



To: General Trucking Industry Clients

From: WorkRite Safety, PLLC

Date: July 24, 2008

Re: Important Changes to DOT Regulations

Memorandum

DOT Issues Final Direct Observation Testing Rules

As of **August 25, 2008**, the Department of Transportation (DOT) will require any employees tested under **direct observation** to raise their shirt/blouse or dress/skirt above the waist, lower than their underpants, and show the collector by turning around that they do not have a prosthetic device.

In short, it is clear that through these changes the DOT is trying to deter people from attempting to circumvent the collection process by bringing in adulterants. We anticipate however, that this new requirement will not be well received by donors and some will likely refuse to follow procedures. If a donor refuses to test, he/she will be required to go through a **Return-to-Work Process** before performing any future DOT work. This process entails being seen by a Substance Abuse Professional and completing any prescribed treatment. Upon completion of the treatment, the worker will then be required to pass a Return-to-Duty drug test and be placed in a Follow-Up program that can last up to two years.

It is important that Designated Employer Representatives (DERs) are aware that the DOT is changing the direct observation procedures so that they can communicate these changes to their fellow employees. Because the consequences for refusing to complete a drug test can be costly, be sure that your employees are aware of the consequences when they are presented with the request to lower their pants and/or raise their shirt.

The above discussed rule change can be found in **409 CFR Part 40.67(b) and (i)**. Should you have any questions regarding this rule change please don't hesitate to contact our office at (315) 637-7233.



July 24, 2008

To Whom It May Concern:

Greetings! I hope that your summer is going well and that you have been able to enjoy the nice weather before “old man winter” returns.

Enclosed is a memorandum setting forth **IMPORTANT CHANGES to the DOT Regulations concerning Observed Collection situations and procedures.** Please review this memorandum and feel free to pass this information on to pertinent management people as well as your drivers. Should you have any questions, comments or concerns, please do not hesitate to contact our office at (315) 637-7233 or e-mail us at cThorpe@workritesafety.com.

Very Truly Yours:

Christopher D. Thorpe
VP of Operations and Development
WorkRite Safety, PLLC