

FRA DRUG AND ALCOHOL TESTING PROCEDURES: TIMING REQUIREMENTS

TYPE OF TEST	TESTED WHILE ON DUTY ONLY ¹	TESTS MUST BE COMPLETED WITHIN HOS LIMITS	MAY EXCEED HOS IF DUE DILIGENCE IS DEMONSTRATED BY THE RAILROAD ²	EMPLOYEE AT TESTING SITE WITHIN 8 HOURS OF OBSERVATIONS OR EVENTS ³
FEDERAL TESTS: ⁴	X			
Pre-Employment				
Random	X	X ⁵		
Reasonable Suspicion	X		X ⁶	X ⁸
Reasonable Cause	X		X ⁶	X ⁸
Return to Duty	X			
Follow-up	X ⁷			
Post-accident	X		X	X ⁹
COMPANY TESTING AUTHORITY:	X		X ⁶	X ⁸
Reasonable Cause Test Meeting Federal Requirements				
All Other Company Tests		X		

- 1 Employee tested does not have to be performing covered service during the day of the test.
- 2 Due diligence as applied in these situations means a conscientious effort by railroad representatives to initiate and complete testing uninfluenced by routine or non-emergency operational requirements and procedures. All incidents of excess service must be reported to FRA. Railroads failing to exercise due diligence will be subject to the penalty mandates of the federal Hours Of Service (HOS) law.
- 3 If the employee is not brought to the collection site within eight hours, testing must be stopped. Testing does not have to be completed within this time limit, however, if the railroad has used due diligence to complete required tests. Any excess HOS must be reported.
- 4 Utilization of Federal forms makes the test a Federal test.
- 5 If a random test is not completed before the employee's HOS has run, (e.g., because of a shy bladder situation), the employee has completed his/her obligation for that random selection. When the employee is suspected of tampering with the sample, however, the railroad may exceed HOS if necessary to ensure that the employee immediately provides a second sample under direct observation. Any excess HOS must be reported.
- 6 The employer may conduct the test after the employee has completed his/her HOS if: (1) the test is based on supervisory observations made while the employee was on HOS-duty; (2) the decision to test is made while the employee is on duty; (3) the employee has not departed company property; and (4) the test can not be completed during the employee's HOS, despite the railroad's diligence.
- 7 Employees may be called to duty for follow-up testing if they are *available for duty* (marked up for duty and rested or not on authorized annual or sick leave). Time spent in testing and travel will commingle if within 8 hours of a duty tour that includes covered service. Follow-up tests may include alcohol testing if the employee's treatment plan requires *total* abstinence from alcohol.
- 8 The employer must maintain a written report if the test is not administered within eight hours.
- 9 The employer must maintain a written report if the test is not administered within four hours.