement for an immediate recollection under direct observation if the creatinine concentration of a negative-dilute specimen was greater than or equal to 2mg/dL but less than or equal to 5mg/dL. [40.155(a)-(d)].

§ 40.159 What does the MRO do when a drug test result is invalid?

- (a) As the MRO, when the laboratory reports that the test result is an [46 _____] result, you must do the following:

- (1) [47 _____] the laboratory results with a certifying scientist to obtain more specific information.
- (2) [48 _____] the employee and inform the employee that the specimen was invalid or contained an unexplained interfering substance. In contacting the employee, use the procedures set forth in § 40.131.
- (3) After explaining the limits of disclosure (see §§ 40.135(d) and 40.327), you should inquire as to medications the employee may have taken that may [49 _____] with some immunoassay tests.
- (4) If the [50 _____] gives an explanation that is acceptable, you must:
 - (i) Place a check mark in the "Test Cancelled" box (Step 6) on Copy 2 of the CCF and enter "Invalid Result" and "[51 _____] observation collection not required" on the "Remarks" line.
 - (ii) Report to the [52 _____] that the test is cancelled, the reason for cancellation, and that no further action is required unless a negative test result is required (i.e., pre-employment, return-to-duty, or follow-up tests).
- (5) If the employee is [53 _____] to provide an explanation and/or a valid prescription for a medication that interfered with the immunoassay test but denies having adulterated the specimen, you must:
 - (i) Place a check mark in the "Test Cancelled" box (Step 6) on Copy 2 of the CCF and enter "Invalid Result" and "direct observation collection [54 _____]" on the "Remarks" line.
 - (ii) Report to the DER that the test is cancelled, the reason for cancellation, and that a second collection [55 _____] take place immediately under direct observation. [40.159(1)-(5)].

SAPAA

DESIGNATED EMPLOYER REPRESENTATIVE (DER) TRAINING PROGRAM

49 CFR PART 40 - (Procedures for Transportation Workplace Drug and Alcohol Testing Programs)

MRO / DER INTERACTION – PART B

§ 40.161 *What does the MRO do when a drug test specimen is rejected for testing?*

As the MRO, when the laboratory reports that the specimen is [56 _____] for testing (e.g., because of a fatal or uncorrected flaw), you must do the following:

- (a) [57 _____] a check mark in the "Test Cancelled" box (Step 6) on Copy 2 of the CCF and enter the reason on the "Remarks" line.
- (b) Report to the DER that the test is cancelled and the reason for cancellation, and that no further action is required unless a [58 _____] test is required (e.g., in the case of a pre-employment, return-to-duty, or follow-up test). [40.161].

§ 40.163 *How does the MRO report drug test results?*

- (a) As the MRO, it is your responsibility to report the drug test results to the [59 _____].
- (b) You may use a [60 _____] or [61 _____] and dated legible photocopy of Copy 2 of the CCF to report test results.
- (c) If you do not report test results using Copy 2 of the CCF for this purpose, you must provide a written report (e.g., a letter) for each test result. This report must, as a minimum, include the following information:
 - (1) Full name, as indicated on the [62 _____], of the employee tested;
 - (2) Specimen [63 _____] number from the CCF and the donor SSN or employee ID number;
 - (3) [64 _____] for the test, if indicated on the CCF (e.g., random, post-accident);
 - (4) [65 _____] of the collection;
 - (5) Date you received Copy 2 of the CCF;
 - (6) [66 _____] of the test (i.e., positive, negative, dilute, refusal to test, test cancelled) and the date the result was verified by the MRO;

- (7) For verified [67 _____] tests, the drug(s)/metabolite(s) for which the test was positive;
 - (8) For [68 _____] tests, the reason for cancellation; and
 - (9) For [69 _____] to test, the reason for the refusal determination (e.g., in the case of an adulterated test result, the name of the adulterant).
- (d) As an exception to the reporting requirements of paragraph (b) and (c) of this section, the MRO may report negative results using an [70 _____] data file.
- (1) If you report negatives using an electronic data file, the report must contain, as a minimum, the information specified in paragraph (c) of this section, as applicable for negative test results.
 - (2) In addition, the report must contain your name, address, and phone number, the name of any person other than you reporting the results, and the date the electronic results report is released.
- (e) You must retain a signed or stamped and dated copy of Copy 2 of the CCF in your records. If you do not use Copy 2 for reporting results, you must maintain a copy of the signed or stamped and dated letter in addition to the signed or stamped and dated Copy 2. If you use the electronic data file to report negatives, you must maintain a retrievable copy of that report in a format suitable for inspection and auditing by a DOT representative.
- (f) You must not use Copy [71 _____] of the CCF to report drug test results.
- (e) You must not provide quantitative [72 _____] to the DER or C/TPA for drug or validity test results. However, you must provide the test information in your possession to a SAP who consults with you (see § 40.293(g)). [40.163] [Technical correction].

§ 40.165 To whom does the MRO transmit reports of drug test results?

- (a) As the MRO, you must report [73 _____] drug test results to the DER, except in the circumstances provided for in §40.345 .
- (b) If the employer [74 _____] to receive reports of results through a C/TPA, acting as an intermediary as provided in §40.345 , you must report the results through the designated C/TPA. [40.165].

§ 40.167 How are MRO reports of drug results transmitted to the employer?

As the MRO or C/TPA who transmits drug test [75 _____] to the employer, you must comply with the following requirements:

- (a) You must [76 _____] the results in a confidential manner.
- (b) You must transmit to the DER on the same day the MRO verifies the result or the next business day all verified positive test results, results requiring an immediate collection under direct observation, adulterated or substituted specimen results, and other refusals to test.
 - (1) [77 _____] telephone contact with the DER is the preferred method of immediate reporting. Follow up your phone call with appropriate documentation (see §40.163).
 - (2) You are responsible for identifying yourself to the DER, and the DER must have a means to [78 _____] your identification.
 - (3) The MRO's report that you transmit to the employer must contain [79 _____] of the information required by §40.163 .
- (c) You must transmit the MRO's report(s) of verified test to the DER so that the DER receives it within [80 _____] days of verification by the MRO.
 - (1) You must fax, courier, mail, or electronically transmit a legible image or copy of either the signed or stamped and dated Copy [81 _____] or the [82 _____] [83 _____] (see § 40.163(b) and (c)).
 - (2) Negative results reported electronically (i.e., computer data file) do not require an image of Copy 2 or the written report.
- (e) MRO reports are [84 _____] subject to modification or change by anyone other than the MRO, as provided in § 40.149(c). [40.167] [Technical correction].

§ 40.187 What does the MRO do with split specimen laboratory results?

As an MRO, you must take the following actions when a laboratory reports the following results of [85 _____] specimen tests:

- (a) Reconfirmed.
 - (1) In the case of a reconfirmed positive test for a drug or drug metabolite, report the reconfirmation to the [86 _____] and the employee.
 - (2) In the case of a reconfirmed adulterated or substituted result, report to the DER and the employee that the specimen was adulterated or substituted, either of which constitutes a refusal to test. Therefore, "refusal to test" is the [87 _____] result.
- (b) Failed to Reconfirm: Drug(s)/Drug Metabolite(s) [88 _____] Detected.
 - (1) Report to the [89 _____] and the employee that both tests must be cancelled.

- (2) Using the format in Appendix D to this part, inform [90 _____] of the failure to reconfirm.
- (c) Failed to Reconfirm: Adulteration or Substitution (as appropriate) Criteria Not Met.
- (1) Report to the DER and the employee that [91 _____] tests must be cancelled.
 - (2) Using the format in Appendix D to this part, inform [92 _____] of the failure to reconfirm.
- (d) Failed to Reconfirm: Specimen not Available for Testing.
- (1) Report to the DER and the employee that [93 _____] tests must be cancelled and the reason for cancellation.
 - (2) Direct the DER to ensure the [94 _____] collection of another specimen from the employee under direct observation, with no notice given to the employee of this collection requirement until immediately before the collection.
 - (3) Using the format in Appendix D to this part, notify [95 _____] of the failure to reconfirm.
- (e) *Failed to Reconfirm: Specimen Results Invalid.*
- (1) Report to the DER and the employee that both tests must be [96 _____] and the reason for cancellation.
 - (2) Direct the DER to ensure the immediate collection of another specimen from the employee under direct observation, with no notice given to the employee of this collection requirement until immediately after the collection.
 - (3) Using the format in Appendix D to this part, notify ODAPC of the failure to reconfirm.
- (f) *Failed to Reconfirm: Split Specimen Adulterated.*
- (1) Contact the [97 _____] and inform the employee that the laboratory has determined that his or her split specimen is adulterated.
 - (2) Follow the procedures of § 40.145 to determine if there is a legitimate medical explanation for the laboratory finding of adulteration.

DER Training Worksheet 4 - Parts A & B

MRO / DER Interaction

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
1	remove
1	eliminate
1	take away
2	reasonable
2	acceptable
2	medical
3	by telephone
3	by e-mail
3	directly
4	refuses
4	declines
4	says no
5	always
5	not
5	sometimes
6	2
6	3
6	12
7	24
7	36
7	48
8	record
8	detail
8	document
9	phone
9	speak to
9	contact
10	instruct
10	direct
10	order
11	not
11	always
11	sometimes
12	meetings
12	dates
12	phone calls
13	number
13	occasions
13	times
14	always
14	not
14	sometimes

DER Training Worksheet 4 - Parts A & B

MRO / DER Interaction

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
15	failed
15	unsuccessful
15	futile
16	2
16	3
16	6
17	log
17	document
17	write down
18	record
18	post
18	leave
19	merely
19	only
19	just
20	begs off
20	refuses
20	declines
21	36
21	48
21	72
22	7
22	10
22	14
23	30
23	60
23	180
24	cancelled
24	negative
24	suspicious
25	fatal
25	lethal
25	terminal
26	forms
26	CCF
26	report
27	donor's
27	employer's
27	employee's
28	e-mail
28	electronic
28	fax

DER Training Worksheet 4 - Parts A & B

MRO / DER Interaction

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
29	unclear
29	blurred
29	indistinguishable
30	mark
30	stamp
30	imprint
31	negative
31	invalid
31	failed
32	re-do
32	re-take
32	cancel
33	signed
33	stamped
33	marked
34	alter
34	change
34	modify
35	with
35	without
35	lacking
36	blunder
36	miscalculation
36	error
37	sometimes
37	not
37	may have
38	medical
38	physical
38	mental
39	HEW
39	DOT
39	ODACP
40	blunder
40	error
40	mistake
41	ODACP
41	DER
41	DOT
42	single
42	only
42	lone

DER Training Worksheet 4 - Parts A & B

MRO / DER Interaction

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
43	dilute
43	weak
43	cloudy
44	consent
44	form
44	CCF
45	alternatives
45	choices
45	options
46	untrue
46	invalid
46	worthless
47	discuss
47	compare
47	contrast
48	phone
48	e-mail
48	contact
49	hinder
49	interfere
49	obstruct
50	donor
50	employee
50	employer
51	instruct
51	command
51	direct
52	DER
52	DOT
52	ODACP
53	unwilling
53	unable
53	incapable
54	compulsory
54	essential
54	required
55	may
55	must
55	should

End of Worksheet 4 - Part A

DER Training Worksheet 4 - Parts A & B

MRO / DER Interaction

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
56	acceptable
56	rejected
56	too old
57	place
57	make
57	put
58	positive
58	negative
58	cancelled
59	employer
59	DER
59	DOT
60	signed
60	marked
60	imprinted
61	pressed
61	embossed
61	stamped
62	form
62	receipt
62	CCF
63	social security number
63	ID
63	credentials
64	justification
64	rationale
64	reason
65	time
65	date
65	hour
66	consequence
66	outcome
66	result
67	positive
67	negative
67	illegal
68	verified
68	diluted
68	cancelled
69	declines
69	refusals
69	rejections

DER Training Worksheet 4 - Parts A & B

MRO / DER Interaction

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
70	paper
70	electronic
70	encrypted
71	1
71	2
71	5
72	results
72	numbers
72	values
73	some
73	all
73	most
74	elects
74	chooses
74	designates
75	information
75	results
75	outcomes
76	report
76	detail
76	state
77	voicemail
77	direct
77	straight
78	verify
78	validate
78	confirm
79	some
79	most
79	all
80	2
80	3
80	4
81	2
81	4
81	6
82	electronic
82	written
82	data
83	details
83	communication
83	report

DER Training Worksheet 4 - Parts A & B

MRO / DER Interaction

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
84	not
84	always
84	sometimes
85	bad
85	dilute
85	split
86	DER
86	DOT
86	ODACP
87	last
87	final
87	concluding
88	maybe
88	is
88	not
89	ODACP
89	DOT
89	DER
90	ODACP
90	DOT
90	HEW
91	all
91	both
91	some
92	HEW
92	DER
92	ODACP
93	both
93	all
93	some
94	postponed
94	immediate
94	eminent
95	DOT
95	HEW
95	ODACP
96	cancelled
96	redone
96	resubmitted
97	employee
97	DOT
97	ODACP

End of Worksheet 4 - Part B

SAPAA

DESIGNATED EMPLOYER REPRESENTATIVE (DER) TRAINING PROGRAM

49 CFR PART 40 - (Procedures for Transportation Workplace Drug and Alcohol Testing Programs)

POSITIVE DRUG/ALCOHOL TEST RESULTS

SAP Procedures and Return to Duty Procedures:

§ 40.287 What information is an employer required to provide concerning SAP services to an employee who has a DOT drug and alcohol regulation violation?

As an employer, you must provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol testing regulation a listing of [1 _____] readily available to the employee and acceptable to you, with names, addresses, and telephone numbers. You [2 _____] charge the employee any fee for compiling or providing this list. You may provide this list yourself or through a C/TPA or other service agent. [40.287].

§ 40.289 Are employers required to provide SAP and treatment services to employees?

As an employer you are [3 _____] 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. [40.289].

However, if you offer that employee an opportunity to return to a DOT safety-sensitive duty following a [4 _____], you must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP meeting the requirements of Section 40.281 and that the employee successfully complies with the SAP's evaluation recommendations. [40.289(b)].

Payment for SAP evaluations and services is left for employers and employees to [5 _____] and may be governed by existing management/labor agreements and health care benefits. [40.289(c)].

§ 40.285 When is a SAP evaluation required?

As an employee, when you have violated DOT drug and alcohol regulations, you [6 _____] again perform any DOT safety-sensitive duties for any employer until and [7 _____] you have completed the SAP evaluation, referral, and education/treatment process set forth in this subpart and in applicable DOT Agency regulations. [40.285].

For purposes of Part 40, a [8 _____] positive DOT drug test, a DOT alcohol test with a result indicating an alcohol concentration of [9 _____] or greater, a [10 _____] to test (including by adulterating or substituting a urine specimen) or any other violation of the prohibition of the use of alcohol or drugs under a DOT Agency regulation constitutes a DOT drug and alcohol regulation violation. [40.285(b)].

§ 40.295 May employees or employers seek a second SAP evaluation if they disagree with the first SAP's recommendations?

As an employer you may not seek a [11 _____] [12 _____] evaluation if the employee has already been evaluated by a qualified SAP. If the employee, contrary to paragraph (a) of this section, has obtained a second SAP evaluation, as an employer you may not rely on it for any purpose under this part. [40.295(b)].

§ 40.311 What are the requirements concerning SAP reports?

As an employer you must ensure that you receive SAP written reports [13 _____] from the SAP performing the evaluation and that no third party or entity change the SAP's report in any way. [40.311(b)].

§ 40.309 What are the employer's responsibilities with respect to the SAP's directions for follow-up tests?

As the employer you must carry out the [14 _____] [15 _____] testing requirements. You may not allow the employee to continue to perform safety-sensitive functions until follow-up testing is conducted as directed by the SAP. [40.309(a)].

You should schedule follow-up tests on dates of your own choosing, but you must ensure that the tests are [16 _____] with no discernable [17 _____] as to their timing, and that the employee is given no advance notice. [40.309(b)].

You cannot [18 _____] any other tests (e.g., those carried out under the random testing program) conducted on the employee for this follow-up testing requirement. [40.309(c)].

§ 40.305 How does the return-to-duty process conclude?

As an employer you must not return an employee to safety-sensitive duty until the employee takes a return to duty test which [19 _____] occur after the SAP has determined that the employee has successfully [20 _____] with the prescribed education and/or treatment. The employee must have a negative test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. [40.305(a & b)].

§ 40.305 How does the return-to-duty process conclude?

However, you are [21 _____] required to return an employee to safety-sensitive duties because the employee has met these conditions. That is a [22 _____] decision that you have the discretion to make, subject to collective bargaining agreements or other legal requirements. [40.305(b)].

DER Training Worksheet 5
Positive Drug/Alcohol Test Results
Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
1	DERs
1	counselors
1	SAPs
2	must
2	cannot
2	may
3	not
3	always
3	sometimes
4	violation
4	infraction
4	breach
5	negotiate
5	decide
5	choose
6	must
6	may
6	cannot
7	unless
7	except
7	until
8	confirmed
8	verified
8	proven
9	0.02
9	0.04
9	0.08
10	refusal
10	rejection
10	denial
11	another
11	second
11	third
12	SAP's
12	DOT's
12	MRO's
13	indirectly
13	by mail
13	directly
14	DOT's
14	SAP's
14	MRO's

DER Training Worksheet 5
Positive Drug/Alcohol Test Results
Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
15	subsequent
15	return-to-duty
15	follow-up
16	announced
16	unannounced
16	secret
17	plan
17	design
17	pattern
18	swap
18	substitute
18	replace with
19	can
19	may
19	cannot
20	complied
20	obeyed
20	followed
21	sometimes
21	always
21	not
22	business
22	personnel
22	humanitarian

SAPAA

DESIGNATED EMPLOYER REPRESENTATIVE (DER) TRAINING PROGRAM

49 CFR PARTS 382 & 391 Federal Motor Carrier Safety Administration (FMCSA)

Part A

Pre-Employment Testing

§ 382.301 Pre-employment testing.

Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for [1 _____] [2 _____], unless the employer uses the exception in paragraph [3 (____)] of this section. [382.301].

An employer may, but is not required to, conduct pre-employment alcohol testing under 49 CFR Part 40. If the employer does, it must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by [4 _____] covered employees. [382.301(d)(4)].

Background Inquires

§ 391.23 Investigation and inquiries.

(a) Except as provided in subpart G of this part, each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971:

(1) An inquiry into the driver's driving record during the preceding [5 ____] years to the appropriate agency of every State in which the driver held a motor vehicle operator's license or permit during those 3 years; and

(2) An investigation of the driver's safety performance history with Department of Transportation regulated employers during the preceding three years.

(b) A copy of the driver record(s) obtained in response to the inquiry or inquiries to each State driver record agency required by paragraph (a)(1) of this section must be placed in the driver qualification file within [6 _____] days of the date the driver's employment begins and be retained in compliance with §391.51. If no driving record exists from the State or States, the motor carrier must document a good faith effort to obtain such information, and certify that no record exists for that driver in that State. The inquiry to the State driver record agencies must be made in the form and manner each agency prescribes.

(c)(1) Replies to the investigations of the driver's safety performance history required by paragraph (a)(2) of this section, or documentation of good faith efforts to obtain the investigation data, must be placed in the driver investigation history file, after October 29,

2004, within 30 days of the date the driver's employment begins. Any period of time required to exercise the driver's due process rights to review the information received, request a previous employer to correct or include a rebuttal, is separate and apart from this 30-day requirement to document investigation of the driver safety performance history data.

(2) The investigation may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate. Each motor carrier must make a [7 _____] record with respect to each previous employer contacted, or good faith efforts to do so. The record must include the previous employer's name and address, the date the previous employer was contacted, or the attempts made, and the information received about the driver from the previous employer. Failures to contact a previous employer, or of them to provide the required safety performance history information, must be documented. The record must be maintained pursuant to §391.53.

(3) Prospective employers should report failures of previous employers to respond to an investigation to the FMCSA following procedures specified at §386.12 of this chapter and keep a copy of such reports in the Driver Investigation file as part of documenting a good faith effort to obtain the required information.

(4) *Exception.* For a driver with [8 _____] previous employment experience working for a DOT regulated employer during the preceding three years, documentation that no investigation was possible must be placed in the driver history investigation file, after October 29, 2004, within the required 30 days of the date the driver's employment begins.

(d) The prospective motor carrier must investigate, at a minimum, the information listed in this paragraph from all previous employers of the applicant that employed the driver to operate a CMV within the previous three years. The investigation request must contain specific contact information on where the previous motor carrier employers should send the information requested.

(1) General driver identification and employment verification information.

(2) The data elements as specified in §390.15(b)(1) of this chapter for accidents involving the driver that occurred in the three-year period preceding the date of the employment application.

(i) Any accidents as defined by §390.5 of this chapter.

(ii) Any accidents the previous employer may wish to provide that are retained pursuant to §390.15(b)(2), or pursuant to the employer's internal policies for retaining more detailed minor accident information.

(e) In addition to the investigations required by paragraph (d) of this section, the prospective motor carrier employers must investigate the information listed below in this paragraph from all previous DOT regulated employers that employed the driver within the previous three years from the date of the employment application, in a safety-sensitive function that required alcohol and controlled substance testing specified by 49 CFR part 40.

(1) Whether, within the previous three years, the driver had violated the alcohol and controlled substances prohibitions under subpart B of part 382 of this chapter, or 49 CFR part 40.

(2) Whether the driver failed to undertake or complete a rehabilitation program prescribed by a substance abuse professional (SAP) pursuant to §382.605 of this chapter, or 49 CFR part 40, subpart O. If the previous employer does not know this information (*e.g.*, an employer that terminated an employee who tested positive on a drug test), the prospective motor carrier must obtain documentation of the driver's successful completion of the SAP's referral directly from the [9 _____].

(3) For a driver who had successfully completed a SAP's rehabilitation referral, and remained in the employ of the referring employer, information on whether the driver had the following testing violations subsequent to completion of a §382.605 or 49 CFR part 40, subpart O referral:

(i) Alcohol tests with a result of 0.04 or higher alcohol concentration;

(ii) Verified positive drug tests;

(iii) Refusals to be tested (including verified adulterated or substituted drug test results).

(f) A prospective motor carrier employer must provide to the previous employer the driver's written consent meeting the requirements of §40.321(b) for the release of the information in paragraph (e) of this section. If the driver refuses to provide this written consent, the prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle for that motor carrier.

(g) After October 29, 2004, previous employers must:

(1) Respond to each request for the DOT defined information in paragraphs (d) and (e) of this section within [10 _____] days after the request is received. If there is no safety performance history information to report for that driver, previous motor carrier employers are nonetheless required to send a response confirming the non-existence of any such data, including the driver identification information and dates of employment.

(2) Take all precautions reasonably necessary to ensure the accuracy of the records.

(3) Provide specific contact information in case a driver chooses to contact the previous employer regarding correction or rebuttal of the data.

(4) Keep a record of each request and the response for [11 _____] year, including the date, the party to whom it was released, and a summary identifying what was provided.

(5) *Exception.* Until May 1, 2006, carriers need only provide information for accidents that occurred after April 29, 2003.

(h) The release of information under this section may take any form that reasonably ensures confidentiality, including letter, facsimile, or e-mail. The previous employer and its agents and insurers must take all precautions reasonably necessary to protect the driver safety performance history records from disclosure to any person not directly involved in forwarding the records, except the previous employer's insurer, except that the previous employer may not provide any alcohol or controlled substances information to the previous employer's insurer.

(i)(1) The prospective employer must expressly notify drivers with Department of Transportation regulated employment during the preceding three years—via the application form or other written document prior to any hiring decision—that he or she has the following rights regarding the investigative information that will be provided to the prospective employer pursuant to paragraphs (d) and (e) of this section:

(i) The right to review information provided by previous employers;

(ii) The right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer;

(iii) The right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the driver cannot agree on the accuracy of the information.

(2) Drivers who have previous Department of Transportation regulated employment history in the preceding three years, and wish to review previous employer-provided investigative information must submit a [12 _____] request to the prospective employer, which may be done at any time, including when applying, or as late as 30 days after being employed or being notified of denial of employment. The prospective employer must provide this information to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business days deadline will begin when the prospective employer receives the requested safety performance history information. If the driver has not arranged to pick up or receive the requested records within thirty (30) days of the prospective employer making them available, the prospective motor carrier may consider the driver to have waived his/her request to review the records.

(j)(1) Drivers wishing to request correction of erroneous information in records received pursuant to paragraph (i) of this section must send the request for the correction to the previous employer that provided the records to the prospective employer.

(2) After October 29, 2004, the previous employer must either correct and forward the information to the prospective motor carrier employer, or notify the driver within [13 _____] days of receiving a driver's request to correct the data that it does not agree to correct the data. If the previous employer corrects and forwards the data as requested, that employer must also retain the corrected information as part of the driver's safety performance history record and provide it to subsequent prospective employers when requests for this information are received. If the previous employer corrects the data and forwards it to the prospective motor carrier employer, there is no need to notify the driver.

(3) Drivers wishing to rebut information in records received pursuant to paragraph (i) of this section must send the rebuttal to the previous employer with instructions to include the rebuttal in that driver's safety performance history.

(4) After October 29, 2004, within [14 _____] business days of receiving a rebuttal from a driver, the previous employer must:

(i) Forward a copy of the rebuttal to the prospective motor carrier employer;

(ii) Append the rebuttal to the driver's information in the carrier's appropriate file, to be included as part of the response for any subsequent investigating prospective employers for the duration of the three-year data retention requirement.

(5) The driver may submit a rebuttal initially without a request for correction, or subsequent to a request for correction.

(6) The driver may report failures of previous employers to correct information or include the driver's rebuttal as part of the safety performance information, to the FMCSA following procedures specified at §386.12.

(k)(1) The prospective motor carrier employer must use the information described in paragraphs (d) and (e) of this section only as part of deciding whether to hire the driver.

(2) The prospective motor carrier employer, its agents and insurers must take all precautions reasonably necessary to protect the records from disclosure to any person not directly involved in deciding whether to hire the driver. The prospective motor carrier employer may not provide any alcohol or controlled substances information to the prospective motor carrier employer's insurer.

(l)(1) [15 _____] action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of information in accordance with this section may be brought against—

(i) A motor carrier investigating the information, described in paragraphs (d) and (e) of this section, of an individual under consideration for employment as a commercial motor vehicle driver,

(ii) A person who has provided such information; or

(iii) The agents or insurers of a person described in paragraph (l)(1)(i) or (ii) of this section, except insurers are not granted a limitation on liability for any alcohol and controlled substance information.

(2) The protections in paragraph (l)(1) of this section do not apply to persons who knowingly furnish false information, or who are not in compliance with the procedures specified for these investigations.

[391.23(a-i)]

§ 391.25 Annual inquiry and review of driving record.

(a) Except as provided in subpart G of this part, each motor carrier shall, at least once every [16 _____] months, make an inquiry into the driving record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.

(b) Except as provided in subpart G of this part, each motor carrier shall, at least once every 12 months, review the driving record of each driver it employs to determine whether that

driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle pursuant to §391.15.

(1) The motor carrier must consider any evidence that the driver has violated any applicable Federal Motor Carrier Safety Regulations in this subchapter or Hazardous Materials Regulations (49 CFR chapter I, subchapter C).

(2) The motor carrier must consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the [17 _____] of alcohol or drugs, that indicate that the driver has exhibited a [18 _____] for the safety of the public.

(c) Recordkeeping. (1) A copy of the response from each State agency to the inquiry required by paragraph (a) of this section shall be maintained in the driver's qualification file.

(2) A note, including the name of the person who performed the review of the driving record required by paragraph (b) of this section and the date of such review, shall be maintained in the driver's qualification file.

[391.25(a-c)]

Drug Post Accident Testing

§ 382.303 Post-accident testing.

As soon as practicable following an occurrence involving a commercial motor vehicle operating on public roads in commerce, each employer should test for alcohol and controlled substances for each surviving driver:

Table for § 382.303(a) and (b)

Type of accident involved	Citation issues to the CMV Driver	Test must be performed by employer
i. Human fatality [382.303(a)(i)]	Yes	19
	No	20
ii. Bodily injury with immediate medical treatment away from the scene. [382.303(a)(2)(i)]	Yes	21
	No	22
iii. Disabling damage to any motor vehicle requiring tow away. [382.303(a)(2)(ii)]	Yes	23
	No	24

§ 40.61 What are the preliminary steps in the collection process?

You may not collect, by catheterization or other means, urine from an [25 _____] employee to conduct a drug test under 49 CFR Part 40. Nor may you catheterize a [26 _____] employee. However you must inform an employee who normally voids through self-catheterization that the employee is required to provide his specimen in that manner. [40.61(b)(3)].

§ 382.303 Post-accident testing.

If an alcohol test is required by 49 CFR Part 382 is not administered within [27 _____] hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. [382.303(d)(1)].

If an alcohol test required by Section 382.303 is not administered within [28 _____] hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain a record of such attempts to be submitted upon request to the FMCSA. [382.303(d)(1)].

If a test for controlled substances following an accident covered by Section 382 is not administered within [29 _____] hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered and make such records available to the FMCSA upon request. [382.303(d)(2)].

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have [30 _____] to [31 _____] to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency care. [382.303(e)].

An employer shall provide drivers with necessary post-accident information, [32 _____] and [33 _____], prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the post-accident testing requirements. [382.303(f)].

The results of a breath or blood test for the use of alcohol, conducted by Federal, State or local officials having [34 _____] [35 _____] for the test, shall be considered to meet the requirements of Section 382, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer. [382.303(g)(1)].

The results of urine tests for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test, shall be considered to [36 _____] the post-accident testing requirements of Section 382, provided such tests

[37 _____] to the applicable Federal, State or local controlled substances testing requirements, and the results of the tests are obtained by the employer. [382.303(g)(2)].

§ 382.209 Use following an accident.

No driver required to take a post-accident alcohol test under Section 382.303 shall use alcohol for [38 _____] hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first. [382.209].

§ 382.207 *Pre-duty use.*

No driver shall perform safety-sensitive functions within [39 _____] hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

SAPAA

DESIGNATED EMPLOYER REPRESENTATIVE (DER) TRAINING PROGRAM

49 CFR PARTS 382 & 391 Federal Motor Carrier Safety Administration (FMCSA)

Part B

Random Drug Testing

§ 382.305 *Random testing.*

- (a) Every employer shall comply with the requirements of this section. Every driver shall submit to random alcohol and controlled substance testing as required in this section.
- (b)(1) Except as provided in paragraphs (c) through (e) of this section, the minimum annual percentage rate for random alcohol testing shall be [40 _____] percent of the average number of driver positions.
- (2) Except as provided in paragraphs (f) through (h) of this section, the minimum annual percentage rate for random controlled substances testing shall be [41 _____] percent of the average number of driver positions.
- (i)(1) The selection of drivers for random alcohol and controlled substances testing shall be made by a [42 _____] valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.
- (2) Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.
- (3) Each driver selected for testing shall be tested during the selection period.
- (j)(1) To calculate the total number of covered drivers eligible for random testing throughout the year, as an employer, you must add the total number of covered drivers eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Covered employees, and only covered employees, are to be in an employer's random testing pool, and all covered drivers must be in the random pool. If you are an employer conducting random testing more often than once per month (*e.g.*, daily, weekly, bi-weekly) you do not need to compute this total number of covered drivers rate more than on a once per month basis.
- (2) As an employer, you may use a service agent (*e.g.*, a C/TPA) to perform random selections for you, and your covered drivers may be part of a larger random testing pool of covered employees. However, you must ensure that the service agent you use is testing at the appropriate percentage established for your industry and that only covered employees are in the random testing pool.

(k)(1) Each employer shall ensure that random alcohol and controlled substances tests conducted under this part are [43 _____].

(2) Each employer shall ensure that the dates for administering random alcohol and controlled substances tests conducted under this part are spread reasonably throughout the calendar year.

(l) Each employer shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

(m) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(n) If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for the same employer, the driver shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than [44 _____] percent of the driver's function.

Reasonable Suspicion Testing

§ 382.307 Reasonable suspicion testing.

An employer shall require a driver to submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions in Part B of this part concerning alcohol. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on [45 _____], contemporaneous, articulable observations concerning the appearance, [46 _____], speech or body odor of the driver. [382.307(a)].

An employer may require a driver to submit to a controlled substances test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of this part concerning controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the [47 _____] and withdrawal effects of controlled substances. [382.307(b)].

§ 382.307 Reasonable suspicion testing.

The required observations for alcohol and/or controlled substances reasonable suspicion testing must be made by a supervisor or company official who is [48 _____] in accordance with Section 382.603. The person who makes the determination that reasonable

suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver. [382.307(c)].

§ 382.603 Training for supervisors.

Each employer shall ensure that all persons designated to supervise drivers receive at least [49 _____] minutes of training on alcohol misuse and receive at least an additional [50 _____] minutes of training on controlled substances use. The training will be used by supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under Section 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required. [382.603].

§ 382.307 Reasonable suspicion testing.

Alcohol testing is authorized by this Section only if the observations required are made during, just preceding, or just after the period of the work [51 _____] that the driver is required to be in compliance with Part 382. A driver may be directed by the employer to only undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, [52 _____] before the driver is performing safety-sensitive functions, or [53 _____] after the driver has ceased performing such functions. [382.307(d)].

If an alcohol test required by Section 382 is not administered within [54 _____] hours following the determination of under paragraph (a) of this section, the employer shall prepare and maintain on file a record stating the reason the alcohol test was not promptly administered. If an alcohol test required by this Section is not administered within [55 _____] hours following the determination under paragraph (a) of this section, the employer shall cease attempts to administer an alcohol test and shall state in the record the reason for not administering the test. [382.307(e)(1)].

If a reasonable suspicion determination concerning alcohol use has been made in accordance with Section 382, [56 _____] hours must have elapsed following the determination before the driver may be allowed to perform or continue to perform safety-sensitive functions. [382.307(e)(2)(ii)].

A [57 _____] record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within [58 _____] hours of the observed behavior or before the results of the alcohol or controlled substances test are released, whichever is earlier. [382.307(f)].

Publishing a Policy

§ 382.601 Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.

Each employer shall provide [59 _____] materials that explain the requirements of 49 CFR Part 382 and the employer's policies and procedures with respect to meeting these requirements. The employer shall ensure that a copy of these materials is distributed to each driver [60 _____] to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial vehicle. [382.601(a)]

Each employer shall ensure that each driver is required to [61 _____] a [62 _____] certifying that he or she has received a copy of the employer's policy statement. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. [382.601(d)].

SAP Procedures and Return to Duty Testing

§ 382.411 Employer notifications.

An employer shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances if the test results are [63 _____] positive. The employer shall also inform the driver which [64 _____], [65 _____] or [66 _____] were verified as positive. [382.411(a)].

§ 382.501 Removal from safety-sensitive function.

Any driver who has violated the drug and alcohol testing regulations shall be removed from [67 _____]-[68 _____] functions. [382.501].

§ 382.503 Required evaluation and testing.

No driver who has engaged in prohibited conduct shall perform safety-sensitive functions unless the driver has first met the requirements of Part 40 Subpart O which is the [69 _____]-to-duty process. [382.503].

§ 382.505 Other alcohol-related conduct.

No driver who has tested and is found to have an alcohol concentration of 0.02 or greater, but less than 0.04 shall perform or continue to perform safety-sensitive functions for an employer, including a driver of commercial vehicles, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period but not less than [70 _____] hours following administration of the test. [382.505(a)].

§ 382.309 *Return-to-duty testing.*

The requirements for [71 _____] to [72 _____] testing must be performed in accordance with 49 CFR Part 40, Subpart O. [382.309].

Supervisory Training

§ 382.603 *Training for supervisors.*

Each employer shall ensure that all persons designated to supervise drivers receive at least [73 _____] minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is [74 _____] required.

Service Agents

§ 382.117 *Public interest exclusion.*

No employer shall use the services of a service agent who is subject to [75 _____] [76 _____] [77 _____] in accordance with 49 CFR Part 40, Subpart R. [382.117].

DER Training Worksheet FMCSA - Parts A & B

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
1	controlled
1	forbidden
1	illegal
2	controlled material
2	substances
2	stuff
3	b
3	c
3	d
4	DOT
4	HEW
4	HUD
5	1
5	2
5	3
6	10
6	15
6	30
7	handwritten
7	written
7	oral
8	no
8	little
8	some
9	employer
9	driver
9	SAP
10	10
10	14
10	30
11	one
11	two
11	three
12	oral
12	written
12	typed
13	10
13	15
13	30
14	five
14	ten
14	fifteen
15	some
15	legal
15	no

DER Training Worksheet FMCSA - Parts A & B

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
16	12
16	24
16	48
17	power
17	influence
17	control
18	ignorance
18	disrespect
18	disregard
19	Yes
19	No
19	Maybe
20	Yes
20	No
20	Maybe
21	Yes
21	No
21	Maybe
22	Yes
22	No
22	Maybe
23	Yes
23	No
23	Maybe
24	Yes
24	No
24	Maybe
25	lifeless
25	unconscious
25	comatose
26	unconscious
26	stubborn
26	conscious
27	1
27	2
27	4
28	4
28	6
28	8
29	8
29	32
29	48
30	declined
30	refused
30	rebuffed
31	agree
31	show up
31	submit
32	procedures
32	measures
32	steps

DER Training Worksheet FMCSA - Parts A & B

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
33	instructions
33	directives
33	advice
34	sovereign
34	autonomous
34	independent
35	right
35	authority
35	power
36	abide by
36	meet
36	fulfill
37	match
37	correspond
37	conform
38	8
38	24
38	48
39	four
39	eight
39	twenty-four

End of FMCSA Worksheet - Part A

40	10
40	25
40	50
41	10
41	25
41	50
42	factually
42	scientifically
42	provable
43	posted
43	unannounced
43	announced
44	10
44	25
44	50
45	exact
45	precise
45	specific
46	actions
46	behavior
46	activities
47	chronic
47	persistent
47	constant
48	trained
48	taught
48	educated

DER Training Worksheet FMCSA - Parts A & B

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
49	30
49	60
49	90
50	30
50	60
50	90
51	week
51	night
51	day
52	immediately
52	just
52	in a minute
53	just
53	in a minute
53	immediately
54	2
54	8
54	32
55	2
55	8
55	32
56	8
56	24
56	48
57	printed
57	typed
57	written
58	8
58	24
58	48
59	enlightening
59	instructive
59	educational
60	previous
60	prior
60	past
61	execute
61	sign
61	mark
62	declaration
62	report
62	statement
63	verified
63	confirmed
63	established
64	forbidden
64	illegal
64	controlled
65	drug
65	contraband
65	substance

DER Training Worksheet FMCSA - Parts A & B

Multiple Choice Test (circle correct answer)

Box #	Answer - 3 choices
66	drugs
66	substances
66	contraband
67	security
67	defense
67	safety
68	responsible
68	sensitive
68	related
69	report
69	return
69	come back
70	8
70	24
70	48
71	restoration
71	return
71	put back
72	work
72	job
72	duty
73	30
73	60
73	120
74	not
74	always
74	sometimes
75	public
75	community
75	civic
76	notice
76	awareness
76	interest
77	elimination
77	exclusion
77	prohibition

End of FMCSA Worksheet - Part B

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- Pipeline (PHMSA)
- Coast Guard (USCG)
- Nuclear (NRC)
- Gov. Contractors
- Executive Order
- Drug Free Workplace Act of 1988
- Regulatory Guidance

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