

**MICHIGAN DEPARTMENT OF TRANSPORTATION
OFFICE OF PASSENGER TRANSPORTATION**

**DRUG AND ALCOHOL TESTING POLICY IMPLEMENTATION
SEPTEMBER 2023**

Following the implementation of the [final rule](#) by USDOT for the allowance of oral fluid specimens for drug testing under [49 CFR Part 40](#), Michigan Section 5311 public transit agencies must update their drug and alcohol testing policies before they can begin. The current policy template specifies urine specimens for drug testing and does not allow for oral fluid specimens. Note: Although the final rule was effective June 1, 2023, *oral fluid testing has not been implemented and cannot be conducted until the USDOT issues a notice otherwise.*

The updated policies have been written and approved by FTA for use. They have been posted on the [MDOT OPT compliance website for drug and alcohol testing](#) in Microsoft Word (.docx) format under the “Policy Templates” section at the bottom of the “Resources” tab. These updated policies contain a blanket statement in section A(3) that they comply with [49 CFR Part 655](#) and [49 CFR Part 40](#) and should not require another update in the event USDOT or FTA implements additional new rules.

There are two policy templates. One is for zero tolerance, where an employee is terminated following a positive test result, and the other allows for the return to duty and follow up testing protocol following a positive test result after an assessment and treatment program process is conducted by a qualified substance abuse professional and completed by the employee.

Underlined text in the templates are local authority decisions and not required [49 CFR Part 40](#) or [49 CFR Part 655](#). It is recommended that the underlined text remain in the policy as FTA has approved these policies as they are written. Any changes to the underlined text will require an additional approval step beyond MDOT OPT and board approval. All other text is required by [49 CFR Part 40](#) and [49 CFR Part 655](#) and should not be removed or altered.

The templates should remain in 12-point Arial font to maintain ADA compliance for both electronic publishing and printed copies.

Submit your completed policy template to MDOT OPT compliance specialist Kevin Wassom at WassomK@michigan.gov for initial review and approval **before** submitting it to your governing board. After the MDOT OPT initial review, you will receive a preliminary approval letter that directs you to obtain board approval.

If you have any questions, please contact Kevin Wassom at WassomK@michigan.gov or 517-230-5949, Monday through Thursday from 6:00 AM to 5:00 PM.