

U.S. Department of Transportation Substance Abuse Professional - DOT Return-To-Duty

Richard M. Smith is certified as a U.S. Department of Transportation Substance Abuse Professional (SAP) and operates as a "gatekeeper" of the return-to-duty process. As the SAP, Rick provides an important service to the employee, the employer, and the traveling public.

Contact Rick Smith, SAP by calling (517) 546-4445 or e-mail Ccounseling@sbcglobal.net to begin the return to duty process.

What is a Substance Abuse Professional???

The Substance Abuse Professional (SAP) is a person who evaluates employees who have violated a DOT drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. Services include:

- Conduct a comprehensive face-to-face assessment and clinical evaluation to determine what level of assistance the employee needs in resolving problems associated with alcohol use or prohibited drug use;
- Recommend a course of education and/or treatment with which the employee must comply prior to returning to DOT safety-sensitive duty;
- Serve as a referral source to assist the employee's entry into an acceptable program;
- Conduct a face-to-face follow-up evaluation with the employee to determine if the individual has demonstrated successful completion with recommendations of the initial evaluation and has made appropriate clinical progress sufficient to return to duty;
- Develop and direct a follow-up testing plan for the employee returning to work following successful compliance;
- Provide the employee and employer with recommendations for continuing care.

As the SAP, Rick represents the major decision point (and in some cases, the only decision point) an employer may have in choosing whether or not to place an employee behind the steering wheel of a school bus, in the cockpit of a plane, at the helm of an oil tanker, at the throttle of a train, in the engineer compartment of a subway car, or at the emergency control valves of a natural gas pipeline. The responsibility to the public is huge! A SAP does not advocate for either the employer nor the employee. A SAP's function is to protect the public interest in safety by professionally evaluating the employee and recommending appropriate education and/or treatment, follow-up tests, and aftercare.

DOT/SAP Return-To-Duty:

Certain employees in the transportation industry are subject to federal drug/alcohol use and testing regulations, under the federal Department of Transportation (DOT). An employee who violates these regulations must immediately be removed from safety-sensitive functions in the transportation industry until and unless the employee successfully completes the DOT return-to-duty process. DOT's Operating Administrations that are subject to testing rules and regulations:

- FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) (HIGHWAY)
- FEDERAL TRANSIT AUTHORITY (FTA)
- FEDERAL RAILROAD ADMINISTRATION (FRA) (RAILROAD)
- PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA) (PIPELINE)
- UNITED STATES COAST GUARD (USCG) (MARITIME)
- FEDERAL AVIATION ADMINISTRATION (FAA) (AIRLINES)

What is the Return-To-Duty Process?

DOT's return-to-duty process is involved. An employee who has been removed from duty because of a violation must successfully complete this process before he/she can be considered for return to work or be hired by a different DOT-regulated employer. A positive drug or alcohol test is a violation, as is refusal to be tested. When an employee has a positive test, refuses to be tested, or has one of DOT's other violations, DOT requires the employer to immediately remove that employee from all safety-sensitive

functions. An employer who allows an employee with a violation to continue performing safety-sensitive duties is subject to fines, up to \$10,000 per day. An employee who has a violation has 2 options:

1. Employee can be considered for returning to safety-sensitive functions in the transportation industry, but only after successfully completing DOT's return-to-duty process, and then providing a negative result on a return-to-duty drug and/or alcohol testing; OR
2. Employee can find another job, outside of the transportation industry.

The return to duty process requires that the employee be seen by a qualified and trained Substance Abuse Professional (SAP). The SAP must conduct a face-to-face clinical evaluation and a recommendation for treatment and/or education for the employee. The SAP must send a report, typically to the employer, specifying the recommendation for treatment and/or education. The SAP must then monitor the employee's progress in the recommendation program. When the SAP determines that the employee has made sufficient progress, the SAP will schedule a follow-up evaluation for the employee. Based on that evaluation, the SAP will report to the employer that the employee has successfully complied with their recommendation or that the employee has not complied. If the SAP reports that the employee has successfully complied with the recommendation, the employer will decide whether to arrange for a return-to-duty test for the employee and may return the employee to work. (The employer is not obligated to continue to employ the employee). If the SAP reports that the employee has not successfully complied with the recommendations, the employer cannot return the employee to safety-sensitive functions, nor can she/he be employed by any DOT-regulated employer until the SAP's recommendations have been fully met, and the employee is able to provide a negative return-to-duty test. Should the employee be reinstated, the SAP is required to provide recommendations for aftercare and testing schedule.

DOT- Modal Rules - Covered Employees

- Federal Motor Carriers Safety Administration (FMCSA)
Drivers, mechanics, management drivers, who need a Commercial Driver's License (CDL), and who drive a Commercial Motor Vehicle (CMV). (49 CFR Part 382; Part 391 Subpart E)

- Federal Transit Administration (FTA)

Those who provide mass transportation service or which performs safety sensitive function for bus, electric bus, van, automobile, rail car, trolley car, trolley bus or vessel. (49 CFR Part 655).

- Federal Railroad Administration (FRA)

Locomotive engineers, trainmen, conductors, switchmen, locomotive hostlers/helpers, utility employees, signalmen, operators and train dispatchers, subject to "Hours of Service Act" and "Co-Worker Report Policy" (49 CFR Part 19; Part 240). Pipeline and Hazardous Materials Safety Administration (PHMSA). Operators maintenance, emergency-

response functions who are performing, ready to perform, or immediately available to perform covered functions; owners or operators of pipeline facilities, including persons employed by operators, contractors, engaged by operators and persons employed by such contractors (49 CFR Part 199).

- United States Coast Guard (USCG)

Employer, marine employer and crewmember on board a vessel who will navigate, steer, direct, manage or sail a vessel, or control, monitor, or maintain the vessel's main or auxiliary equipment or systems (49 CFR Part 16; Part 4).

- Federal Aviation Administration (FAA)

Each person who performs a safety-sensitive function directly or by contract (including by subcontract at any tier). Those who perform duties as: flight crewmembers, flight attendant, flight instruction, aircraft dispatcher, aircraft maintenance or preventative maintenance, ground security coordinator, aviation screening, air traffic control (14 CFR Part 121).

*** This information in this document is meant as a quick reference to the various Modals and is not intended as a comprehensive list of employees covered under Federal regulations. For complete information, refer to Federal Register Part II, Department of Transportation (DOT) 49CFR Part 40.

Contact your certified Substance Abuse Professional, Rick Smith @ 517-546-4445
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