

Drug & Alcohol FTA Post Accident Thresholds & Reasonable Suspicion

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Topics to Cover

FTA Post-Accident Thresholds

- When to test.
- Who to test.
- What is the timeline to test

Reasonable Suspension

- How to determine to test.
- Who determines that a test should be done.
- How to approach the individual about testing.

FTA Post-Accident Thresholds



WHEN TO TEST.



WHO TO TEST.



WHAT IS THE
TIMELINE TO TEST

FTA Post-Accident Thresholds - Test When...



Fatality of Any
Individual Involved.

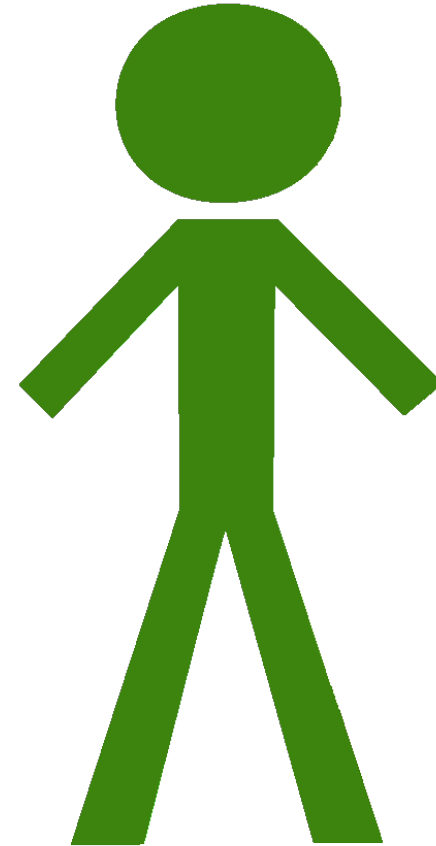
FTA Post-Accident Thresholds - Test When...



Any Individual
Involved Receives
Immediate Medical
Treatment Away
From Scene.

Who defined as an Individual?

- ▶ Transit Employee
- ▶ Pedestrian
- ▶ Passenger on the Public Transportation Vehicle
- ▶ Person(s) in the Other Vehicle(s)



FTA Post-Accident Thresholds - Test When...



Any vehicle is transported away from the scene by a tow truck or not on own.

When to Post Accident Test Summary



FATALITY



**IMMEDIATE MEDICAL
TREATMENT AWAY FROM
SCENE**



**VEHICLE IS TOWED AWAY
FROM THE SCENE**

Who Is Tested?



Covered Employee Operating The Public Transportation Vehicle



Other Covered Employee Who Could Have Contributed To The Accident.

Except When-

The Transit Employee's
Performance Can Be
Completely Discounted
As A Contributing Factor
To The Accident.

Employee Must
Remain Readily
Available For
Testing

Alcohol & Drug
Testing Must Begin
As Soon As Practical
Following The
Accident.

Requirements for
Post Accident Testing

Post Accident Testing Time Limitations and Steps

Step 1

Alcohol Test Should Be Completed First
Before Starting Drug Test. (If Possible)

Should Be Completed Within The
Following Timeline.

1. Within 2 Hours Of Accident, If Not Document Why.
2. If Not Done Within 8 Hours Of Accident, Cease Attempts And Document Why.



Post Accident Testing Time Limitations and Steps

Step 2

After Alcohol Test Is Completed,
Do Drug Test As Soon As Possible.

Should Be Completed Within The
Following Timeline.

1. If Not Done Within 32 Hours Of
Accident, Cease Attempts And
Document Why.



Important Things To Remember

Always Document Why.



Reasonable Suspicion



WHO DETERMINES THAT A TEST SHOULD BE DONE.



HOW TO DETERMINE TO TEST.



HOW TO APPROACH THE INDIVIDUAL ABOUT TESTING.

Who Determines A Test Should Be Done?

- ▶ A Qualified Supervisor Or Company Official Which Has Completed Reasonable Suspicion Training That Trains Them To Recognize The Signs And Symptoms Of Drug And Alcohol Use.
- ▶ This training must include at least 60 minutes of training on the physical, behavioral, and performance indicators of drug use, and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of alcohol misuse.
- ▶ Below Is The Link For Reasonable Suspicion Training From FTA:
<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/ReasonableSuspicion.aspx>
- ▶ Must have documentation of Training of Supervisor or Company Official.

Sample

EMPLOYER NAME/LOGO

**Acknowledgement of Reasonable Suspicion
Training for Supervisors**

In accordance with Federal Transit Administration (FTA) Rule 49 CFR Part 655.14(b), I acknowledge that I have received at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use, and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

(Print Name)

(Signature)

(Date)

How To Determine To Test.



Testing cannot be based solely on a guess or hunch or complaint from another person or phone call tip.



Must be Base on a specific observations concerning the employee's current appearance, behavior, speech, and smell that are usually associated with drug and alcohol use.

Specific Physical Observations

These observations must be documented as soon as possible.



PHYSICAL

- ▶ **Walking:** Holding on; Stumbling; Unable to walk; Unsteady, Staggering; Swaying; Falling
- ▶ **Standing:** Swaying; Feet wide apart; Unable to stand; Rigid; Staggering; Sagging at knees; Dizziness;
- ▶ **Movements:** Fumbling; Jerky; Nervous; Slow; Hyperactive; Reduced reaction time; Not following tasks; Diminished coordination; Tremors;
- ▶ **Eyes:** Bloodshot; Watery; Droopy; Glassy; Closed; Dilated/Constricted Pupils;
- ▶ **Face:** Flushed; Pale; Sweaty;
- ▶ **Breath:** Alcoholic odor; Chemical odor; Sweet/pungent tobacco odor; Heavy use of breath spray;
- ▶ **Speech:** Whispering; Slurred; Shouting; Incoherent; Slobbering; Silent; Rambling;
- ▶ **Appearance:** Unruly; Messy; Dirty; Stains on clothing; Marijuana Odor on clothes; Partially dressed; Visible puncture marks or tracks; Burnt rope smell on clothes, hair, body; Excessive sweating in cool area;

Specific Behavioral & Miscellaneous Observations

These observations must be documented as soon as possible.



BEHAVIORAL

- ▶ **Demeanor:** Cooperative; Calm; Talkative/Rapid Speech; Polite; Sarcastic; Sleepy; Crying; Sleeping on job; Argumentative; Excited; Withdrawn; Mood swings; Overreacts to minor things; Excessive laughter; Forgetful;
- ▶ **Actions:** Hostile; Fighting; Profanity; Drowsy; Threatening; Erratic; Hyperactive; Calm; Resisting communication; Paranoid; Possessing, using or distributing an illegal substance; Baseless Panic;
- ▶ **Appetite:** Always munching on something; Constantly Chewing Gum; Frequently Eating Candy; Popping Mints Often;

MISCELLANEOUS

- ▶ Presence of alcohol and/or drugs in employee's possession or vicinity
- ▶ On-the-job misconduct by employee
- ▶ Employee admission to alcohol and/or drug use or possession

Reasonable Suspicion Testing Time Limitations

Alcohol Test Should Be Completed First
Before Starting Drug Test.

Should Be Completed Within The Following
Timeline.

1. Within 2 Hours Of The Initial Observations, If Not Document The Reason For Delay.
2. If Not Done Within 8 Hours Of Initial Observation, Cease Attempts and document why.

After Alcohol Test Is Completed,
Do Drug Test As Soon As Possible.

1. If Not Done Within 32 Hours Of Initial Observation, Cease Attempts and document why.



1

Don't Be
Confrontational
Or
Argumentative.

2

Don't Solicit A
Confession.

3

Don't Diagnose
An Employee As
Having A
Problem.

4

Don't Accuse An
Employee Of
Illegal Drug
Use.

How NOT To Approach An
Individual About Testing:

How to approach an individual about testing:



- ▶ Discuss Safety Concern With The Employee; Face To Face In Private.
- ▶ Keep A Safe Distance.
 - ▶ Inquire And Observe.
- ▶ Express Concern For Both The Employee And The Public Safety.
- ▶ Describe Observations That Prompted Concern.
 - ▶ Remembering To Stick To Objective Facts.
 - ▶ Avoid Feelings, Hunches, Or Beliefs.
- ▶ Explain Need For Testing.
 - ▶ Refer To Policy.
 - ▶ Be Respectful.
 - ▶ Be Brief And To The Point.
 - ▶ Protect Employee's Confidentiality.

More information on FTA Website

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/Default.aspx>

Home » Regulations and Guidance » Safety » Drug and Alcohol » **Tools and Resources**

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