

# DER Best Practices

## Collection Facility Management

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Since COVID occurred, many collection facilities have changed procedures due to the ever changing landscape of personnel shortages, cost savings and a myriad of other issues in the industry. 49 CFR Part 40.14 specifies the DER, along with your team, is responsible for the information provided to the collection facilities about the individual being tested and what tests are to be performed. It does not stop there.

To combat the ever changing collection facility issues, you, as the DER, have the responsibility to ensure the collection facility is operational and has the proper collection supplies. This is to be performed before sending one of your applicants/employees to the facility. By following the procedures below, we feel you will have better outcomes of no missed tests or problem collections.

1. Before sending an authorization for testing form to an employee to proceed to the facility you should first:
  - a. Call the facility to ensure the time they close and if an appointment is needed. Inquire if a shy bladder occurs, will they have a collector stay after hours to allow the employee the full 3 hours for testing. If they will not, then you should send the employee at least 3-1/2 hours before the posted closing time of the collection facility or find a facility that will stay open.
  - b. If it is a post-accident or, reasonable suspicion event that requires a test to be performed within certain time frames, this is very important. You may need to resort to hiring an on-site collection service to come to your facility or where ever the employee is located. If a facility will not allow for the full 3 hours for a shy bladder situation, this is not considered a refusal to test. This is a collection site error that could cause you major compliance issues with the DOT agency who regulates your program.
  - c. If an employee is required to have an alcohol test, call first to make sure the Evidential Breath Testing device (EBT) is operational. Just because there is a collection error due to machine malfunction, you have the responsibility to ensure the alcohol test is performed which means you would need to send the employee to a different facility or call an on-site collection service to complete the test. This must be done on the same day and in a timely manner to avoid a compliance issue with your program.

- d. If an employee is required to have a direct observation collection performed, call the collection facility first to ensure the facility has a same gender collector.

This will be the same procedure you should follow whether you are using a paper Custody and Control Form (CCF) for testing or the electronic (eCCF) version. These same issues arise with both types of collections.

We feel the upcoming "Oral Fluid" testing may help with some of the issues outlined above. However until the laboratories have been approved to conduct oral fluid analyses, the above best practices should be utilized. There will be more processes and notifications to your collection facilities when oral fluid is ready to use. Stand ready to update your policies and procedures for notifications to your facilities. You the DER will determine when an oral fluid collection is required. The C/TPA and collection facilities cannot make that judgement call when oral fluid can be used for testing