

J. J. Keller & NPTC Webcast  
**Drug & Alcohol Clearinghouse**  
Wednesday, May 10<sup>th</sup>, 2017 10 AM CST

**Drug & Alcohol Clearinghouse**

May 10, 2017

**J. J. Keller & Associates, Inc.**  
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**Drug & Alcohol Clearinghouse**

This webcast will cover ...

- A regulatory overview
- Best practices in compliance
- A case study in implementation
- Question & Answer

**Attention Attendees:**

- + Thank you for attending!
- + You will be muted during the event.
- + Please use the Q&A feature to send in questions to us. We'll try to answer them during the Q&A period if they are not covered in the presentation.
- + The slides and recording will be posted within 7 days at: [www.jjkeller.com/nptcinfo](http://www.jjkeller.com/nptcinfo)

**Gary Petty**  
President & CEO  
National Private Truck Council

**NPTC**  
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**Meet Your Presenters**

**Gary Petty**  
President & CEO  
National Private Truck Council

**Tom Bray**  
Industry Consultant-  
Transportation  
J. J. Keller & Associates

**Tom Moore, CTP**  
Senior Vice President  
National Private  
Truck Council

**Bill Hartman**  
Fleet Manager  
VF Jeanswear LP

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**Regulatory Overview**

 **Tom Bray**  
Industry Consultant – Transportation  
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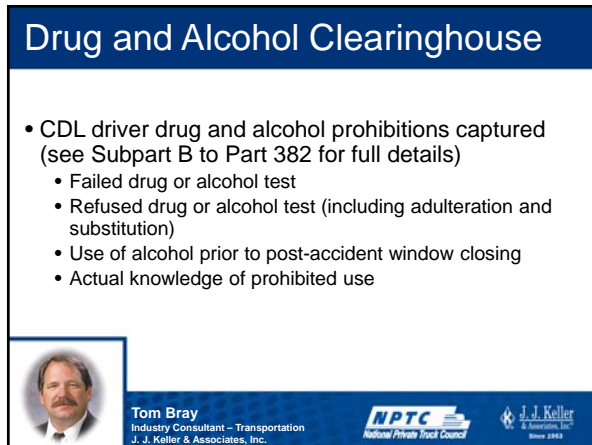
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**Drug and Alcohol Clearinghouse**

- CDL driver drug and alcohol prohibitions captured (see Subpart B to Part 382 for full details)
  - Failed drug or alcohol test
  - Refused drug or alcohol test (including adulteration and substitution)
  - Use of alcohol prior to post-accident window closing
  - Actual knowledge of prohibited use

 **Tom Bray**  
Industry Consultant – Transportation  
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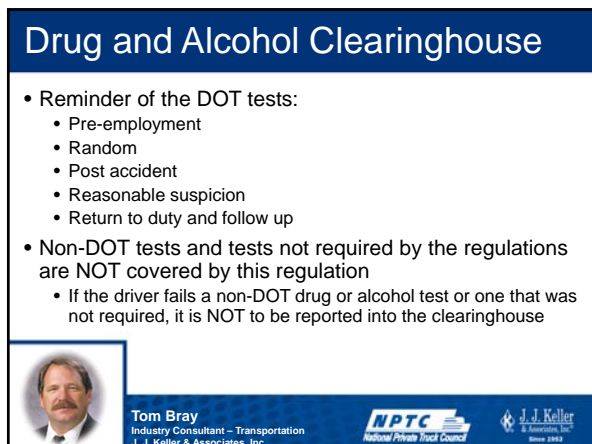
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**Drug and Alcohol Clearinghouse**

- Reminder of the DOT tests:
  - Pre-employment
  - Random
  - Post accident
  - Reasonable suspicion
  - Return to duty and follow up
- Non-DOT tests and tests not required by the regulations are NOT covered by this regulation
  - If the driver fails a non-DOT drug or alcohol test or one that was not required, it is NOT to be reported into the clearinghouse

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Industry Consultant – Transportation  
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**Drug and Alcohol Clearinghouse**


- RTW and follow-up information captured as well
  - Completion of the SAP process (treatment and evaluation)
  - Return-to-duty test results
  - Follow-up test results



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**Drug and Alcohol Clearinghouse**


- Reporting done by MROs:
  - Verified positive results
  - Refusals involving the MRO
  - Adulteration situations
  - Substitution situations
  - Must be done within 2 days



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**Drug and Alcohol Clearinghouse**


- Reporting done by carriers or their TPAs:
  - Alcohol test results 0.04 or higher
  - Refusal not involving MRO (such as outright refusal, failure to appear, thrown out of collection facility, etc.)\*
  - Alcohol use prior to test following an accident\*
  - Incidents involving actual knowledge (see §382.107)\*
  - Negative return-to-duty test results
  - Completion of follow-up tests
  - Must be done within 3 days
    - \* = Carrier must also provide documentation of the event
- Owner-operators must designate C/TPA that will be doing the reporting for them



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### Drug and Alcohol Clearinghouse

- Reporting done by SAPs:
  - Completion of the SAP evaluation and treatment (within 1 day)
- Drivers notified when something is entered in the database
  - Drivers can challenge information in the system
  - Another reason for drivers to have correct address on their licenses!



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Industry Consultant – Transportation  
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### Drug and Alcohol Clearinghouse

- Information management
  - All user of the system must be registered
    - Carrier registration includes carrier data and any authorized service agents (C/TPAs)
    - Registration is valid for 5 years
  - Fee to register and “per query” likely
    - “Limited” query: Can be used to satisfy annual requirement and only requires a “blanket” authorization
    - “Full” query: Done as part of hiring and if limited query indicates the presence of data. Requires full detailed authorization
  - Removal of information
    - Information on prohibited activity will be removed from the system 5 years after return-to-duty process completed



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### Drug and Alcohol Clearinghouse

- Carrier must check at time of hire and then annually thereafter
- Compliance for reporting and checking required January 6, 2020



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## Drug & Alcohol Clearinghouse

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### Drug and Alcohol Clearinghouse

- Getting ready involves making sure:
  - Your DER is familiar with:
    - What constitutes a "refusal"
    - The post-accident testing requirements
    - The actual knowledge regulations
    - The return-to-work process
  - Your DER has an adequate documentation process in place for refusal and actual knowledge situations
  - You defining and document "who will do what" if you use a C/TPA to manage part of your program
  - You understanding the carrier reporting requirements
  - You registering when the clearinghouse becomes operational
  - You adjusting hiring and annual review processes once the system is operational

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### Beyond Compliance

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 Senior Vice President  
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### CSA Scores

	Unsafe Driving	Fatigued Driving	Driver Fitness	Controlled Substance	Vehicle Maintenance	HazMat	Crash
2012	12.8	17.9	17.77	1.7	24.91	19.78	22.14
2013	11.3	13.46	11.9	0.99	20.86	1.06	29.8
2014	12.1	10.9	10.7	0.91	20.8	1.94	27.2
2015	11.9	12.9	13.0	.05	21.9	1.3	22.3
2016	14	12	6.3	.12	18	1.7	25.7
2017	8.7	10.5	8.2	1.03	19.08	2.3	19.3

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### How Fleets Produce Such Results

- Training, training and more training
- No rush to hire
- Random testing at percentages higher than the required rate
- Expanding the pool of candidates
- Alternative testing methodologies



Tom Moore, CTP  
Senior Vice President  
National Private Truck Council



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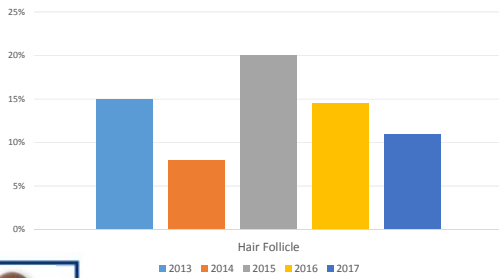
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### Hair Follicle Testing



Tom Moore, CTP  
Senior Vice President  
National Private Truck Council



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### Why Hair Testing?

- Hair testing is more effective than urine at identifying illegal drug users because it has a longer detection window.
- Hair tests are typically capable of detecting illegal drug use in the three months prior to the test.
- Urine tests are usually only capable of detecting use in the prior few days.



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Senior Vice President  
National Private Truck Council



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### Barriers to Hair Testing

- Cost
- Redundancy
- Jurisdiction
- Misconception



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Senior Vice President  
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### Regulatory Update

- MAP-21 required the Dept. of Health and Human Services to develop standards for follicle testing within one year (by December 2016).
- By March 2017, however, HHS had only begun to consider the issue.
- Many carriers are voluntarily paying for follicle testing in addition to urine testing, as they believe follicle testing is more accurate and makes it more difficult to avoid detection.
- In January 2017, six motor carriers asked FMCSA for a waiver to allow them to use hair follicle testing instead of urine testing for controlled substances; the agency has not yet acted on the petition.



**Tom Moore, CTP**  
Senior Vice President  
National Private Truck Council



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### Drug and Alcohol Program

*VF Jeanswear LP*



**Bill Hartman**  
Fleet Manager  
VF Jeanswear LP



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### VF Jeanswear Fleet

- 120 Drivers
- 80 Power Units
- 364 Trailers



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### VF Drug and Alcohol Testing

- Drug and Alcohol Testing
  - VF Jeanswear LP will perform drug and alcohol testing in compliance with DOT regulations in regard to random tests, i.e.... quotas and accident procedures
  - 10% random alcohol testing
  - 25% random drug testing
- A drug and alcohol test will be performed provided it can be completed in 8 hours of the accident taking place that results in a death, transportation from the scene to place of medical assistance or tow of a vehicle from the scene



**Bill Hartman**  
Fleet Manager  
VF Jeanswear LP

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### VF Jeanswear LP Alcohol Policy

1. Alcoholic beverages may not be consumed for 8 hours prior to departure on a trip.
2. Alcoholic beverages may never be consumed while a driver is on a trip even when off duty.
3. Drivers must advise their dispatcher any time they have consumed and type of alcoholic beverage within 8 hours of dispatch.
4. Any violation of this policy will subject the driver to serious disciplinary action and possible termination.



**Bill Hartman**  
Fleet Manager  
VF Jeanswear LP

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### Policy for CDL Drivers

- All employees will receive a copy of the D and A policy.
- Anyone who is extended an offer of employment will be tested for illegal drugs.
- All drivers will be required to submit to random selections.
- If you are out on vacation when selected, you will be required to take the test before returning to work.
- There is a zero tolerance when it comes to any failures or refusals.
- All management is trained in reasonable suspicion training bi-annually.
- If there is reason to believe that illegal drugs are or could be brought onto company property, a search of the truck and person may occur.



Bill Hartman  
Fleet Manager  
VF Jeanswear LP



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### Treatment Program

- Treatment program
  - VF encourages employees to get help if they are using illegal drugs.
  - The employee will be responsible for costs involved for treatment.
- VF will have available to all employees a drug – free awareness program.
  - This will be reviewed once a year at the fall driver meeting.



Bill Hartman  
Fleet Manager  
VF Jeanswear LP



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### Reasonable Suspicion Training

- Reasonable suspicion training is done in a group setting.
- One hour video and "what if" scenarios
- Chain of command, who to call, what to look for once you arrive on the scene
- Characteristics of someone who may be impaired, slurred speech, erratic or nervous behavior, alcohol odor, stumbling, sleepiness or unusual traits from drivers
- Other drivers' information that may see or experience
- Throwing away beer cans in company trash – reasonable suspicion?



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### Post Accident

- Discussion with drivers when an accident occurs
  - Are you alright?
  - Have the police or other authorities been called?
  - Are there vehicles that need to be towed
  - If any of the above are present the driver is told to secure the scene, speak with authorities, follow the instructions in the accident packet
  - Call back once you have the above complete
  - If conditions require, they will be instructed to get a D&A test
  - They will also be asked if they were cited and if so, this will require a test as well.
- The instructions are reviewed with the drivers during semi-annual meetings as well as updated information via email and printed materials



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### Question & Answer Session



**Gary Petty**  
President & CEO  
National Private Truck Council



**Tom Bray**  
Industry Consultant-Transportation  
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**Tom Moore, CTP**  
Senior Vice-President  
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**Bill Hartmann**  
Fleet Manager  
VF Jeanswear LP

Please continue to submit your questions.



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### More Questions?



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About NPTC

*Founded in 1939, the National Private Truck Council is the only national trade association exclusively representing the interests of the private truck industry and corporate/business private truck fleet management. With an actively engaged leadership team of Board representatives, member volunteers and staff, NPTC in the past decade has grown significantly to serve a rising professional class of private fleet practitioners meeting the challenges of modern corporate transportation. NPTC is the leading learning resource center, government affairs advocate, and business networking culture for America's top private fleet and supplier member companies. The Council produces benchmarking, best practices, and economic data reports on the private fleet market; administers the highly regarded Certified Transportation Professional (CTP) training program, and conducts some of the most successful events in the trucking industry including the Annual Conference and Trade Show, the Private Fleet Management Institute, and the National Safety Conference.*

**For more information about the Council's activities and programs, visit our website at [www.nptc.org](http://www.nptc.org).**



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Thank you for participating!

Please join us for our next webcast:

**Sleep Apnea and Fatigue Management**

May 11<sup>th</sup> at 10 AM CST

Visit [www.jjkeller.com/nptcinfo](http://www.jjkeller.com/nptcinfo) for more information



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Thank you for participating in today's webcast!

Visit: [www.jjkeller.com/nptcinfo](http://www.jjkeller.com/nptcinfo)  
For today's presentation and learn more about future NPTC and J. J. Keller webcasts.



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