

CONTRACT SERVICES

SUBSTANCE TESTING PROGRAM

A Guide to DOT Testing Program Violations: What Drivers Need to Know

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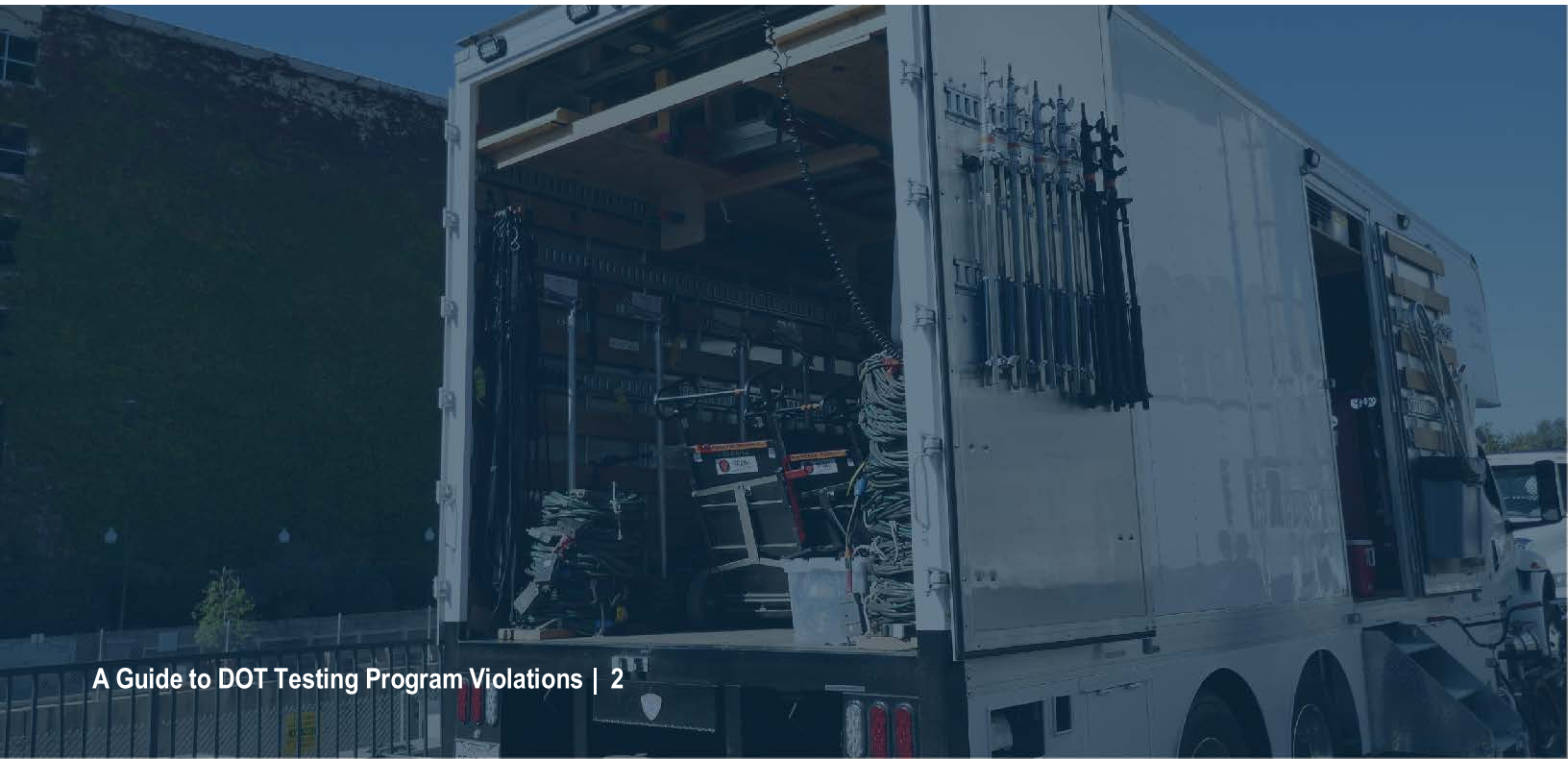
A Guide to DOT Testing Program Violations:

What Drivers Need to Know

This is a guide for commercial drivers working under the Producer – Studio Transportation Drivers, Local #399 Agreement ("the Black Book") who experience a Department of Transportation (DOT) testing program violation. The precise rules governing the testing program are contained in Paragraph 85.1 of the Black Book and in Title 49 Code of Federal Regulations Parts §40 and §382 (found at: www.fmcsa.dot.gov). This Guide does not replace those rules, but we hope it will help clarify, in simple terms, what a violation means for you and what to expect if you experience one.

Overview

Under DOT regulations, if you hold a commercial driver license or commercial learner's permit and drive commercial motor vehicles, then you must be DOT drug and alcohol tested. To participate in Contract Services Substance Testing Program, you must hold a **commercial driver license**. To begin participating, you must complete a **pre-employment or return-to-duty test with a negative result**. Once participating, you will be subject to **random testing** and, when applicable, **post-accident** and **reasonable suspicion testing**. If you have had a DOT testing program violation, then **follow-up testing** may also be required. These concepts are explained in more detail below.





What is a DOT testing program violation?

A DOT testing program violation occurs when you have:

- Any verified positive, adulterated, or substituted drug test results
- Any alcohol confirmation test with a result of 0.04 or higher
- Any refusal to submit to any DOT drug or alcohol test
- An employer's report of "actual knowledge" of drug/alcohol rule violations as defined at §382.107:
  - Alcohol use in violation of the regulations:
    - When performing safety-sensitive functions (on-duty)
    - Within 4 hours before performing safety-sensitive functions (pre-duty)
    - Within 8 hours after an accident (post-accident)
  - Drug use in violation of the regulations, including prohibited substances and therapeutic medications that may impair a driver's ability to perform safety-sensitive functions

Just like a positive test result, **a refusal-to-test is also a DOT testing program violation**. Refusals include, but are not limited to, the following:

- No-show (failure to appear at the test collection site at the designated time)
- Failure to remain at the testing site until the collection process is completed
- Adulteration (urine specimen containing a substance or a concentration inconsistent with human urine)
- Substitution (urine specimen containing creatinine and specific gravity levels inconsistent with human urine)
- Failure to cooperate with any part of the testing process (see Q&A issued in July 2006 by the U.S. Department of Transportation)

When you experience a DOT testing program violation for any of these reasons, under federal regulations you are immediately prohibited from performing safety-sensitive functions, such as driving a commercial motor vehicle. Under the Black Book, you are also removed from participation in the Contract Services Substance Testing Program, a “strike” is applied to your record, and you are ineligible for work under the Black Book as follows:



1st Strike:

If it is your 1st DOT testing violation within a 10-year period

You must undergo the Return-to-Duty (RTD) process. If you are already on the Industry Experience Roster, you will be removed from the Roster for a minimum “waiting period” of 2 months (or 12 months when applicable). If you are applying for placement on the Industry Experience Roster, the waiting period is 12 months. After the waiting period and completion of the RTD process, you may participate in the testing program and either be reinstated to the Industry Experience Roster or re-apply for placement. Below on page 6 is a step-by-step guide to the Return-to-Duty process you must complete.

A first DOT testing violation counts as a “first strike” under Paragraph 85.1(f)(1) of the Black Book.



2nd Strike:

If it is your 2nd DOT testing violation within 10 years

IMPORTANT: If you receive two DOT testing program violations within a 10-year period, you will no longer be eligible to work under the Black Book. This means for any Black Book-covered position or classification, **you will be permanently removed from the Industry Experience Roster and ineligible to re-apply.** Although you are no longer eligible for work under the Black Book, you must still undergo the RTD process to perform safety-sensitive work for any future employer.

A second DOT testing violation counts as a “second strike” under Paragraph 85.1(f)(2) of the Black Book.

Roster Impact and Other Consequences

Under the Black Book, when you experience a DOT testing violation you are removed from the Industry Experience Roster (or become ineligible to apply for placement) until you:

1. complete the return-to-duty process described below,
2. have satisfied the applicable waiting period defined in the Black Book, and
3. have returned to participating in the Contract Services Substance Testing Program.

If you are in Group 2 or Group 3, the time during which you are removed from the Industry Experience Roster will not be counted for purposes of advancing within roster groups. Also, you will be unable to complete any Contract Services safety training during the time you are removed.

If this is your first violation within a 10-year period, you may be reinstated to the Industry Experience Roster once all current eligibility requirements have been met for your specific Classification, or if you are in the application process, then you may be eligible to reapply for placement on the Industry Experience Roster. Remember, you must have a valid Commercial Driver License and valid Medical Certification on file at Contract Services to be active on the Industry Experience Roster.

What should I do if I believe I was unfairly selected for testing or if I don't want to follow the collector's instructions?

A good rule of thumb is "comply, then complain." If you are instructed to submit to a DOT drug and/or alcohol test and you don't agree with the reason or rationale for the test, you should still take the test. Don't interfere with the testing process or refuse the test, because doing so will likely constitute a violation. Instead, after the test, express your concerns about the testing event to your Employer's Designated Employer Representative (DER), the Contract Services Substance Testing Program (STP), and/or your union. If you have questions about the testing process after it has begun, do **not** leave the facility, but instead call your Employer's DER, Contract Services STP, or your union. Once the testing process has begun, you must complete it or it will be considered a refusal-to-test (a violation).

Step by Step Guide to the Return-to-Duty Process

Upon receiving a DOT testing violation, you will receive a letter from Contract Services containing important information about your status on the Industry Experience Roster as well as a referral to a Substance Abuse Professional (SAP). Contacting the SAP is the first step in the **Return-to-Duty (RTD) process** which must be completed before you may begin performing safety-sensitive work again. The full process is described below.

Also, when you have a DOT testing program violation, it will be reported to the Federal Motor Carrier Safety Administration's (FMCSA) Drug & Alcohol Clearinghouse ("Clearinghouse") by the Medical Review Officer or your Employer. Under federal regulations, you are **prohibited from performing safety-sensitive functions** (for example, driving a commercial motor vehicle) until you complete the return-to-duty process.

Step 1

Make an Appointment with a Substance Abuse Professional (SAP)

Once you receive the Substance Abuse Professional (SAP) referral from Contract Services, you will need to contact the SAP to make an appointment. If you have any difficulty reaching the SAP, contact the Contract Services Substance Testing Program (STP) and let them know.

Step 2

Designate your SAP in the Clearinghouse:

a. Log into the Clearinghouse website or register with the Clearinghouse if you have not already done so: https://clearinghouse.fmcsa.dot.gov/

b. From your Driver Dashboard in the Clearinghouse, click "Designate your Substance Abuse Professional"



Designate your SAP in the Clearinghouse (cont.):

c. Type the name of your SAP in the text box labeled "Who is your SAP?". If you can't find your SAP, check the spelling and try again. Be sure to enter the name the SAP used to register in the Clearinghouse. If your SAP is not listed, you will need to contact your SAP to ask him or her to register in the Clearinghouse.



Designate your SAP in the Clearinghouse (cont.):

d. Once you have identified your SAP, you will be prompted to send him or her a request. Review the displayed SAP information. When you are ready to designate the SAP, click "Send Request".



Designate your SAP in the Clearinghouse (cont.):

e. You will see a confirmation message once your SAP request has been sent.

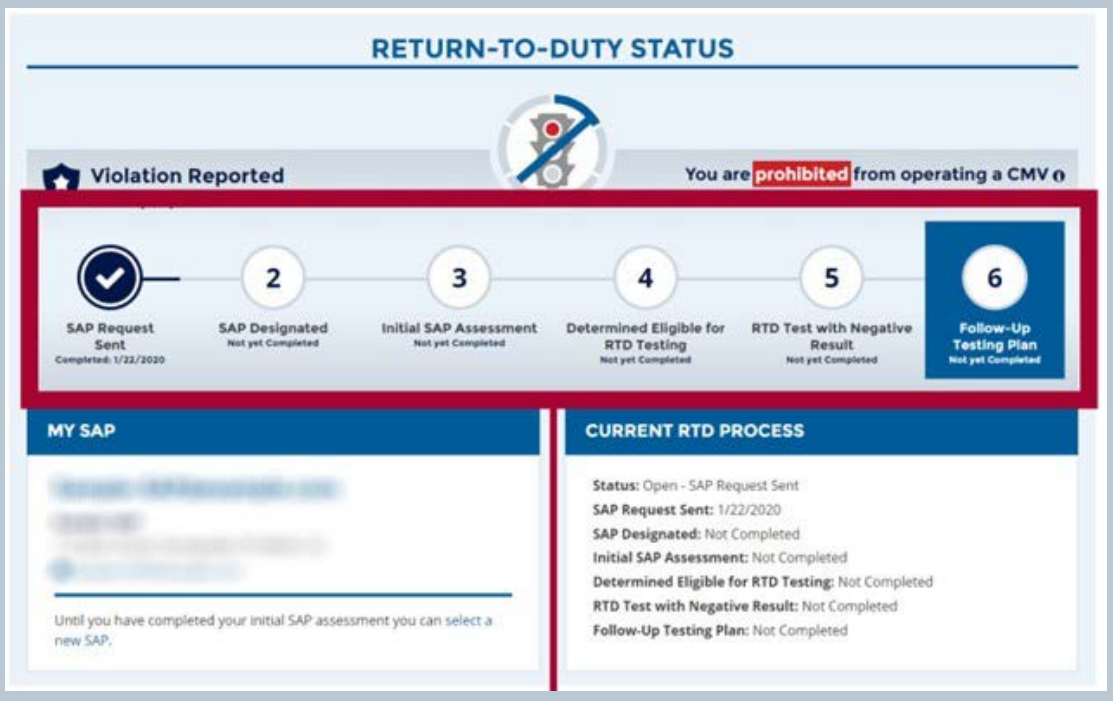


Designate your SAP in the Clearinghouse (cont.):

f. Your Driver Dashboard will update to reflect that your request is awaiting a SAP response.



For more information, click the "View RTD Process Details" button. This tracker will continue to display updates throughout your RTD process.



Designate your SAP in the Clearinghouse (cont.):

g. Your Driver Dashboard will indicate when the SAP approves his or her request and you are ready to move to the next step of the RTD process. When the SAP has accepted your request, the status will change to "SAP Designated." Note: You cannot designate a different SAP in the Clearinghouse once the SAP accepts your designation request.

Step 3

Undergo the SAP Process

After you've made an appointment with your SAP and they are designated in the Clearinghouse, you will meet with the SAP and undergo the SAP process. The SAP process consists of the following steps:

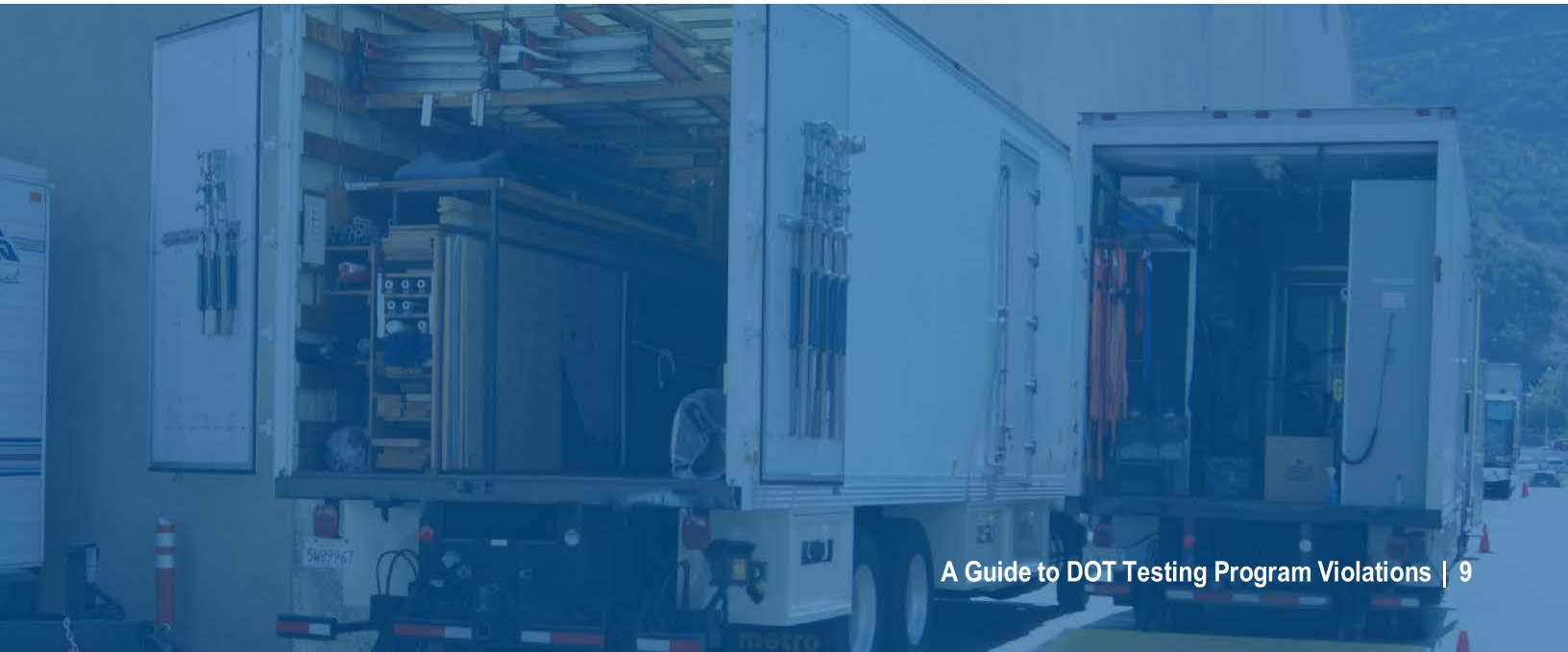
a. The SAP will conduct an Initial SAP Assessment and recommend an education, counseling, or treatment program for you. The SAP will report into the Clearinghouse that the Initial SAP Assessment has been completed and that information will update on your Driver Dashboard.

b. You must successfully complete the recommended education, counseling, or treatment program.

c. Once you complete the program, you will meet with the SAP again for a Final SAP Assessment.

d. When the SAP determines that you're eligible for a Return-to-Duty test or tests (you may be required to take an observed drug test, alcohol test, or both), the SAP will report this into the Clearinghouse and notify the Contract Services Substance Testing Program.

From your Driver Dashboard in the Clearinghouse, your RTD status will update to show that you are "Determined Eligible for RTD Testing (Completed: date)". This will also reflect on any Clearinghouse queries run by your prospective Employers.



Step 4

Consent to the Clearinghouse Query Request

After you successfully complete the SAP process, you will be required to complete an observed Return-to-Duty test(s) as determined by the SAP. Before the Return-to-Duty test(s) can be scheduled, Contract Services must confirm that you have been determined eligible for RTD testing through a Clearinghouse Query Result. Contract Services or your Employer will send you a Clearinghouse Query Request.

To consent to a Clearinghouse query request, login to the Clearinghouse and go to your Driver Dashboard. Locate the box labeled "Query Consent Requests" and find the request from:

a. If you qualify for the Industry Experience Roster, the request will be from the "Alliance of Motion Picture and Television Producers." Once you provide consent, your test may be scheduled.
b. If you are applying for placement on the Industry Experience Roster, then your prospective Employer may be required to request the Clearinghouse query result and provide it to the Contract Services Substance Testing Program before your test can be scheduled.

From the Query Consent Requests screen, click "I consent" to provide your consent. On the confirmation page, select "yes" and submit.

Step 5

Schedule and Complete your Return-to-Duty Test (or Tests)

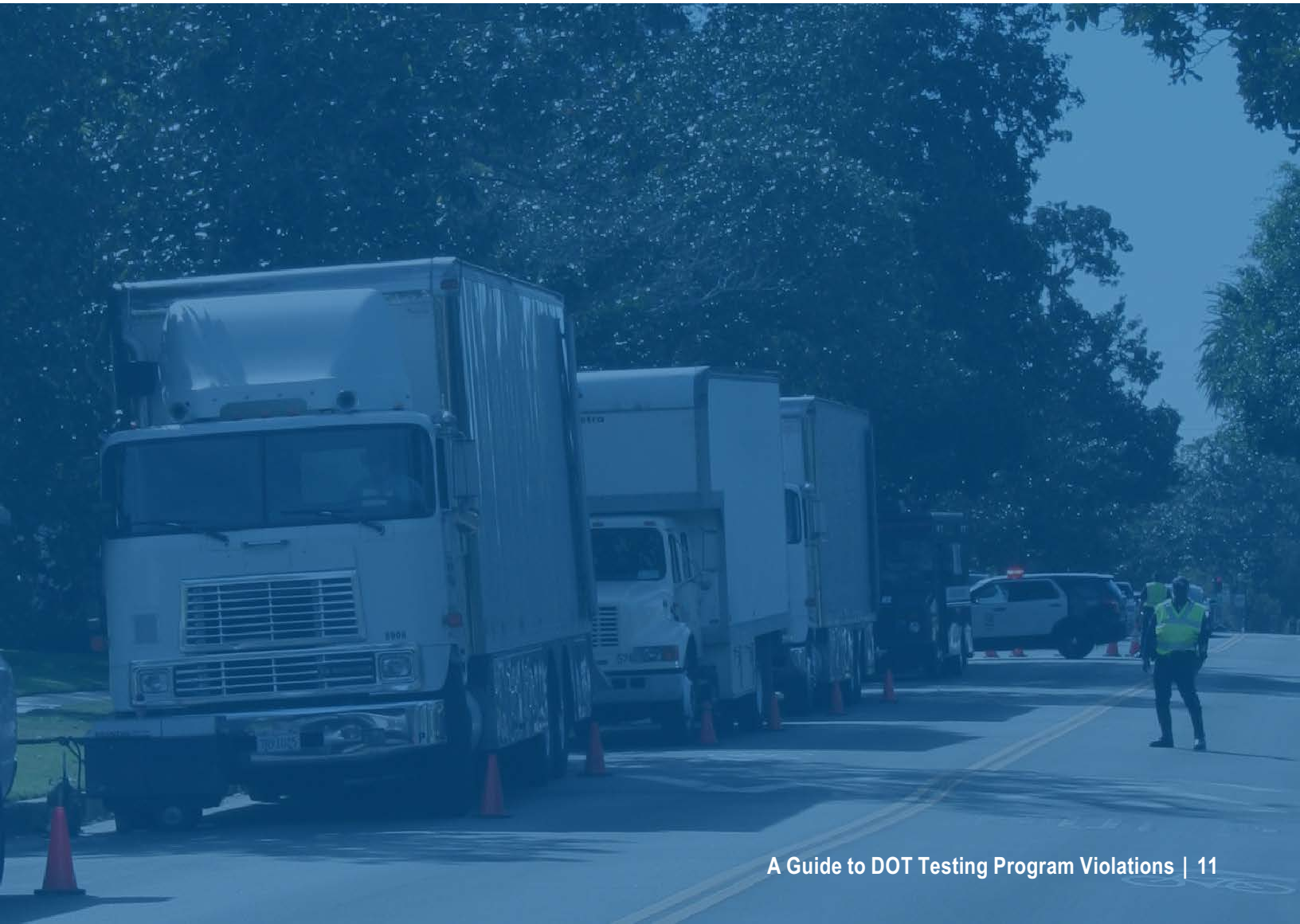
To schedule a Return-to-Duty test, you will need to contact the Contract Services Substance Testing Program at 818.565.0550, #1140 or by emailing testing@csatf.org.

Note that your Return-to-Duty drug test will be conducted under direct observation. The results of your test(s) must be "negative" before you will become eligible to participate in the Contract Services Substance Testing Program and before you will reflect in the Clearinghouse as no longer prohibited from performing safety-sensitive functions. The results of your Return-to-Duty test(s) will be reported into the Clearinghouse by Contract Services or your Employer and the RTD process tracker on your Driver Dashboard in the Clearinghouse will display that the "RTD Test with Negative Result" has been completed.

At this point, if you meet all current eligibility requirements for placement on the Industry Experience Roster and have satisfied the minimum 2-month or 12-month waiting period, you may be reinstated to the Industry Experience Roster. If you were in the application process at the time of your violation and have satisfied the 12-month waiting period, you may be eligible to re-apply for the Industry Experience Roster. For questions about your status on the Industry Experience Roster, contact the Contract Services 399 Roster Desk (see Contact Us, below).

What to expect when taking an "Observed" Drug Test

Return-to-Duty and Follow-Up urine drug tests are conducted under "direct observation." That means the collector or observer will require you to raise your shirt to your chest, lower your pants to your knees and turn a complete circle. They will also watch you provide the test sample. When required to take an observed test, you should be prepared to follow the collector's directions and remain at the test site until the testing process is complete.



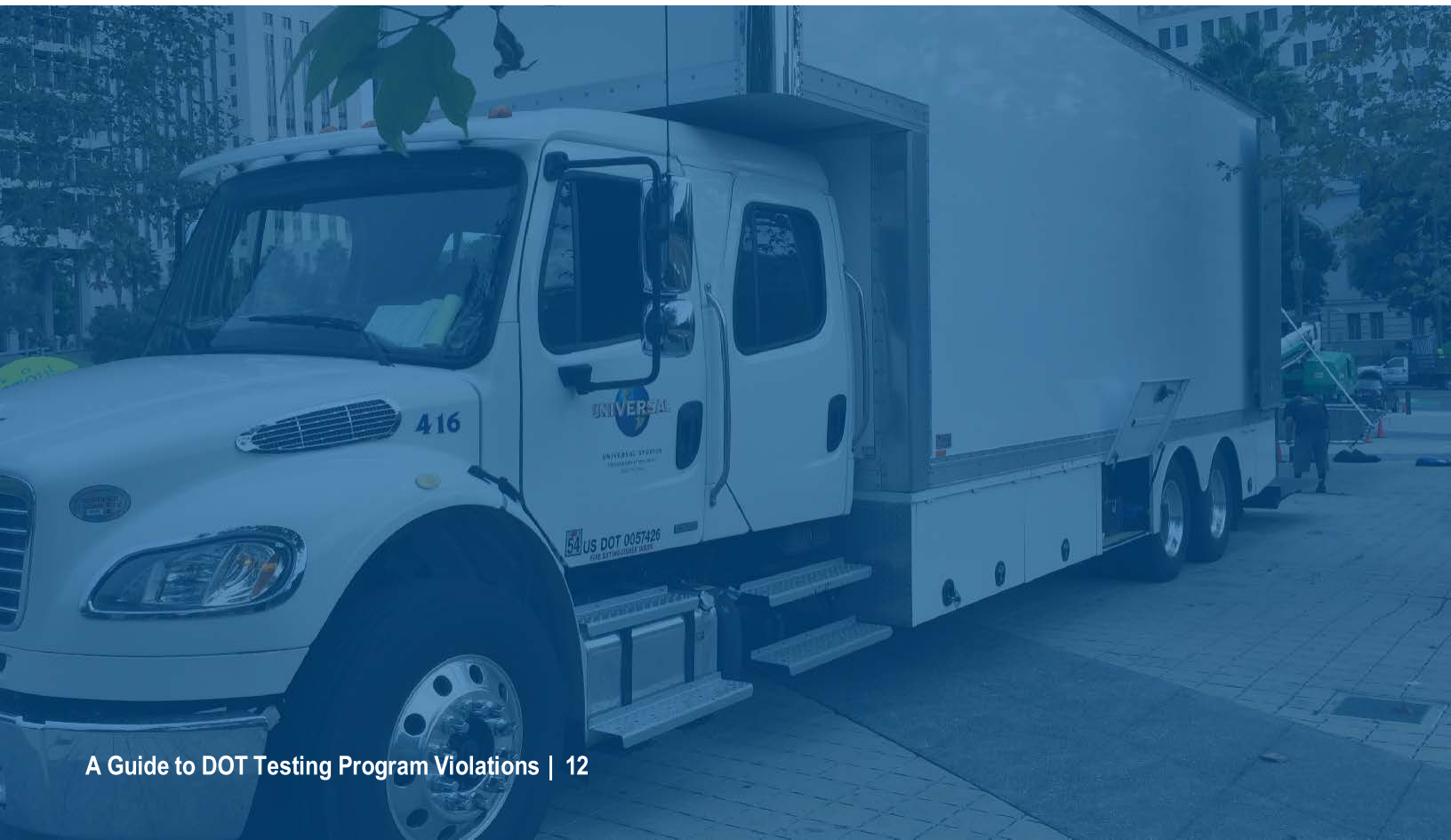
Step 6

Complete Unannounced Observed Follow-Up Tests

In addition to the Return-to-Duty test(s), your SAP will also require you to undergo unannounced observed follow-up testing, which can be for drugs, alcohol, or both. You must complete **a minimum of six unannounced follow-up tests** within the first 12 months, however they can be required for up to 60 months (as prescribed by your SAP) or until you complete the program. If you work intermittently, the timeframe may expand until the minimum number of tests are completed. Your employer must permit you to undergo the follow-up testing specified by the SAP. Follow-up testing is in addition to any selections for random testing.

Note that you must disclose your DOT testing program violation to all future DOT employers, whether you agree with the violation or not.

Once you have completed all required follow-up tests (with verified negative test results), your employer must report into the Clearinghouse that your follow-up testing plan has been completed. At that point, the Clearinghouse will show that your "Current RTD Process" status is "**Completed**." Your DOT testing program violation will continue to appear in the Clearinghouse for at least five years from the date of the violation or until the successful completion of the follow-up testing plan if that takes more than five years from the date of the violation. Although the violation will not appear in the Clearinghouse after that point, it will not change your strike records with Contract Services.





Questions? Contact Us!

If you have questions about the Substance Testing Program or any of the DOT testing procedures described above, please contact Contract Services STP department at 818.565.0550, extension 1140, or by emailing testing@csatf.org.

If you have questions related to the Industry Experience Roster, please contact Contract Services 399 Roster Desk at 818.565.0550, extension 1114, or by emailing roster399@csatf.org.

Teamsters Local #399

To leave a confidential message for Chris Sell, call 818.432.3317.

Resources

These links are provided as a convenience and for informational purposes only; they do not constitute an endorsement or an approval by Contract Services of any of the products, services, or opinions of the organization or individual. Contract Services bears no responsibility for the accuracy, legality or content of the external site or for that of subsequent links.

DOT Drug & Alcohol Testing Resources

- Paragraph 85.1: https://www.csatf.org/other-services/local-399-transportation- services/substance-testing/, then select Paragraph 85.1
- FMCSA Drug & Alcohol Clearinghouse: https://clearinghouse.fmcsa.dot.gov/
- FMCSA Resources for Drivers: https://www.fmcsa.dot.gov/resources-for-drivers
- U.S. DOT Office of Drug and Alcohol Policy and Compliance: https://www.transportation.gov/odapc/employee

Substance Abuse-Related Resources

- Actors Fund:
  https://actorsfund.org/services-and-programs/addiction-and-recovery-services
- Los Angeles County Department of Public Health:
  https://dmh.lacounty.gov/get-help-now/
- Mentalhealth.gov: https://www.mentalhealth.gov/
- Motion Picture & Television Fund (MPTF): mptf.com
  Phone: 323.634.3888
  Email: info@mptf.com
- Motion Picture Industry Pension and Health Plan (MPI):
  https://www.mpiphp.org/home
- National Council on Alcoholism and Drug Dependence of the San Fernando Valley:
  https://www.ncadd-sfv.org
  Phone: 818.997.0414
- U.S. Department of Health & Human Services – Substance Abuse and Mental Health Services Administration:
  https://www.samhsa.gov/find-help/national-helpline

