ALCOHOL & DRUGS: DOT COMPLIANCE MANUAL

Only one year of data is necessary to raise the minimum rate; however, two years are required to lower the rate.

Drug Testing Rate

FMCSA may lower the minimum random drug testing rate to 25 percent where the industry-wide random positive rate is less than 1.0 percent for two calendar years while testing at 50 percent.

The rate would return to 50 percent if the industry random positive rate were 1.0 percent or higher in any subsequent calendar year. The regulations do not contain a provision to lower the random testing rate to 10 percent if the industry positive rate is less than 0.5 percent.

Drivers vs. Driver Positions

The FMCSA regulations state that employers must test at least 50 percent (drug) and 10 percent (alcohol) of the *average number of driver positions*, not necessarily the total number of drivers that were hired, used, or otherwise employed over the course of the year.

For example, suppose a carrier has an average of 100 driver positions for the year, but (due to turnover) actually used or employed a total of 140 drivers during the year. The company would be expected to make random selections based on its average of 100 driver positions, and would have to test 50 drivers for drugs (not 70) and 10 drivers for alcohol (not 14) by December 31. Some individuals may be tested more than once and some not at all.

Computing the Number of Tests Needed

Companies should determine the average number of commercial motor vehicle (CMV) driver positions over the course of the year and base the number of random selections on that number. If there are large fluctuations in the number of CMV driver positions throughout the year without any clear indication of the average number of CMV driver positions, the employer should make a reasonable estimate of the number of CMV driver positions. After making the estimate, the employer should then be able to determine the number of tests necessary.

Drug Testing — If an employer decided to perform random selections four times a year, the number of tests to be performed during each of the testing periods (T) must equal or exceed 50% of the number of CMV driver positions eligible to be tested (D) divided by the number of test periods per year (P).

The drug test formula may be expressed as:

$$T = 50\% \times D/P$$