

CT Statewide Drug and Alcohol Testing Consortium Newsletter December 2021

§ 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?

- (a) Yes, as an employer, you must, after obtaining an employee's written consent, request the information about the employee listed in paragraph (b) of this section. This requirement applies only to employees seeking to begin performing safety-sensitive duties for you for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, you must not permit the employee to perform safety-sensitive functions.
- (b) You must request the information listed in this paragraph (b) from DOT - regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:
 - (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
 - (2) Verified positive drug tests;
 - (3) Refusals 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 drug and alcohol regulation, documentation

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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-to-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.

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§ 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?

“Continued”

(c) The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.

(d) 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 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain this information.

(e) If you obtain information that the employee has violated a DOT agency drug and alcohol regulation, you must not use the employee to perform safety-sensitive functions unless you also obtain information that the employee has subsequently complied with the return-to-duty requirements and DOT agency drug and alcohol regulations.

(f) You must provide to each of the employers from whom you request information under paragraph (b) of this section written consent for the release of the information cited in paragraph (a) of this section.

(g) The release of information under this section must be in any written form (e.g., fax, e-mail, letter) that ensures confidentiality. As the previous employer, you must maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

(h) If you are an employer from whom information is requested under paragraph (b) of this section, you must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

(i) 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 three years from the date of the employee's first performance of safety-sensitive duties for you.

(j) As the employer, you must also 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 two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section).

Responding to a §40.25 Request for Testing Information

When you receive a request for information about an employee’s drug and alcohol testing history from a prospective employer, you are required by §40.25 to take the following steps:



1. Review the employee’s signed consent.

You may not release the information unless the employee has signed a consent. The consent cannot be a “blanket” release, i.e., it must be specific to the employee and to you, as the previous employer, and it must be time-period specific.

FTA follows the Part 40 requirement to request information from DOT employers of the previous two years. However, it is not a violation for an employer to request information dating back more than two years, as long as the employee consents to this request.

2. Immediately and confidentially provide the information specified in §40.25(b).

This includes alcohol tests with a result of 0.04 or higher, verified positive drug tests, refusals to be tested, other violations of DOT agency drug and alcohol testing regulations, and, if applicable, documentation of the applicant’s successful completion of DOT return-to-duty requirements.

“Other violations” means any other violation of the prohibitions on the use of drugs or the misuse of alcohol under a DOT agency regulation. For FTA, these prohibitions are specified in §655.21(c), and §655.32-§655.34.

Only information about DOT violations should be released. Do not provide information about any non-DOT drug or alcohol test results, or DOT alcohol test results less than 0.04.

You must provide all the information in your possession concerning the employee’s DOT drug and alcohol tests that occurred in the time period requested. This includes information you have obtained from other previous employers about tests that occurred during the specified time period.

3. Maintain a record.

You must maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

Obtaining a §40.25 Testing Information from Other Consortium Members

When you obtain a testing information about an employee's drug and alcohol testing history required by §40.25 from a prospective employer, who is a member of the CT Statewide Drug and Alcohol Testing Program (the "Consortium"), the request should be directly emailed to the prospective Consortium Designated Employer Representative (DER). A list of the Consortium Members including the contact information will be provided to all Consortium DERs and Alternate DERs via email. To comply with the Federal regulation (§40.25), all testing information requests subject to this section must be responded immediately and confidentially.

Consortium Drug and Alcohol Testing Program Training

With the current variant of COVID-19, we are temporarily holding off on any in-class training. The following trainings; however, are still available:

- **Online Reasonable Suspicion Training** - For more information on this training, contact Nhan Vo-Le, Consortium Coordinator, at nhvole@ghtd.org.
- **Drug and Alcohol Testing Program Orientations for new DERs** - Contact DISA and The Lexington Group for a drug & alcohol testing program orientation via telephone including employee assistance /substance abuse information. These program orientations can aid your new DERs to successfully manage your drug and alcohol testing program.

Contact info:

-Candice Rouisse, Program Administrator, Telephone #800-211-4469 Extension 6021;
Email:
Candice.Rouisse@disa.com

-James M. Ferrelli, Director, Telephone #800-571-0197 Extension 239; Email: ferrellij@the-lexington-group.com.

On-Site Test Cancellation

---Reminder---

-Original scheduled (random on-site) test should be cancelled as soon as possible if your agency has previously had the safety-sensitive employee tested a day or days prior to the scheduled testing event.

-Likewise, original scheduled (random on-site) test should be cancelled as soon as possible if the agency knows that the safety-sensitive employee will be unavailable (i.e., vacation).

This will avoid the \$140.00 cancelled test fee being incurred by the Consortium for each cancelled test.

Posting of D & A Testing Newsletters

---Reminder---

As part of the drug and alcohol testing program awareness, make sure to post the following newsletters in your agency's lunch room / break room: Consortium Quarterly Newsletters; Lexington EAP Newsletters; and FTA Drug and Alcohol Regulation Updates.

Test Result Reporting

In case you have to wait longer than usual for test result reporting, contact **Candice Rouisse** for **expediting result** (refer to page 6 for contact info).

2021 MIS Reporting

Federal regulations require recipients of specific FTA funds establish and implement an anti-drug and alcohol misuse testing program. Recipients are required to annually prepare and maintain a summary of these results during the previous calendar year.

This report shall be submitted to FTA's Office of Transit Safety and Oversight or its designated agent. Each recipient shall be responsible for ensuring the accuracy and timeliness of each report prepared by DISA and submitted by the Consortium Coordinator acting on the recipient's behalf.

DISA will email you a copy of your agency's draft 2021 MIS report by early 2022. It will include all of your agency's drug and alcohol tests conducted through the Consortium during CY2021. In your review, please make any necessary changes and return the updated reports to DISA by mid-February 2022. DISA will be working closely with you during this process to rectify any discrepancies on the draft MIS report.

Your final MIS report will be submitted to FTA on your behalf by the Greater Hartford Transit District. A copy of the submitted report will be provided to you in March 2022 for your records.

Drug and Alcohol Testing Program Third Party Administrator DISA Global Solutions, Inc.

COMPANY CONTACTS:

Mobile Operations Scheduling Department

Jason Allen – Main #800-211-4469 Extension 6041. Email: Jason.Allen@disa.com

Collectors

David Pizzo

Laura Taft

Christopher Fitzpatrick

Senior Client Account Representative/Program Administrator

Candice Rouisse - Main Telephone #800-211-4469 Extension 6021

Email: Candice.Rouisse@disa.com

Fax: 413-283-6945 or 413-284-0022

Accounting

Auberey Ramon - Main #800-211-4469. Email: Auberey.Ramon@disa.com

Area Leader

Lisa Murray – #413-896-2894. Email: Lisa.Murray@disa.com

24-Hour Drug & Alcohol Testing On-Site

Post-Accident

Reasonable Suspicion

1-800-967-3135 Toll-Free Emergency Line

Be prepared to provide the following information:

Your Name

Agency Name

Phone Number

Location of Incident

Reason for Call (Post-Accident or Reasonable Suspicion)

Medical Review Officer (MRO) Department

University Services

Terri Hellings, MD

2800 Black Lake Place,

Suite A

Philadelphia, PA 19154

Phone: 800-624-3784

Fax: 215-637-6998

Enhance Awareness of the Employee Assistance Program (EAP)

Note: This letter from The Lexington Group should be made available to safety-sensitive employees and posted in the break room



The Lexington Group

Your Employee Assistance Program

A Woman Owned Enterprise Since 2000

Dear CT Drug Consortium Employees and Family Members:

The Lexington Group Employee Assistance Program (EAP) provides CONFIDENTIAL face-to-face and virtual counseling services to assist employees in identifying and resolving personal problems. Examples include marriage and family issues, job stress, alcohol and drug abuse, depression and other emotional concerns. The Lexington Group services also include referral resources for legal, financial, eldercare, and childcare through the Life Care program.

Because employee lives may be affected by problems with a spouse or other family members, this program is extended to household family members as well. You or your household family members may contact your EAP directly at any time. No matter what your situation, any assistance you seek through the EAP is held in the strictest confidence. Involvement will not jeopardize your job security, future promotional opportunities or reputation.

For confidential and immediate access, you may call The Lexington Group 24/7 at:

1-800-676-HELP (4357)

You may also request services or read more about the program online at:

www.The-Lexington-Group.com

Your unique employee password is "CTDrugConsort"

We hope you will share our enthusiasm for The Lexington Group, Employee Assistance Program, and the opportunity it presents to help you and your family.

Sincerely,
The Lexington Group



Scan to go to website

Contact & Resource Info

DISA Global Solutions, Inc.

Formerly Occupational Drug Testing (ODT)
www.occupationaldrugtesting.com

Toll Free # 800-211-4469

The Lexington Group

www.The-Lexington-Group.com

Toll Free # 800-571-0197

Employee Assistance Program

1-800-676-HELP (4357)

Request clinical services online directly from the web site at:

www.The-Lexington-Group.com

To log on, your customer name is “CT Drug Consortium”

And your unique employee password is “CTDrugConsort”

Are you aware of the availability of program forms and resource documents on

GHTD’s website?

Go to www.hartfordtransit.org Drug and Alcohol Testing Consortium.

Also, checkout the following materials:

What Employers Need to Know About DOT Drug and Alcohol Testing

What Employees Need to Know About DOT Drug and Alcohol Testing

Resources for The Designated Employer Representative (DER)

Lexington Newsletters

FTA Regulation Update Issues

The following FTA website provides a wealth of information such as trainings, newsletters, etc. on the Drug and Alcohol Testing Program that you might find very

helpful:

www.fta.dot.gov/12533.html

You may also find Title 49 Parts 40 and 655 (FTA regulations on the drug and alcohol testing program) by using the Search engine.