

On Jan 5, 2017, at 10:25 AM, Katherine Howard <Katherineh@county.org> wrote:

Commissioner McGregor,

Here is a link to the comprehensive Texas Department of Public Safety Motor Carrier Highway Safety Guide. <https://www.dps.texas.gov/InternetForms/Forms/MCS-9.pdf>

Here is a link to the federal regulation on drug testing CDL holders. Subsection C discusses the tests required. <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.382#sp49.5.382.c>

With respect to random alcohol testing, the federal requirement is 10% of the average number of CDL employees per year.

With respect to random controlled substance (drug) testing, the federal requirement is 25% of the average number of CDL employees per year.

These percentages change periodically based on the number of reported violations, so the regulations need to be monitored to ensure that your random drug and alcohol testing frequency is compliant. Subsection C contains guidance about how frequently (every month) calculations should be made to determine how many CDL holders and how frequently the random tests need to be performed. Contrary to what I said on the phone, this does NOT mean that each CDL holder employee will be tested once a year. There are commercial resources available on a contract basis to serve as Consortium/Third-Party Administrators to assist employers with these calculations if needed.

In the past, TAC Risk Management has maintained a sample drug testing policy, but I understand that the Sample Policy is under review to ensure that it is up to date. I have copied Kelly Stephens on this email. Ms. Stephens is a Human Resources Consultant with TAC Risk Management, and she may also have resources germane to county CDL drug testing policies and procedures.

Please call if you would like to discuss further, and Happy New Year.

Respectfully,

KATHERINE HOWARD,
Associate General Counsel
Texas Association of Counties
Ph: [512-478-8753](tel:512-478-8753) | Fax: [512-478-3573](tel:512-478-3573)

<image001.jpg> 3573

1210 San Antonio | Austin, Texas 78701