

FTA Minimum Random Drug Testing Rate Will Increase To 50 Percent

Effective January 1, 2019, the minimum random drug testing rate for FTA employers will increase to 50 percent of all covered employees. 49 CFR Part 655.45(b) requires the FTA Administrator to raise the minimum annual random drug testing

rate from 25 percent to 50 percent of all covered employees when the Drug and Alcohol Management Information Systems (MIS) data indicates the positive test rate is equal to or greater than one percent.

In calendar year 2017, the random drug test positive rate was 1.06 percent. Therefore, the FTA minimum annual random drug testing rate is 50 percent of all covered employees for calendar year 2019.

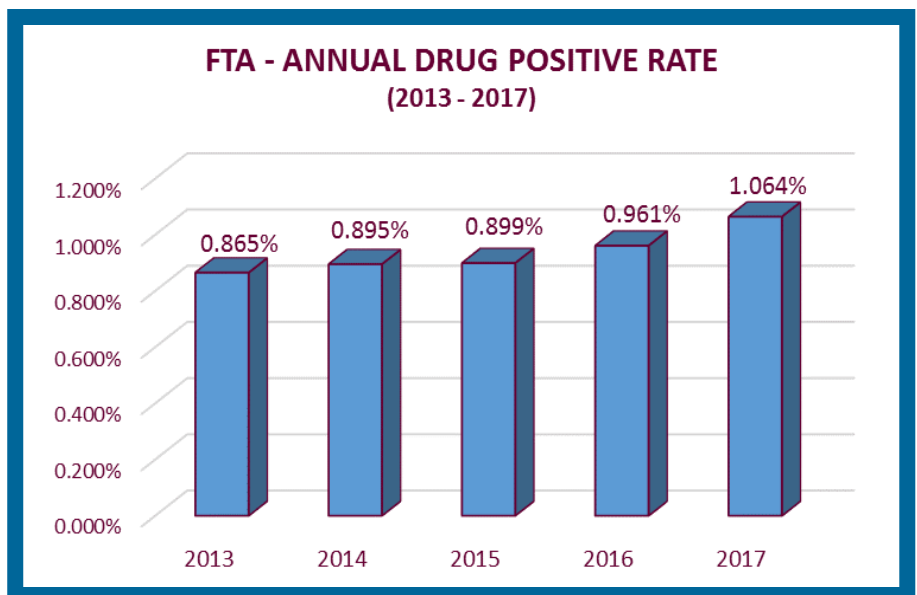
Minimum Alcohol Testing Rate To Remain at 10 Percent

The FTA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol testing is based on the reported alcohol violation rates for the entire industry.

Section 655.45(d)(2)(i) states the random alcohol testing rate will increase if the alcohol violation rate equals or exceeds 0.5 percent. Since the MIS reports submitted for calendar year 2017 indicated an

alcohol violation rate of 0.16 percent, the minimum annual percentage rate

for random alcohol testing will remain at 10 percent.



Increase to 50 Percent May Require Policy Change

FTA does not require employers to specify, in their policy, the rates at which the employer will conduct drug and alcohol random tests. Instead, FTA suggests the rate of random testing be addressed with the following text: "Testing rates will meet or exceed the minimum annual percentage rate set

each year by the FTA Administrator." However, if the policy does describe the specific FTA-required random drug testing rate or a specific random testing rate adopted and followed by the employer, and that rate is below 50 percent, then the policy must be

updated to reflect the new required random drug testing rate of 50 percent. This modification does not require the policy to be re-approved by the employer's local governing board (or other responsible individual with appropriate authority).

Calculating the Number of Required Random Drug Tests

The following method can be used to determine the number of tests required to be conducted each year.

1. **Determine how frequently random selections are made** (e.g., daily, weekly, monthly, or quarterly).
Random selections must be performed at least quarterly.
2. **Calculate the number of drug tests per testing period** (demonstrated in the table below):
 - a. Multiply the number of safety-sensitive employees in the pool at the beginning of the testing period by the required drug testing rate, 50 percent.
 - b. Divide the result by the number of testing periods in the year (quarterly = 4, monthly = 12, weekly = 52, daily = 365). *In many cases, the result will not be a whole number; round up to ensure enough tests are conducted.*

| Calculating the Number of Required Random Drug Tests (For Quarterly Selections) | | | |
|---|--|---|---|
| Testing Period | Number of Safety-Sensitive Employees in Testing Period (A) | Number of Testing Periods (B) | Number of Drug Tests Required (A x 50%)/B |
| Quarter 1 | 120 | 4 | 15 |
| Quarter 2 | 136 | 4 | 17 |
| Quarter 3 | 152 | 4 | 19 |
| Quarter 4 | 128 | 4 | 16 |
| Total Year | | | 67 |

*Once the number of tests per testing period has been calculated, the number should be adjusted to allow for cancelled tests. Cancelled tests do not count toward meeting your 50 percent minimum requirement.

Regulation Updates
is Produced By:

Federal Transit Administration
Office of Transit Safety & Oversight
1200 New Jersey Avenue, SE
4th Floor, East Building
Washington, DC 20590

Written by:

U.S. Department of Transportation
John A. Volpe National
Transportation Systems Center
55 Broadway
Cambridge, MA 02142

Multi-Modal Employers Must Test at Higher Rate

Employers conducting random testing under the authority of more than one DOT agency and who combine all covered employees into a single random pool are reminded that random selections must be conducted at the highest applicable minimum percentage rate. For example, if the random pool contains both FTA employees and FMCSA employees, selections must be conducted at the highest random rate, 50 percent.

Alternatively, a multi-modal employer may choose to establish separate random selection pools with each pool containing the covered employees who are subject to testing at the same rate. If a covered employee is subject to testing under more than one DOT agency, the employee must be subject to random testing at the rate established by the DOT agency regulating more than 50 percent of the employee’s function.