

# EVERGREEN COMPLY

## Designated Employer Representative - FTA

### Regulatory crosswalk

Reference map for course coverage. It does not replace the full rules or qualify a learner as a collector, alcohol technician, MRO or SAP. FTA supervisor training obligations remain separate. Source content reviewed October 2026.

| Topic                                | Regulatory citation                                                                      | Requirement covered                                                                                                                                                                                                |
|--------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DER authority                        | 49 CFR § 40.3, § 40.15<br>[1] [2]                                                        | An actual employee or the employer personally must have authority to receive reports and take required employer action; a service agent cannot be the DER.                                                         |
| Unverified laboratory information    | 49 CFR § 40.21<br>[1]                                                                    | Do not stand an employee down on unverified laboratory information without the required agency waiver; distinguish this from required action on verified results.                                                  |
| Separate federal and company testing | 49 CFR § 40.13<br>[1]                                                                    | Keep DOT and non-DOT testing separate; do not use federal testing authority or forms for a company-authority test.                                                                                                 |
| Qualified testing network            | 49 CFR § 40.15, § 40.33, § 40.35, § 40.81, § 40.121, § 40.281<br>[1] [2] [3] [4] [5] [6] | Verify qualifications for each assigned collection, laboratory, MRO and SAP function; outsourcing does not remove employer responsibility.                                                                         |
| Observed collections                 | 49 CFR § 40.67, § 40.69<br>[1] [2]                                                       | Use direct observation when required, including drug return-to-duty and follow-up tests. Monitoring cannot replace required observation; follow current method-readiness instructions.                             |
| Oral-fluid readiness                 | 49 CFR § 40.35, § 40.67, § 40.81<br>[1] [2] [3]                                          | Before use, verify at least two HHS-certified laboratories, primary/split arrangements at different labs, a device approved for the receiving lab, qualified collectors and current observation-transition rules.  |
| Insufficient drug specimen           | 49 CFR § 40.193<br>[1]                                                                   | After the applicable insufficient-specimen procedure ends, consult the MRO and direct evaluation within five days by a qualified physician acceptable to the MRO; the MRO determines the medical outcome.          |
| Drug-test refusals                   | 49 CFR § 40.191, § 40.193, § 40.355<br>[1] [2] [3]                                       | Apply the specific refusal provision and exceptions to documented facts. Respect employer and MRO decision roles; inability alone does not establish a refusal.                                                    |
| Split specimen and restrictions      | 49 CFR § 40.171, § 40.173, § 40.23<br>[1] [2] [3]                                        | The employee normally has 72 hours after MRO notification to request a split; the MRO evaluates qualifying late requests. Ensure timely testing without payment as a precondition; maintain required restrictions. |
| Follow-up plan                       | 49 CFR § 40.307, § 40.309, § 40.329<br>[1] [2] [3]                                       | Implement the SAP plan: at least six unannounced tests in the first 12 months of safety-sensitive duty, potentially another 48 such months. Protect plan details; random tests do not substitute.                  |
| Confidentiality and release          | 49 CFR § 40.321, § 40.331, § 40.349, § 40.355<br>[1] [2] [3] [4]                         | Identify a specific lawful disclosure route or valid specific written consent before release; limit recipient, information and scope to that authority.                                                            |

| Topic                                  | Regulatory citation                                                                  | Requirement covered                                                                                                                                                                                                                                                                                                                                                              |
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| Operational handoff                    | 49 CFR § 40.3, § 40.15, § 40.36, § 40.321<br>[1] [2] [3] [4]                         | Keep authority and access with authorized personnel and maintain provider contact information. Assigned owners and check-in times are recommended controls, not new regulatory deadlines.                                                                                                                                                                                        |
| Alcohol confirmation                   | 49 CFR § 40.231, § 40.251, § 40.253<br>[1] [2] [3]                                   | Wait at least 15 minutes after screening; begin confirmation as soon as possible, no later than 30 minutes. If delayed beyond 30, still confirm and document the delay; do not restart screening.                                                                                                                                                                                |
| Insufficient breath                    | 49 CFR § 40.261, § 40.265<br>[1] [2]                                                 | After unresolved insufficient breath, direct evaluation within five days by an expert physician acceptable to the employer. The physician reports directly to the employer; do not substitute MRO verification.                                                                                                                                                                  |
| Coverage and covered functions         | 49 CFR § 655.3(a); 49 CFR § 655.4<br>[1] [2]                                         | Trace 5307/5309/5311 funding and contractors; apply the five safety-sensitive functions, including ready/immediately available duty. A CDL alone does not make all work covered.                                                                                                                                                                                                 |
| Maintenance and volunteer exceptions   | 49 CFR § 655.4<br>[1]                                                                | Contracted-maintenance exception: 5307/5309 employers in areas under 200,000, or 5311 employers; not in-house maintenance. Volunteers: CDL-required vehicle OR safety-sensitive work plus payment above actual expenses.                                                                                                                                                         |
| Railroad and ferry boundaries          | 49 CFR § 655.3(b)-(c)<br>[1]                                                         | FRA railroad operations use Part 219 and 655.83; nonrailroad work remains under Part 655. Satisfactory specified USCG ferry testing compliance leaves 655.45 and subparts G/H applicable.                                                                                                                                                                                        |
| Employer authority and stand-down      | 49 CFR § 40.3; 49 CFR § 40.15; 49 CFR § 40.21; 49 CFR § 655.5<br>[1] [2] [3] [4]     | Use an authorized employer representative, not a service agent. No stand-down solely on unverified laboratory information without a granted waiver; a petition alone is not permission.                                                                                                                                                                                          |
| Program startup and adopted policy     | 49 CFR § 655.7; 49 CFR § 655.11; 49 CFR § 655.12; 49 CFR § 655.15<br>[1] [2] [3] [4] | Have the program in place when operations begin: adopted policy, education/training, testing and SAP referral procedures. Governing-board adoption and required policy contents must be established.                                                                                                                                                                             |
| Notice and separate employer authority | 49 CFR § 655.15; 49 CFR § 655.16; 49 CFR § 655.17<br>[1] [2] [3]                     | Deliver written policy notice to covered employees and employee-organization representatives. Identify extra employer requirements; tell employees before each federally required test that it is under the transit rule.                                                                                                                                                        |
| Employee and supervisor training       | 49 CFR § 655.14; 49 CFR § 655.71(c)(4)<br>[1] [2]                                    | Provide required displayed/distributed education and at least 60 minutes of drug training to covered employees. Authorized suspicion decision-makers need separate 60-minute drug and alcohol components. This DER course does not replace them.                                                                                                                                 |
| Supervisor collection prohibition      | 49 CFR § 655.53<br>[1]                                                               | A direct/immediate supervisor cannot serve as that employee's urine/oral-fluid collector, BAT or saliva-testing technician, even if qualified or staffing is short.                                                                                                                                                                                                              |
| First-duty history inquiry             | 49 CFR § 40.25(a)-(j)<br>[1]                                                         | Obtain specific written consent and two-year DOT employer history; refusal of consent bars duty. Review before duty if feasible, otherwise promptly; after 30 days from first covered duty for this employer require information or documented good-faith efforts. Known violations and admitted failed/refused pre-employment tests still require documented return compliance. |

| Topic                                   | Regulatory citation                                                                                                               | Requirement covered                                                                                                                                                                                                                                                                                                                             |
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| Pre-employment tests                    | 49 CFR § 655.41; 49 CFR § 655.42<br>[1] [2]                                                                                       | Verified negative drug result before first covered duty; repeat after cancellation. Retest after 90 consecutive days without covered duty AND outside the random pool. Optional alcohol testing requires consistent coverage, a contingent offer and result below 0.02.                                                                         |
| Prohibited use and on-call alcohol      | 49 CFR § 655.21(c); 49 CFR § 655.31; 49 CFR § 655.32; 49 CFR § 655.33; 49 CFR § 655.35<br>[1] [2] [3] [4] [5]                     | Prohibited drug use is barred at all times. Alcohol prohibitions include covered duty, four hours before duty and specified on-call periods; an on-call employee admitting drinking but claiming ability must be tested.                                                                                                                        |
| Reasonable suspicion and alcohol clock  | 49 CFR § 655.43<br>[1]                                                                                                            | Use specific current observations by a trained supervisor/company official. Alcohol observations/testing have duty-linked windows. From determination: document missing alcohol testing at 2 hours; stop attempts at 8 hours. Do not import the accident drug clock.                                                                            |
| Accident threshold and persons tested   | 49 CFR § 655.4; 49 CFR § 655.44(a),(d)<br>[1] [2]                                                                                 | Apply the death, immediate off-scene treatment, or vehicle-specific damage/removal definition. Fatal: test surviving covered operators, subject to the narrow motor-carrier exception. Nonfatal: operator unless completely discounted. Also test other covered employees whose performance could have contributed; document no-test decisions. |
| Accident clocks, care and other results | 49 CFR § 655.44(a)-(f); 49 CFR § 655.34<br>[1] [2] [3]                                                                            | Count from the accident and test promptly: alcohol delay record at 2 hours, stop at 8 hours; drugs within 32 hours. Alcohol clock guidance applies across accidents; regulatory clock text is in nonfatal provisions. Protect emergency care/availability exceptions. Official tests substitute only under all specified conditions.            |
| Random selection and rates              | 49 CFR § 655.45; FTA 2026 rate notice<br>[1] [2]                                                                                  | For 2026: 50% drugs, 10% alcohol; verify annually. Equal selection chances, unannounced/unpredictable tests across covered hours. Apply multi-agency pool rules. Notify for immediate departure; drugs while on duty, alcohol only during/just before/just after covered functions.                                                             |
| Immediate removal and refusal roles     | 49 CFR § 655.61; 49 CFR § 40.23; 49 CFR § 40.191; 49 CFR § 40.261; 49 CFR § 40.355<br>[1] [2] [3] [4] [5]                         | Verified positive drugs, confirmed alcohol $\geq 0.04$ or required-test refusal stop covered work. Do not wait for written/split results. Employer makes conduct-based refusal decisions; MRO medical/specimen authority remains distinct.                                                                                                      |
| Lower alcohol range                     | 49 CFR § 655.35; 49 CFR § 655.48; 49 CFR § 40.23(c)<br>[1] [2] [3]                                                                | Confirmed $\geq 0.02$ but $< 0.04$ : no covered duty until $< 0.02$ OR next regularly scheduled duty period AND $\geq 8$ hours since test. Return within 8 hours requires retest below 0.02. This result alone does not trigger SAP return-to-duty.                                                                                             |
| Referral and eligible return            | 49 CFR § 655.61(b); 49 CFR § 655.62; 49 CFR § 655.46; 49 CFR § 40.287; 49 CFR § 40.305; 49 CFR § 40.67<br>[1] [2] [3] [4] [5] [6] | Provide usable required SAP/treatment resources even after termination. SAP successful-compliance determination precedes required return testing; verified drug negative and alcohol $< 0.02$ as applicable. Direct observation for drug return collections; eligibility does not require reinstatement.                                        |
| Follow-up and contractor handoff        | 49 CFR § 655.47; 49 CFR § 40.307; 49 CFR § 40.309<br>[1] [2] [3]                                                                  | Implement the actual SAP plan: $\geq 6$ unannounced tests in first 12 duty months, potentially 48 more duty months. Protect details; random/cancelled tests do not count. Remaining obligations follow employment changes; contractor rosters are not return authorization.                                                                     |

| Topic                                  | Regulatory citation                                                                                                        | Requirement covered                                                                                                                                                                                                                                                                                         |
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| FTA history versus Clearinghouse       | 49 CFR § 40.25; FMCSA Clearinghouse FAQ<br>[1] [2]                                                                         | Do not report FTA violations to the motor-carrier Clearinghouse merely because an employee has a CDL. Required direct history and return documentation remain necessary; classify mixed-program tests under their actual authority.                                                                         |
| Retention categories                   | 49 CFR § 655.71; 49 CFR § 40.333; 49 CFR § 40.25(i)<br>[1] [2] [3]                                                         | Keep five-year positives, alcohol $\geq 0.02$ , refusals, SAP and all follow-up/MIS records; history three years from first duty. Collection/training and relevant breath-device records: two years. Ordinary negative/cancelled drugs and alcohol $< 0.02$ : one year unless a longer category applies.    |
| Secure access and disclosure           | 49 CFR § 655.73; 49 CFR § 40.333(c)-(e); 49 CFR § 40.329; 49 CFR § 40.307(g); 49 CFR § 40.25(g)-(h)<br>[1] [2] [3] [4] [5] | Maintain retrievable controlled-access records. Promptly provide requested employee records without payment precondition; protect follow-up schedules. Use specific consent or an applicable disclosure provision; immediately release authorized prior-employer history confidentially and log it.         |
| Annual MIS and accountability          | 49 CFR § 655.72; 49 CFR § 40.26<br>[1] [2]                                                                                 | Every recipient prepares/retains a prior-calendar-year summary; submit by March 15 when FTA requests. Recipient owns accuracy/timeliness, including contractor reports; company official certifies. Use average covered workforce and the proper single agency for multi-agency employees.                  |
| Compliance certification and oversight | 49 CFR § 655.81; 49 CFR § 655.82; 49 CFR § 655.83<br>[1] [2] [3]                                                           | Annual regional-office compliance certification is separate from MIS; authorized approval/signature required. Recipient certifies for applicable funded entities and ensures directly funded subrecipient/contractor compliance. Noncompliance can affect assistance; false statements can bring sanctions. |

# EVERGREEN COMPLY

Representante designado del empleador - FTA

## Correspondencia normativa

Mapa de referencia del contenido del curso. No sustituye las normas completas ni califica al alumno como recolector, técnico de alcohol, MRO o SAP. Las obligaciones de capacitación de supervisores FTA siguen siendo distintas. Contenido fuente revisado en octubre de 2026.

| Tema                                     | Referencia normativa                                                                     | Requisito tratado                                                                                                                                                                                                                                                       |
|------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Autoridad del DER                        | 49 CFR § 40.3, § 40.15<br>[1] [2]                                                        | Un empleado real o el propio empleador debe poder recibir informes y tomar las medidas obligatorias; un agente de servicios no puede ser el DER.                                                                                                                        |
| Información de laboratorio no verificada | 49 CFR § 40.21<br>[1]                                                                    | No retire preventivamente a un empleado por información de laboratorio no verificada sin la exención requerida de la agencia; distinga la actuación obligatoria por resultados verificados.                                                                             |
| Separe pruebas federales y empresariales | 49 CFR § 40.13<br>[1]                                                                    | Mantenga separadas las pruebas DOT y no DOT; no use autoridad ni formularios federales para una prueba empresarial.                                                                                                                                                     |
| Red de pruebas calificada                | 49 CFR § 40.15, § 40.33, § 40.35, § 40.81, § 40.121, § 40.281<br>[1] [2] [3] [4] [5] [6] | Verifique las calificaciones para cada función de recolección, laboratorio, MRO y SAP; contratar servicios no elimina la responsabilidad del empleador.                                                                                                                 |
| Recolecciones observadas                 | 49 CFR § 40.67, § 40.69<br>[1] [2]                                                       | Use observación directa cuando sea obligatoria, incluso en pruebas de drogas de regreso y seguimiento. La supervisión del recinto no sustituye la observación requerida; siga instrucciones vigentes de disponibilidad.                                                 |
| Disponibilidad para fluido oral          | 49 CFR § 40.35, § 40.67, § 40.81<br>[1] [2] [3]                                          | Antes de usarlo, verifique al menos dos laboratorios certificados por HHS, acuerdos de muestra primaria/dividida en laboratorios distintos, dispositivo aprobado para el laboratorio receptor, recolectores calificados y reglas vigentes de transición de observación. |
| Muestra de drogas insuficiente           | 49 CFR § 40.193<br>[1]                                                                   | Al terminar el procedimiento aplicable de muestra insuficiente, consulte al MRO y disponga evaluación dentro de cinco días por un médico calificado aceptable al MRO; el MRO determina el resultado médico.                                                             |
| Negativas a pruebas de drogas            | 49 CFR § 40.191, § 40.193, § 40.355<br>[1] [2] [3]                                       | Aplique la disposición de negativa y sus excepciones a hechos documentados. Respete las funciones del empleador y MRO; la incapacidad por sí sola no determina negativa.                                                                                                |
| Muestra dividida y restricciones         | 49 CFR § 40.171, § 40.173, § 40.23<br>[1] [2] [3]                                        | Normalmente hay 72 horas desde la notificación del MRO para solicitar la muestra dividida; el MRO evalúa solicitudes tardías justificadas. Garantice pruebas oportunas sin exigir pago previo; mantenga restricciones obligatorias.                                     |
| Plan de seguimiento                      | 49 CFR § 40.307, § 40.309, § 40.329<br>[1] [2] [3]                                       | Cumpla el plan del SAP: al menos seis pruebas sin aviso en los primeros 12 meses de funciones sensibles, con posible extensión de otros 48 meses de esas funciones. Proteja el plan; pruebas aleatorias no lo sustituyen.                                               |

| Tema                                        | Referencia normativa                                                                 | Requisito tratado                                                                                                                                                                                                                           |
|---------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Confidencialidad y divulgación              | 49 CFR § 40.321, § 40.331, § 40.349, § 40.355<br>[1] [2] [3] [4]                     | Antes de divulgar, identifique una vía legal específica o consentimiento escrito específico válido; limite destinatario, información y alcance a esa autoridad.                                                                             |
| Traspaso operativo                          | 49 CFR § 40.3, § 40.15, § 40.36, § 40.321<br>[1] [2] [3] [4]                         | Mantenga autoridad y acceso en personas autorizadas y actualice contactos de proveedores. Asignar responsables y revisiones es un control recomendado, no un plazo reglamentario nuevo.                                                     |
| Confirmación de alcohol                     | 49 CFR § 40.231, § 40.251, § 40.253<br>[1] [2] [3]                                   | Espere al menos 15 minutos desde el tamizaje; inicie confirmación lo antes posible, a más tardar en 30 minutos. Si excede 30, confirme y documente la demora; no reinicie el tamizaje.                                                      |
| Aliento insuficiente                        | 49 CFR § 40.261, § 40.265<br>[1] [2]                                                 | Ante aliento insuficiente sin resolver, disponga evaluación en cinco días por médico experto aceptable al empleador. El médico informa directamente al empleador; no sustituya con verificación del MRO.                                    |
| Cobertura y funciones cubiertas             | 49 CFR § 655.3(a); 49 CFR § 655.4<br>[1] [2]                                         | Verifique fondos 5307/5309/5311 y contratistas; aplique las cinco funciones sensibles, incluidos períodos de preparación y disponibilidad inmediata para desempeñarlas. Una CDL no hace cubiertas todas las tareas.                         |
| Excepciones de mantenimiento y voluntarios  | 49 CFR § 655.4<br>[1]                                                                | Excepción de mantenimiento contratado: empleadores 5307/5309 en áreas de menos de 200,000 habitantes, o empleadores 5311; no mantenimiento propio. Voluntarios: vehículo que exige CDL O función sensible y pago superior a gastos reales.  |
| Límites ferroviarios y de transbordadores   | 49 CFR § 655.3(b)-(c)<br>[1]                                                         | Operaciones ferroviarias FRA: Parte 219 y 655.83; operaciones no ferroviarias: Parte 655. El cumplimiento satisfactorio de pruebas USCG especificadas para transbordadores conserva 655.45 y subpartes G/H.                                 |
| Autoridad y separación preventiva           | 49 CFR § 40.3; 49 CFR § 40.15; 49 CFR § 40.21; 49 CFR § 655.5<br>[1] [2] [3] [4]     | Use un representante autorizado del empleador, no un agente de servicios. No aparte únicamente por información de laboratorio sin verificar salvo exención concedida; solicitarla no autoriza.                                              |
| Inicio del programa y política adoptada     | 49 CFR § 655.7; 49 CFR § 655.11; 49 CFR § 655.12; 49 CFR § 655.15<br>[1] [2] [3] [4] | Tenga el programa al iniciar operaciones: política adoptada, educación/capacitación, pruebas y remisión al SAP. Verifique adopción por la junta y contenido obligatorio.                                                                    |
| Avisos y autoridad empresarial separada     | 49 CFR § 655.15; 49 CFR § 655.16; 49 CFR § 655.17<br>[1] [2] [3]                     | Entregue aviso escrito de políticas a empleados cubiertos y representantes de sus organizaciones. Identifique requisitos empresariales adicionales; antes de cada prueba federal, indique que corresponde a la regla de transporte público. |
| Capacitación de empleados y supervisores    | 49 CFR § 655.14; 49 CFR § 655.71(c)(4)<br>[1] [2]                                    | Proporcione educación exhibida/distribuida y al menos 60 minutos sobre drogas a empleados cubiertos. Quienes determinan sospecha requieren 60 minutos de drogas y 60 de alcohol. Este curso DER no los sustituye.                           |
| Prohibición de recolección por supervisores | 49 CFR § 655.53<br>[1]                                                               | Un supervisor directo/inmediato no puede ser recolector de orina/fluido oral, BAT ni técnico de saliva de ese empleado, aunque esté cualificado o falte personal.                                                                           |

| Tema                                        | Referencia normativa                                                                                                              | Requisito tratado                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consulta de antecedentes antes de funciones | 49 CFR § 40.25(a)-(j)<br>[1]                                                                                                      | Obtenga consentimiento escrito específico e historial DOT de dos años; sin consentimiento no hay funciones. Revise antes de funciones si es factible; si no, cuanto antes. Después de 30 días desde las primeras funciones cubiertas para este empleador exija información o esfuerzos documentados de buena fe. Infracciones conocidas y admisiones de pruebas previas positivas/rechazadas exigen cumplimiento documentado del regreso. |
| Pruebas previas al empleo                   | 49 CFR § 655.41; 49 CFR § 655.42<br>[1] [2]                                                                                       | Negativo verificado de drogas antes de primeras funciones; repita si se cancela. Nueva prueba tras 90 días consecutivos sin funciones cubiertas Y fuera del grupo aleatorio. Alcohol opcional: cobertura uniforme, oferta condicional y resultado inferior a 0.02.                                                                                                                                                                        |
| Consumo prohibido y alcohol de guardia      | 49 CFR § 655.21(c); 49 CFR § 655.31; 49 CFR § 655.32; 49 CFR § 655.33; 49 CFR § 655.35<br>[1] [2] [3] [4] [5]                     | Se prohíbe el consumo de drogas prohibidas en todo momento. Alcohol: funciones cubiertas, cuatro horas previas y períodos de guardia especificados; si reconoce haber bebido pero afirma poder trabajar, exija prueba.                                                                                                                                                                                                                    |
| Sospecha razonable y plazo de alcohol       | 49 CFR § 655.43<br>[1]                                                                                                            | Use observaciones específicas actuales de supervisor/funcionario capacitado. Alcohol exige períodos vinculados a funciones. Desde la determinación: documento falta de prueba a las 2 horas; suspenda intentos a las 8. No importe el plazo de drogas tras accidentes.                                                                                                                                                                    |
| Criterio de accidente y personas evaluadas  | 49 CFR § 655.4; 49 CFR § 655.44(a),(d)<br>[1] [2]                                                                                 | Aplique muerte, tratamiento inmediato fuera del lugar o daños/retiro según vehículo. Mortal: operadores cubiertos sobrevivientes, salvo excepción limitada de transportistas. No mortal: operador salvo descarte completo. También otros empleados cubiertos que pudieron contribuir; documento no realizar pruebas.                                                                                                                      |
| Plazos, atención y otros resultados         | 49 CFR § 655.44(a)-(f); 49 CFR § 655.34<br>[1] [2] [3]                                                                            | Cuenta desde el accidente y realice pruebas prontas: documento demora de alcohol a las 2 horas, cese a las 8 horas; drogas dentro de 32 horas. Orientación de alcohol para accidentes; texto reglamentario en disposiciones no mortales. Respete atención/disponibilidad y todas las condiciones para usar pruebas oficiales.                                                                                                             |
| Selección y tasas aleatorias                | 49 CFR § 655.45; FTA 2026 rate notice<br>[1] [2]                                                                                  | Para 2026: 50% drogas, 10% alcohol; verifique anualmente. Igual probabilidad; pruebas sin aviso, impredecibles y en horarios cubiertos. Aplique reglas de grupos multiagencia. Salida inmediata al notificar; drogas de servicio, alcohol durante/justo antes/después de funciones cubiertas.                                                                                                                                             |
| Retiro inmediato y decisiones de negativa   | 49 CFR § 655.61; 49 CFR § 40.23; 49 CFR § 40.191; 49 CFR § 40.261; 49 CFR § 40.355<br>[1] [2] [3] [4] [5]                         | Positivo verificado de drogas, alcohol confirmado $\geq 0.04$ o negativa a prueba obligatoria impiden funciones cubiertas. No espere informe escrito/muestra dividida. El empleador decide negativas por conducta; distinga autoridad médica/del MRO.                                                                                                                                                                                     |
| Intervalo inferior de alcohol               | 49 CFR § 655.35; 49 CFR § 655.48; 49 CFR § 40.23(c)<br>[1] [2] [3]                                                                | Confirmado $\geq 0.02$ pero $< 0.04$ : sin funciones hasta $< 0.02$ O siguiente período programado regularmente Y $\geq 8$ horas desde la prueba. Regreso antes de 8 horas exige nueva prueba $< 0.02$ . Este resultado solo no activa regreso con SAP.                                                                                                                                                                                   |
| Remisión y regreso permitido                | 49 CFR § 655.61(b); 49 CFR § 655.62; 49 CFR § 655.46; 49 CFR § 40.287; 49 CFR § 40.305; 49 CFR § 40.67<br>[1] [2] [3] [4] [5] [6] | Entregue recursos requeridos de SAP/tratamiento aun tras despido. El SAP determina cumplimiento antes de pruebas de regreso: resultado negativo verificado de drogas y alcohol $< 0.02$ según corresponda. Observación directa de recolección de drogas; elegibilidad no obliga reincorporación.                                                                                                                                          |

| Tema                                        | Referencia normativa                                                                                                       | Requisito tratado                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Seguimiento y coordinación del contratista  | 49 CFR § 655.47; 49 CFR § 40.307; 49 CFR § 40.309<br>[1] [2] [3]                                                           | Implemente plan SAP: >=6 pruebas sin aviso en primeros 12 meses de funciones, posiblemente 48 meses más. Proteja detalles; pruebas aleatorias/canceladas no cuentan. Obligaciones pendientes siguen cambios de empleo; listas de contratistas no autorizan regreso.                                                 |
| Historial FTA frente al Clearinghouse       | 49 CFR § 40.25; FMCSA Clearinghouse FAQ<br>[1] [2]                                                                         | No reporte infracciones FTA al Clearinghouse solo por tener CDL. Siguen siendo necesarios antecedentes directos y documentación de regreso; clasifique pruebas mixtas bajo su autoridad real.                                                                                                                       |
| Categorías de conservación                  | 49 CFR § 655.71; 49 CFR § 40.333; 49 CFR § 40.25(i)<br>[1] [2] [3]                                                         | Cinco años: positivos, alcohol >=0.02, negativas, SAP y todo seguimiento/MIS; historial tres años desde primeras funciones. Recolección/capacitación y equipo de aliento pertinente: dos años. Drogas negativas/canceladas ordinarias y alcohol <0.02: un año salvo categoría más larga.                            |
| Acceso seguro y divulgación                 | 49 CFR § 655.73; 49 CFR § 40.333(c)-(e); 49 CFR § 40.329; 49 CFR § 40.307(g); 49 CFR § 40.25(g)-(h)<br>[1] [2] [3] [4] [5] | Mantenga registros recuperables y acceso controlado. Entregue registros solicitados sin demora ni pago previo; proteja calendarios de seguimiento. Use consentimiento específico o disposición aplicable; entregue de inmediato historial autorizado confidencialmente y registre la divulgación.                   |
| MIS anual y responsabilidades               | 49 CFR § 655.72; 49 CFR § 40.26<br>[1] [2]                                                                                 | Cada beneficiario prepara/conserva resumen del año anterior; presente antes o el 15 de marzo cuando FTA lo solicite. Beneficiario responde por exactitud/puntualidad, incluidos contratistas; funcionario certifica. Use promedio cubierto y agencia única correspondiente para empleados multiagencia.             |
| Certificación y supervisión de cumplimiento | 49 CFR § 655.81; 49 CFR § 655.82; 49 CFR § 655.83<br>[1] [2] [3]                                                           | Certificación anual ante oficina regional es distinta de MIS; exige autorización/firma válidas. Beneficiario certifica por entidades aplicables y asegura cumplimiento de subbeneficiarios/contratistas financiados directamente. Incumplimiento afecta asistencia; declaraciones falsas pueden acarrear sanciones. |