

QUESTION:

If a collector makes a mistake resulting in a cancellation of a test before he or she has obtained qualification training (e.g., in the period before January 31, 2003), does he or she have to obtain error correction training under §40.33(f)?

ANSWER:

- Yes. If a collector makes a mistake that causes a test to be cancelled, the collector must undergo error correction training (even if the collector has yet to undergo qualification training). There are no exceptions to this requirement.

QUESTION:

A collector who is notified that he or she made a mistake has 30 days in which to obtain error correction training. Can the collector continue to perform DOT collections during this 30-day period?

ANSWER:

- Yes. A collector may continue to perform DOT collections during this period.
- After 30 days have elapsed following the notification to the collector of the need to obtain error correction training, the collector is no longer qualified to conduct DOT collections until and unless he or she has successfully completed error correction training.
- As provided in §40.209(b)(3), collection of a specimen by a collector who has not met training requirements does not result in the cancellation of the test, assuming the collection is otherwise proper. However, use of an unqualified collector can result in enforcement action.

QUESTION:

Who is responsible for notifying a collector that error correction training is needed?

ANSWER:

- The MRO, in canceling a drug test, will determine if the collector is at fault.
- When the MRO reports the cancelled test to the employer, the MRO will note the reason for the cancellation and that, if appropriate, it was the result of collector error.
- The employer or service agent (e.g., MRO, C/TPA) designated by the employer is responsible for notifying the collection site of the error and the retraining requirement; and for ensuring that the training takes place.

QUESTION:

Must collectors, BATs, STTs, MROs, and SAPs maintain documentation of meeting training requirements on their persons?

ANSWER:

- These individuals are responsible for maintaining documentation that they currently meet all training requirements (see, for example, §40.33(g)).
- However, they are not required to keep this documentation on their person.
- They must be able to produce this documentation within a short, reasonable time of a request by a DOT representative or an employer.
- Nothing precludes an organization (e.g., a collection site) from also maintaining a file of the training records of its personnel, if it wishes to do so.

QUESTION:

What does the rule require with respect to the qualifications of persons who train collectors?

ANSWER:

- Part 40 does not specify any set of specific qualifications for persons who train collectors.
- The training must cover the items required by Part 40.

QUESTION:

Does a person who monitors proficiency demonstrations as a part of collector qualification training have to be a qualified collector?

ANSWER:

- Yes. It is very important for persons who monitor mock collections to have a thorough “book” and practical knowledge of relevant DOT rules and procedures. It is also very important that, before determining whether trainees have successfully completed a proficiency demonstration, the monitor have experienced and successfully completed the same training that collectors have to undergo.
- Consequently, mock collection monitors have to meet collector qualification training requirements. In addition, the monitor must meet any one of three other requirements:
 - * The monitor can be a qualified collector who has regularly conducted DOT drug testing collections for a least a year before serving as a monitor; or
 - * The monitor can be a qualified collector who has had a “train-the-trainer” course. Such a course could include the mandatory elements of collector qualification training as well as instruction on how to conduct training effectively; or
 - * The monitor can be a qualified collector who has conducted collector training under Part 40 for at least a year before serving as a monitor.
- Monitors in the second and third categories do not need to practice actively as collectors, so long as they have met collector qualification requirements.
- Individuals acting as collectors prior to August 1, 2001, have until January 31, 2003, to meet qualification training requirements. In the meantime, such collectors can serve as monitors even though they may not have met the qualification and mock collection requirements (so long as they meet any one of the three other requirements).

QUESTION:

Because Part 40 requires collectors, MROs, BATs and STTs, and SAPs to maintain their own training records, can employers or training entities refuse to provide these service agents their training records?

ANSWER:

- No. Employers and trainers who provide training for these service agents must not withhold training documentation from them when they have successfully completed the training requirements.
- If a collector, BAT, STT, MRO, or SAP is not in possession of training documentation, he or she is in violation of Part 40.
- Therefore, Part 40 does not permit the withholding of such documentation from these service agents.

QUESTION:

Is error correction training required if a drug test is cancelled due to a specimen having an insufficient amount of urine?

ANSWER:

- If the laboratory finds there is an insufficient amount of urine in the primary bottle for analysis, the laboratory will report to the MRO that the specimen is “rejected for testing” (unless the laboratory can re-designate the specimens). Subsequently, the MRO must cancel the test.
- The MRO should seek to determine (with the assistance of the laboratory) if the specimen leaked in transit or if not enough urine was collected.
- Specimen leakage while in transit to a laboratory will not cause a cancellation requiring the collector to have error correction training.
- If the laboratory finds no evidence of leakage, indications would be strong that the collector failed to collect the appropriate amount of urine. If this were the case, the collector would need error correction training.
- If specimen leakage is a recurrent problem for a collection site, the MRO may be wise to inquire whether or not the shipping containers used are sufficient to adequately protect the specimens or whether or not collectors are securing the bottle lids properly.