



**JUNE 2008**

**E.A.P. Training for Drivers**

This training is a requirement of the law under 382.601. The educational material must explain and provide the explanation regarding Alcohol Misuse and Controlled Substance information ...and the company policies and procedures being considered as the training. Therefore, it should be understood that a "DOT Drug/Alcohol Policy" alone is not enough.

A "DOT Drug/Alcohol Policy" typically covers the requirements of the law as far as the actual testing process and possibly the laws; but, does not include the misuse of these substances.

The requirements of the E.A.P. Training should, at minimum, should include dialogue of the following...

- a) Who will be available to answer any questions for the driver
- b) Safety-sensitive functions – when the driver is required to comply
- c) Conduct that is prohibited
- d) What are the circumstances whereby the driver will be tested
- e) Procedures followed in testing
- f) Safeguarding the results and integrity of the tests
- g) Post accident procedures
- h) Requirements of submitting to tests
- i) What constitutes a "refusal to submit"
- j) Consequences of being found in violation
- k) Consequences of alcohol concentration of 0.02 or greater, but less than 0.04.
- l) Effects of alcohol and controlled substances on health, work, and personal life
- m) Signs and symptoms of a substance abuse problem, on self and others
- n) Available methods of assistance, including confrontation, referral to assistance programs or referral to management

We have found in our review of most policies that they include "a" through "k"; however, "l" through "n" is not being included in the policy. The motor carrier is typically under the impression that they have met the requirements of the law through their policy. However, in these situations, the "training/educational" segment of the law has not been met.

There are options available. One possibility is to send your drivers to workshops, seminars, or train them at safety meetings or orientation. Another is to add a supplement to your policy ...which can be somewhat less costly. Many videos or DVDs are available at a cost typically exceeding \$400.00 each. F.C.G. offers an inexpensive booklet (less than \$2.75 each) that is acceptable under the regulations, and can be provided to each driver. A receipt is included in each booklet that can be signed and placed in the driver's file.

For our clients who utilize our "Compliance Service", you will notice that we have eliminated the "Receipt for EAP Training" from the "new hire packets". Over the past several years, this receipt was provided as a convenience. It allowed each company to provide various types of training and then utilize the receipt we provided for each training type. Unfortunately, we have found that rather than providing the training, motor carriers have been using the "receipt" we provide and the required training was not provided to the drivers. We are available to help motor carriers comply with the law. This procedure was not assisting with compliance of the regulations.

**LIFE'S LESSONS ...**

**Two Quarters of a Dollar?**

A young boy enters a barber shop and the barber whispers to his customer, "This is the dumbest kid in the world. Watch while I prove it to you."

The barber puts a dollar bill in one hand and two quarters in the other, then calls the boy over and asks, "Which do you want, son?"

The boy takes the quarters and leaves.

"What did I tell you?" said the barber. "That kid never learns."

Later, when the customer leaves, he sees the same young boy coming out of the ice cream store. "Hey, son! May I ask you a question? Why did you take the quarters instead of the dollar bill?"

The boy licked his cone and replied, "Because the day I take the dollar, the game's over!"

**"Reasonable Cause Training for Supervisors"**

*There apparently has been much confusion as to the "Reasonable Cause" training required of Supervisors under 49 CFR 382.603 which means ...All "motor carrier" employers must ensure that all persons designated to supervise drivers (up to possibly including management/owners) receive at least 60 minutes of training on both alcohol misuse and controlled substances (2 hours). The training is to be used by the supervisors to determine whether reasonable suspicion exists which would require a driver to undergo testing the Drug/Alcohol testing regulations. Training must include the physical, behavioral, speech, and performance indicators to allow observation of probable misuse of alcohol or controlled substances.*

*In order to properly be prepared and proceed with any necessary or required testing – this training must be administered before it is needed. Be prepared. It is a requirement – even if you feel you may never have a problem with any of your drivers. Training from a previous employer is acceptable – still need documentation.*

*If you have any questions, please give us a call.*

**FUN FACTS ...**

**Michigan has some weird laws that are still on the books**

...It is illegal for a man to scowl at his wife on Sunday.

...Willfully destroying your own radio is against the law.

...Under State law, dentists are officially classified as mechanic.

...It is illegal to let your pig run free in Detroit unless it has a ring in its nose.

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