

**Pipeline Safety Inspection Form
S.D.P.U.C.
Headquarters Inspection
Alcohol Misuse Prevention - 2008**

OPERATOR:	INSPECTION UNIT:
INSPECTOR(S):	DATE:
OPERATOR PERSONNEL:	
TYPE of OPERATOR:	

Alcohol Misuse Plan and Policy developed by:

_____ Operator
 _____ Contractor
 _____ Consortium

Alcohol Misuse Testing Program administered by:

_____ Operator
 _____ Contractor
 _____ Consortium

Contractor records maintained by:

_____ Operator
 _____ Contractor
 _____ Consortium

Specimen collection conducted by:

_____ Operator Personnel On-Site
 _____ Operator Personnel Off-Site
 _____ Contractor Personnel On-Site
 _____ Contractor Personnel Off-Site

PART 199

ALCOHOL MISUSE PREVENTION PROGRAM		S	U	N/A
	Alcohol misuse plan			
§199.202	Does the operator maintain and follow a written Alcohol Misuse Prevention Plan (AMPP)?			
	Does the plan contain:			
§199.202	Methods and procedures for compliance with all requirements of CFR 49 Part 199.			
§199.202	Provisions that include types of testing, recordkeeping, reporting, education and training elements.			
	Definitions			
§199.3	Is sufficient terminology contained in the Alcohol Misuse Prevention Plan?			

Preemption of State and local laws		S	U	N/A
§199.9	Does the plan address the preemption criteria and exceptions?			

Other requirements imposed by operators		S	U	N/A
§199.209(a)	Does the plan address authority of operator or rights of employee with regard to use or possession of alcohol or rehabilitation?			
§199.209(b)	Does the operator conduct pre-employment alcohol testing? (Not required)			
§199.209(b)(1)	Is testing conducted before the first performance of covered functions?			
§199.209(b)(2)	Does the operator treat all covered employees the same?			
§199.209(b)(3)	Does the operator conduct the tests after making a contingent offer of employment?			

§199.209(b)(4)	Are pre-employment alcohol tests conducted using the alcohol testing procedures in DOT procedures?			
§199.209(b)(5)	Are covered employees prohibited from performing covered functions unless the result of the test indicates an alcohol concentration of less than 0.04?			

	Requirement for notice	S	U	N/A
§199.211	Does the plan specify operator's procedures for notification to employees prior to conducting alcohol testing?			

	Alcohol concentration	S	U	N/A
§199.215	Does the plan specify that no employee may report for duty or remain on duty with an alcohol concentration of 0.04 or greater?			
§199.215	Does the plan specify what actions will occur should the operator have actual knowledge that an employee has an alcohol concentration of 0.04 or greater?			

	On-duty use	S	U	N/A
§199.217	Does the plan specify that on-duty use of alcohol is prohibited?			
§199.217	Does the plan specify that no employee may be allowed to perform or continue to perform a covered function, if an employee has used alcohol while on-duty?			

	Pre-duty use	S	U	N/A
§199.219	Does the plan contain provisions that prohibit the use of an employee who has used alcohol within 4 hours of reporting for duty?			
§199.219	Does the plan address that an employee who has been notified to respond to an emergency must not use alcohol once notified to report?			
§199.219	Does the plan address that an operator who has actual knowledge that an employee has used alcohol, once being notified to respond to an emergency shall not allow the employee to perform covered functions?			

	Use following an accident	S	U	N/A
§199.221	Does the operator's plan provide that an employee shall be prohibited from using alcohol following an accident, in which the employee's action contributed or cannot be completely discounted?			
§199.221	Does the plan require that an employee may not use alcohol for up to 8 hours following an accident or until a test has been administered?			

	Refusal to submit to a required alcohol test	S	U	N/A
§199.223	Does the plan prohibit an employee's refusal to submit to a post-accident test?			
§199.223	Does the plan prohibit an employee's refusal to submit to a reasonable suspicion test?			
§199.223	Does the plan prohibit an employee's refusal to submit to a follow-up test?			
§199.223	Does the plan address that an employee's refusal to submit to a test shall result in that employee not being permitted to perform or continue to perform covered functions?			

	Alcohol tests required	S	U	N/A
	Does the plan specify alcohol testing for post-accident testing and address the following:			
§199.225(a)(1)	The operator shall conduct the testing as soon as practicable.			

§199.225(a)(1))	Each surviving covered employee shall be tested if an employee's performance either contributed or cannot be completely discounted.			
§199.225(a)(1))	The decision not to administer a test must be based on the operator's determination that the covered employee's performance could not have contributed to the accident.			
§199.225(a)(2) (i)	Is the test conducted within 2 hours?			
§199.225(a)(2) (i)	If test was not conducted within 2 hours, does the operator prepare and maintain a record stating why the test was not administered?			
§199.225(a)(2) (i)	Does the operator attempt testing up to 8 hours following an accident?			
§199.225(a)(2) (i)	Is a record prepared and maintained as to why a test was not administered within 8 hours?			
§199.225(a)(3))	The plan must state the employee shall remain readily available until a post-accident test is conducted.			
§199.225(a)(3))	Does the plan specify that failure to remain readily available will be deemed as a refusal to test?			
§199.225(a)(3))	Does the plan address provisions regarding the need for medical attention?			
§199.225(a)(3))	Does the plan provide provisions regarding the need to leave an accident scene to obtain assistance in responding to the accident?			
	Does the plan specify reasonable suspicion alcohol testing and address the following elements:			
§199.225(b)(2))	Decisions to test shall be based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of the employee.			
§199.225(b)(2))	The observations shall be made by a supervisor trained in detecting symptoms of alcohol misuse and must be documented.			
§199.225(b)(3))	Does the plan authorize testing only when observations are made during, just before or just after performing covered functions?			
§199.225(b)(4) (i)	Is the test conducted within 2 hours?			
§199.225(b)(4) (i)	If test was not conducted within 2 hours, does operator prepare and maintain a record stating why the test was not administered?			
§199.225(b)(4) (i)	Does the operator attempt testing up to 8 hours?			
§199.225(b)(4) (i)	Is a record prepared and maintained as to why a test was not administered?			
	Does the plan specify that an employee may not perform or continue to perform under the influence or be impaired by alcohol until:			
§199.225(b)(4) (iii)(A)	An alcohol test is administered with alcohol concentration of less than 0.02.			
§199.225(b)(4) (iii)(B)	The start of employee's next regular shift, but not less than 8 hours following determination to test.			
§199.225(b)(4) (iv)	Does the plan stipulate that no action be taken by the operator against an employee based solely on employee's behavior and appearance in absence of a DOT alcohol test?			
§199.225(b)(4) (iv)	Does the plan specify any independent authority imposed by the operator?			
§199.225(c)	Does the plan specify return-to-duty provisions?			
§199.225(c)	Does the plan specify the employee be administered a return-to-duty alcohol test?			
§199.225(c)	Does the plan indicate that an employee must have a return-to-duty test with an alcohol concentration below 0.02?			

	Does the plan specify follow-up testing provisions to include:			
§199.225(d)(1)	Employees requiring assistance shall be subject to follow-up testing.			
§199.225(d)(1)	Employees shall be subject to testing in accordance with SAP determination.			
§199.225(d)(2)	Testing shall be conducted just before the employee is to perform; while an employee is performing; or just after the employee has ceased performing a covered function.			
	Does the operator's plan specify retesting when:			
§199.225(e)	An employee's alcohol concentration is 0.02 or greater but less than 0.04.			
§199.225(e)	An employee is to return-to-duty within 8 hours following administration of an alcohol test with an alcohol concentration of 0.02 or greater but less than 0.04.			

	Retention of records	S	U	N/A
§199.227(a)	Does the operator maintain the alcohol records in a secure location with controlled access?			
	Does the plan require the operator to keep the following records for five years:			
§199.227(b)(1)	Employee alcohol tests results with alcohol concentration of 0.02 or greater.			
§199.227(b)(1)	Documentation of employee refusals to submit to required alcohol tests.			
§199.227(b)(1)	Employee evaluation and referrals.			
§199.227(b)(1)	Alcohol MIS report data			
§199.227(b)(1)	Calibration documentation.			
	Does the plan require the operator to keep the following records for two years:			
§199.227(b)(2)	Collection process records and training documentation.			
§199.227(b)(2)	Records related to training?			
	Does the plan require the operator to keep the following records for one year:			
§199.227(b)(3)	Records of all test results below 0.02 level.			
	Does the plan specify that the operator shall maintain the following types of records related to the collection process :			
§199.227(c)(1)(i)	Calibration documentation for EBT devices.			
§199.227(c)(1)(ii)	Documents on BAT Training.			
§199.227(c)(1)(iii)	Documents supporting decisions to administer reasonable suspicion tests.			
§199.227(c)(1)(iv)	Documents supporting decision to administer post-accident tests.			
§199.227(c)(1)(v)	Documents supporting medical explanation of inability to provide a breath for testing.			
§199.227(c)(1)(vi)	Does the plan specify that the operator shall maintain the following types of records related to test results :			

§199.227(c)(2)(i)	Operator's copy of test form, including results of test.			
§199.227(c)(2)(ii)	Documents of refusal to submit to alcohol tests.			
§199.227(c)(2)(iii)	Documents supporting employee's dispute to result of alcohol test.			
§199.227(c)(3)	Records related to other violations of Part 199.			
	Does the plan specify that the operator shall maintain the following types of records related to evaluations :			
§199.227(c)(4)(i)	Records of determination by SAP concerning covered employee's need for assistance.			
§199.227(c)(4)(ii)	Records demonstrating employee's compliance with SAP recommendations.			
§199.227(c)(5)	Records demonstrating operator's MIS annual testing data.			
	Does the plan specify that the operator shall maintain the following types of records related to education and training :			
§199.227(c)(6)(i)	Alcohol Misuse Awareness materials, including copy of operator's policy on alcohol misuse.			
§199.227(c)(6)(ii)	Documents of compliance with requirements of §199.229.			
§199.227(c)(6)(iii)	Documents on supervisor training for reasonable suspicion determinations.			
§199.227(c)(6)(iv)	Documents certifying training requirements			

	Reporting of alcohol testing results	S	U	N/A
§199.229(a)	Does the plan specify alcohol testing data to be maintained and reported to RSPA annually? (Operators with more than 50 covered employees)			
§199.229(a)	Do operators with 50 or fewer covered employees submit annual MIS reports when required by RSPA?			

	Access to facilities and records	S	U	N/A
§199.231(a)	Does the plan specify procedures regarding the release of employee information?			
§199.231(b)	Does the plan specify release of records pertaining to employee's use of alcohol to the employee upon written request?			
§199.231(b)	Does the plan address access to records by employee?			
§199.231(c)	Does the plan specify access to all facilities utilized in complying with the requirements of this part by the Secretary of Transportation, RSPA, or other DOT/State agency representatives?			
§199.231(d)	Does the plan specify release of records including operator's alcohol testing results to the Secretary of Transportation, RSPA or other DOT/State agency representatives?			
§199.231(e)	Does the plan specify release of records to NTSB as part of an accident investigation?			
§199.231(f)	Does the plan address provisions for release of records by operator to subsequent employer only as expressly authorized by terms of employee's written request?			
§199.231(g); §40.323	Does the plan address the release of an employee's records without employee's consent concerning certain legal proceedings as provided in §40.323?			
§199.231(h)	Does the plan address the release of an employee's records upon the specific, written consent of the information to an identified person?			

	Removal from covered function	S	U	N/A
§199.233	Does the plan specify provisions on removal from covered functions for violations of alcohol misuse?			

	Required evaluation and testing	S	U	N/A
§199.235	Does the plan address the requirement for a referral or evaluation, following an employee engaging in prohibited conduct?			

	Other alcohol-related conduct	S	U	N/A
	Does the plan specify provisions where an employee has an alcohol concentration of 0.02 or greater but less than 0.04 to perform covered functions until:			
§199.237(a)(1)	Employee's alcohol concentration is below 0.02, or			
§199.237(a)(2)	The employee's next scheduled tour of duty, or at least 8 hours have elapsed?			
§199.237(b)	Does the plan specify that no action against an employee can be taken solely on a test result of less than 0.04? (It does not prohibit an operator from exercising their independent authority).			

	Operator obligation to promulgate a policy on the misuse of alcohol	S	U	N/A
§199.239(a)	Does the plan address educational materials that explain the alcohol requirements?			
§199.239(a)(1)	Does the plan stipulate that a copy of the material is provided to employees prior to the commencement of testing?			
§199.239(a)(2)	Does the operator maintain written documentation to verify notice to representatives of employee organizations?			
	Does the plan specify that materials provided to employees address the following:			
§199.239(b)(1)	Identity of persons to provide answers about operator's materials.			
§199.239(b)(2)	A list of covered employee categories.			
§199.239(b)(3)	Guidance on period of coverage during work day that an employee is subject to testing provisions.			
§199.239(b)(4)	Specific information concerning covered employee conduct prohibited by this subpart?			
§199.239(b)(5)	Circumstances under which a covered employee will be tested for alcohol under this subpart?			
§199.239(b)(6)	Procedures to be utilized to test for presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.			
§199.239(b)(7)	Requirement that a covered employee submit to alcohol tests administered in accordance with this subpart.			
§199.239(b)(8)	Explanation of refusals and consequences.			
§199.239(b)(9)	Consequences of employee violation of the prohibitions of the plan and removal from performing covered functions.			
§199.239(b)(10)	Consequences of testing at 0.02 or greater but less than 0.04.			

§199.239(b)(11)	Information on alcohol effects on individual's health, work, and personal life, signs and symptoms of alcohol problems, evaluating and resolving problems, referral to an EAP or management.			
§199.239(c)	Does the plan discuss optional materials and authority for issuance of such materials? (Additional policies or consequences shall be clearly described as being based on independent authority).			

	Training for supervisors	S	U	N/A
§199.241	Does the plan specify that at least 60 minutes of training for supervisors, who make reasonable suspicion determinations?			
§199.241	Does the plan provide such training shall include training on the physical, behavioral, speech and performance indicators of probable alcohol misuse?			

	Referral, evaluation, and treatment	S	U	N/A
§199.243(a)	Does the plan provide that employees who engage in prohibited conduct shall be advised of available resources to evaluate and resolve problems associated with alcohol misuse?			
§199.243(a)	Does the plan contain names, addresses, and phone numbers of SAPs, counselors, and treatment programs?			
§199.243(b)	Does the plan address that employees who engage in prohibited conduct shall be referred to a SAP for evaluation?			
§199.243(c)(1)	Does the plan specify a return-to-duty test is required when an employee engages in prohibited conduct described in §§199.215 through 199.223?			
§199.243(c)(2)(i)	Does the plan specify evaluation by SAP to determine that the employee has properly followed any prescribed program?			
§199.243(c)(2)(ii)	Does the plan specify that an employee shall be subject to unannounced follow-up testing?			
§199.243(c)(2)(ii)	Does the plan stipulate that a minimum of six tests be conducted within the first 12 months following an employee's return-to-duty test?			
§199.243(c)(2)(ii)	Does the plan specify that follow-up testing may include testing for drugs?			
§199.243(c)(2)(ii)	Does the plan specify that the SAP may terminate follow-up testing after completion of the first six tests?			
§199.243(d)	Does the plan specify evaluation and rehabilitation maybe provided by the operator, SAP under contract, or SAP not affiliated with the operator?			
§199.243(e)	Does the plan specify provisions regarding referral to SAPs and restrictions that may apply?			

	Contractor employees	S	U	N/A
§199.245(a)	Does the plan specify that the contractor may carry out alcohol testing, training, and education?			
§199.245(b)	Does the plan stipulate that an operator is responsible for ensuring compliance with the alcohol provisions?			
§199.245(c)	Does the plan specify that the operator, RSPA Administrator, and DOT/State agency representatives have access to property and records?			