

DOT Compliance Checklist

Steps to Ensure Your Operations Meet Rigorous DOT and FMCSA Regulations:

A

Getting Started: Initial Steps for DOT-regulated Companies

Policy Development

The first step for compliance with 49 CFR Part 382 is to develop a substance use and testing policy aligned with U.S. DOT and Canadian regulations. It should prohibit drug and alcohol use during safety-sensitive functions, define prohibited behaviors, and outline disciplinary actions for violations. Responsibilities for employees and supervisors must be included. The policy should be accessible to all employees, with signed acknowledgment forms to document understanding and consent.

Supervisor Training

Supervisors are key players in ensuring compliance, and it is mandatory under 49 CFR Part 382.603 that they receive specific training. This training focuses on recognizing signs of alcohol misuse and drug use among employees, as well as understanding DOT and FMCSA regulations relevant to cross-border operations.

Designating a Third-Party Administrator (TPA)

Choosing a qualified Third-Party Administrator (TPA) to handle FMCSA Clearinghouse compliance is vital. Under 49 CFR Part 382.705, TPAs are responsible for managing records, reporting test results, and safeguarding sensitive information. Employers should establish clear communication protocols with their chosen TPA to ensure seamless compliance management, including swift responses to any issues that arise.

B

Before New Hires Get Behind the Wheel

Pre-Employment Testing

Before employment, all safety-sensitive employees must undergo drug and alcohol screenings as required by 49 CFR Part 382.301. These screenings ensure that new hires are compliant with DOT regulations.

FMCSA Clearinghouse Queries

All employers must perform both initial and annual queries in the FMCSA Clearinghouse to verify driver qualifications and compliance. This process requires obtaining proper consent from drivers and managing query responses. Documentation is key: maintaining accurate records of all queries and responses ensures regulatory compliance and smooth audits in the future.

C

Smooth Running for Ongoing Compliance

Random Testing Programs

A robust, compliant random testing program must be in place per 49 CFR Part 382.305. This program should ensure randomness in the selection process to prevent discrimination while testing employees at the required frequencies. Detailed records, including dates, tested individuals, and results, must be maintained to demonstrate compliance with FMCSA requirements. Proper management of this program is crucial for ensuring both fairness and adherence to regulations.

Annual Compliance Review

To maintain continuous compliance, companies must perform annual reviews of their practices in line with DOT and FMCSA regulations. This review should include checks on training records, policy updates, and adherence to reporting requirements. Regular reviews provide the opportunity to identify areas for improvement and implement necessary updates to ensure that all compliance protocols remain up to date.

D

Getting Back on Track When Incidents Occur

Post-Accident Testing

In the event of an accident, companies must follow detailed post-accident protocols as specified in 49 CFR Part 382.303. These steps include determining when testing is required based on the accident's severity and nature. Supervisors and safety officers must handle the documentation of the incident, administer tests, and report results within the required timelines. Clear guidelines for managing the scene and ensuring compliance with DOT regulations are critical to avoid penalties.

Reasonable Suspicion Testing

When drug or alcohol use is suspected, supervisors must follow a strict, step-by-step procedure outlined in 49 CFR Part 382.307. This includes properly documenting observations, initiating testing, and managing the process to ensure compliance with legal and regulatory requirements.

Return-to-Duty Testing

When employees violate drug and alcohol regulations, they must go through the return-to-duty protocol as stipulated in 49 CFR Part 40, Subpart O. This process involves specific testing and documentation steps before the employee can resume safety-sensitive duties.