

Do your volunteers need to be drug tested?



by Jacob Bustad

A recent point of confusion among transit agencies throughout the state has been the status of volunteers regarding FTA's mandatory drug testing. We talked to Cheryl Fisher, drug and alcohol program manager at KDOT, about this.

According to Fisher, volunteers *do not* have to be included within the drug and alcohol random testing pool under current FTA guidelines. Citing the Code of Federal Regulations 49, part 655 (Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations), the regulation states that any covered *employee* is included in the random testing pool.

Rules were changed

When the FTA regulations were originally published in 1994, volun-

teers were not exempt from the testing process. However, after a large volume of responses indicated that many agencies felt this regulation would limit an agency's ability to retain volunteers, it was changed.

Definition of "volunteer" is key. The FTA defines volunteers as non-employees who perform a service as a charitable act without the expectation of receiving a benefit. Those who provide charitable services in return for some benefit (i.e., workfare, community service as an alternative to a criminal sentence, academic credit, or payment by another agency) remain covered by the rule and must be drug-tested.

Drivers of vehicles requiring a CDL have different rules

Transit systems should also note that volunteers who operate a vehicle requiring a Commercial Drivers License are exceptions to the rule—they must be drug-tested.

According to Fisher, there are no current discussions about chang-

Volunteers who operate a vehicle requiring a commercial driver's license must be drug-tested.

ing the FTA regulation. For more information, contact Cheryl Fisher at cherylfi@ksdot.org.

Source:

<http://transit-safety.volpe.dot.gov/DrugAndAlcohol/Newsletters/issue01/html/fta1.htm> ▲