



**SECTION 5310
COMPLIANCE AND PERFORMANCE REVIEW
PACKAGE**

**Subrecipient Name
Subrecipient Street Address
City, State, Zip**

Site Visit Date

2019

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OVERVIEW

The Missouri Department of Transportation (MoDOT) is required by the Federal Transit Administration (FTA) to ensure that subrecipients of FTA assistance comply with federal requirements. To meet this federal mandate, MoDOT conducts periodic reviews of its subrecipients. Additional objectives of the reviews are to ensure compliance with State requirements, identify and promote good practices, identify training and technical assistance needs and spend one-on-one time with subrecipients.

This review package lists materials to be reviewed and contains questions to be answered. The questions address FTA and State requirements and good practices related to the funding you receive and the services you provide. This package will document the review from start to finish.

The review process is as follows:

1. **Desk review:** MoDOT reviews information in its files. The desk review is completed.
2. **Subrecipient pre-site visit preparation:** The subrecipient receives the review package, gathers the requested documents, answers the questions by typing the responses into the review package, and sends the requested documents and completed review package to the reviewer. *Please keep the review package in its MS Word format when answering the questions.*
3. **MoDOT/consultant pre-site visit preparation:** MoDOT and the consultant review your answers to the questions and the supporting documents submitted and note follow-up items in the package. Before the site visit, MoDOT or its consultant emails you the annotated review package for you to follow during the site visit. *Items to be discussed at the site visit will be highlighted.*
4. **Site visit:** MoDOT visits you to discuss the answers to the questions, inspects vehicles, tours your facility and reviews employee training, vehicle maintenance, and other relevant files. The site visit begins with an entrance conference. The site visit ends with an exit conference at which preliminary findings are discussed.
5. **Report:** MoDOT issues a report, noting any deficiencies with associated corrective actions and timelines for implementation. The report may also contain “best practices” recommended by MoDOT and the consultant that may benefit your transportation program.
6. **Follow-up and close-out:** MoDOT and the consultant work with you to address any deficiencies identified during the review.

MoDOT has contracted Milligan & Company, LLC, to conduct the reviews and site visits.

Your agency’s site visit is scheduled for [Day, Date/Time]. Please send the requested documents and completed review package by [Date/Time] to [reviewer]. His/her contact information appears below. An electronic copy of the completed review package in MS

Word format is required as the reviewers will add notes to the document. Electronic copies of requested supporting documents are preferred. When sending documents in portable document format (pdf), please ensure that the document is in native pdf, that is, is searchable. Please email the requested documents to your reviewer. Please copy Ms. Enjoli Dixon, MoDOT 5310 Program Manager, at enjoli.dixon@modot.mo.gov on all emails.

Name:
Milligan & Company, LLC
Email:
Phone:

Thank you for taking the time to participate in this review. We look forward to continuing our successful and productive relationship.

Sincerely,

Joan Roeseler

Joan Roeseler
Administrator of Transit

SITE VISIT SCHEDULE

The table below presents the tentative site visit schedule. The review package sent to you before the site visit will contain the final schedule.

Day, Date	
9:00 – 12:00 or 1:30 – 4:30	Entrance Conference Background Questions Technical Assistance Exit Conference

REQUESTED DOCUMENTS

Unless noted, please send requested documents before the site visit. Electronic copies are preferred.

Documents	Comment
Program Management/Service Provision	
Organization chart	
Transportation policies	
Driver training materials	
Driver/dispatcher training records	Please have available for review for the site visit
Cell phone policy	
Asset Management	
Certificate of Insurance	
Listing of MoDOT-funded vehicles	
Written vehicle maintenance plan (recommended)	
Vehicle pre-trip inspection form (if not included in the written vehicle maintenance plan)	
Maintenance records	Please have available for review for the site visit
ADA	
ADA complaint policy& resolution procedure	
Drug and Alcohol Program	
Drug and alcohol policy, if applicable (if agency has MoDOT-funded vehicles that can carry 16 or more persons, including the driver). Policy must follow requirements of the USDOT Federal Motor Carrier Safety Administration.	
Charter Bus	
Charter files, if any charter service has been provided	Please have available for review for the site visit
EEO	
EEO policy statement	
Employment application form	
Sample job posting and advertisement	

BACKGROUND

REVIEW INFORMATION

Provider contact: Street Address: Phone: Fax: Email: Website:
Site Visit Date: Day, Date & Time

SERVICE DESCRIPTION

Please provide a brief description of your transportation program:
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REVIEW AREAS

PROGRAM MANAGEMENT/SERVICE PROVISION

Subrecipients should have effective procedures for ensuring that quality service is delivered. Transportation policies should be documented and provided to employees. A comprehensive training program is a key component of a quality assurance program.

<p>1. Does the agency have a formal structure that defines the responsibilities of transportation management?</p>	
<p>2. Have annual reports been submitted to MoDOT on time?</p>	
<p>3. How does the agency formally document its transportation policies?</p>	
<p>4. Have transportation policies been distributed to all transportation employees and signatures obtained for receipt of the policies?</p>	
<p>5. Are staff or full-time and part-time drivers used to drive the vehicles?</p>	
<p>6. What qualifications are required of drivers?</p>	
<p>7. Is the following documentation maintained for all drivers of agency vehicles?</p>	
<p>a. A valid, appropriate vehicle operator's license</p>	
<p>b. A safe driving record acceptable for insurance coverage What is the date of the last driver record check?</p>	
<p>8. What kind of training is provided to drivers? Dispatchers?</p>	
<p>9. Are drivers trained in the use of accessibility equipment? How soon after being hired does the training occur? <i>49 CFR 37.173 requires that drivers be trained to proficiency, as appropriate for their duties, so that they operate vehicles and equipment safely, and properly assist and treat individuals with disabilities who use the service with respect, courtesy, and sensitivity.</i></p>	

<p>10. Are records maintained of employee training including names, sign-in sheet, and the content of the training including a list of any videos or on-line training modules? <i>(The reviewer will examine training files.)</i></p>	
<p>11. Are all drivers provided a “hands-on” orientation of every agency vehicle type they may be asked to operate and is this orientation formally documented?</p>	
<p>12. Are drivers allowed to use a cell phone while the bus is in motion? Do you prohibit texting while the bus is in motion? <i>The National Safety Council has a model policy available at http://safety.nsc.org/cellphonekit.</i></p>	
<p>13. Are FTA funds used for lobbying for federal funds? <i>The use of federal funds for lobbying is prohibited.</i></p>	
<p>14. Have you used nonfederal funds for lobbying? If yes, have you filed with the Division the Standard Form-LLL, “Disclosure Form to Report Lobbying” and any necessary updates? <i>If lobbying services are procured with non-federal funds, the subrecipient is required to submit the disclosure form, OMB Standard Form LLL (Rev.7-97) to MoDOT for filing with FTA.</i></p>	

ASSET MANAGEMENT

Subrecipients must use FTA-equipment and facilities to provide public transportation. Subrecipients must carry comprehensive and collision insurance on FTA-funded vehicles. Subrecipients must obtain prior written approval from MoDOT before selling, leasing, or disposing of vehicles, equipment or facilities that have remaining FTA interest. The number of spare vehicles must be appropriate to the size and age of the fleet, the amount of peak demand, and the projected ridership growth. Subrecipients must maintain FTA-funded equipment and facilities at a high level of cleanliness, safety, and mechanical soundness.

SATISFACTORY CONTINUING CONTROL	
1. Are vehicles purchased with FTA funds used for transportation purposes?	
2. List all vehicles purchased with FTA funds (year, make, and model).	
3. What are the vehicle insurance coverage limits for: Comprehensive and collision? Commercial/comprehensive general liability insurance?	
4. Are FTA-funded vehicles leased to or operated by other providers? If yes, does the lease or operating agreement include maintenance standards? Did MoDOT approve the lease in writing?	
5. Are FTA-funded vehicles used for any other purpose, such as meal delivery?	
VEHICLE MAINTENANCE	
6. Who (job title) is responsible for maintenance?	
7. Is the maintenance plan written? <i>Recommended by MoDOT.</i>	

<p>8. Do preventive maintenance schedules for each type of vehicle in the fleet meet the manufacturer's minimum requirements?</p> <p>What are the preventive maintenance schedules for each type of vehicle in the fleet?</p> <p>What are the manufacturer's minimum requirements for each type of vehicle in the fleet?</p> <p><i>MoDOT requires subrecipients to, at a minimum, follow manufacturers' minimum requirements for preventive maintenance.</i></p>	
<p>9. Is a preventive maintenance program in place for lifts and other accessibility features such as ramps, public announcement systems, tie-downs, etc.? Please describe.</p> <p><u>49 CFR 37.161</u> requires accessibility features and equipment be maintained in operating condition.</p>	
<p>10. What procedures are used to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections?</p>	
<p>11. Does the review of vehicle maintenance records indicate that preventive maintenance (PM) service is performed in accordance with the vehicle manufacturer's recommendation(s)?</p> <p><i>(Reviewer will answer after examining maintenance records. At least 80 percent of PM inspections must be performed on time. MoDOT allows a +10 percent or +500-mile variance, whichever is greater, when determining whether an inspection was performed on time.)</i></p>	
<p>12. Does the review of the maintenance records indicate that the files are complete and document the maintenance conducted?</p> <p><i>(Reviewer will answer after examining maintenance records.)</i></p>	
<p>13. Are pre-trip inspections conducted prior to placing a vehicle in service?</p> <p>Is a checklist used for the pre-trip inspection? If so, provide a copy of the checklist.</p>	
<p>14. Does the pre-trip inspection address safety; vehicle operation, appearance, and cleanliness; and passenger comfort?</p>	

<p>15. Are emergency exits and pop-up roof hatches tested periodically to ensure that they are in working order? If yes, how often and how is it documented?</p>	
<p>16. Does the pre-trip inspection ensure that safety items, such as seat belt cutters, boxes with bi-directional reflective triangles and fire extinguishers are on or secured to the vehicle?</p>	
<p>17. Does the pre-trip inspection program address lifts and other accessibility features, such as ramps, public announcement systems, and tie-downs? <i>49 CFR 37.161 requires accessibility features and equipment be maintained in operating condition.</i></p>	
<p>18. As part of the pre-trip inspection, do drivers check to ensure that tie-downs and straps are on board? Where are tie-downs and straps stored on the vehicles?</p>	
<p>19. Are deficiencies noted in pre-trip inspections repaired timely and properly reviewed by management? Who reviews the inspections? How often?</p>	
<p>20. How does the agency document maintenance activity performed to correct the reported defect?</p>	
<p>21. Who (job title) is responsible for washing and cleaning the vehicles? What quality assurance or inspection procedures are in place to ensure vehicles are kept clean?</p>	
<p>22. Do the vehicles meet an acceptable level of cleanliness (exterior and interior)?</p>	
<p>23. Are any vehicles under warranty? Please list.</p>	
<p>24. What is the system for tracking warranty issues and recovering warranty claims? <i>FTA Circular 5010.1E requires that recipients have a system for tracking warranty issues and recovering warranty claims.</i></p>	
<p>25. Are warranty claims pursued effectively and promptly to conclusion?</p>	
<p>26. Have there been any safety recall notices in the past two years? If yes, please describe the issue and its resolution.</p>	

AMERICANS WITH DISABILITIES ACT

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service.

<p>1. Who is responsible for and what is the process for resolving ADA complaints?</p> <p>How is the public informed on how to file an ADA complaint?</p> <p>Have any complaints of discrimination due to disability been received from riders? If yes, please describe the complaints.</p> <p>Did you report the complaints to MoDOT?</p> <p>How long do you maintain the complaints on file?</p> <p><i>49 CFR 27.13 and 37.17 require procedures for addressing ADA complaints that incorporate appropriate due process standards and provide for prompt and equitable resolution. Subrecipients must sufficiently advertise the process for filing an ADA-related complaint and communicate a response promptly to any individual filing a complaint. The subrecipient is not required to respond to all complaints in writing, but rather must ensure the response can be documented internally. Subrecipients must retain copies of ADA-related complaints for at least one year and a summary of all ADA-related complaints for at least five years.</i></p> <p><i>MoDOT requires that it be notified of complaints.</i></p>	
<p>2. If you have non-accessible FTA-funded vehicles in your service fleet:</p> <p>a. How do you ensure that equivalent service is provided?</p> <p>b. Have you denied service due to unavailability of accessible equipment?</p> <p><i>49 CFR 37.105 requires that service to individuals with disabilities be equivalent to the service provided other individuals with respect to response time, fares, geographic service area, hours and days of service, and capacity.</i></p>	
<p>3. Do you require all mobility devices to be secured?</p> <p><i>49 CFR 37.165 allows providers to require all mobility devices to be secured.</i></p>	

<p>4. What is your policy for providing service if a mobility device cannot be secured?</p> <p><i>49 CFR 37.165 requires that service must be provided even when a mobility device cannot be secured.</i></p>	
<p>5. Do you place size or weight limitations on mobility devices?</p> <p><i>49 CFR 37.165 prohibits public entities from setting weight or size limitations on mobility devices it will transport that understate the weight capacity that the vehicle fleet can accommodate.</i></p>	

CHARTER BUS

Under [49 CFR Part 604](#), subrecipients are prohibited from using FTA-equipment and facilities to provide charter service except in accordance with allowable exemptions or exceptions.

<p>1. Does the agency provide transportation for other agencies for “program purposes,” that is, service that serves the needs of human service agencies or elderly persons, persons with disabilities, or low-income persons? If yes, please describe.</p> <p><i>For Section 5310 subrecipients, transportation for “program purposes,” that is, that serves the needs of either human service agencies or elderly persons, persons with disabilities, or low-income persons, is exempted from the charter regulation.</i></p>	
<p>2. Does the agency operate charter service? If yes, describe the charter service provided and answer the balance of the questions in this section.</p> <p>If no, go on to the School Bus section.</p> <p>If you are not sure, describe the service in question and the reviewer will determine whether the service was charter service and go through the balance of the questions with you during the site visit.</p> <p><i>Charter service is defined as:</i></p> <p><i>Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price; or</i></p> <p><i>Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:</i></p> <ul style="list-style-type: none"> ▪ <i>A premium fare is charged that is greater than the usual or customary fixed route fare; or</i> ▪ <i>The service is paid for in whole or in part by a third party.</i> 	
<p>3. Is charter service provided with locally owned vehicles?</p> <p>If yes, are the vehicles maintained or stored in an FTA-funded facility?</p> <p><i>Charter service using locally-owned vehicles that are maintained or stored in an FTA-funded facility must comply with the charter regulations. If maintained or stored in a non-FTA-funded facility, the service must be completely segregated from FTA-funded service.</i></p>	

<p>4. Under what exception is the charter service operated? (Please refer to the Charter Bus Exceptions and Procedures chart.)</p> <p>Did you follow the procedures required by the exception?</p> <p>Please have the paperwork ready for the site visit documenting that you have complied with the procedures.</p>	
<p>5. Has the agency reported all charters to MoDOT?</p> <p><i>Required by FTA for service provided under the GO, QH, LE and WN exceptions. Please refer to the Charter Bus Exceptions and Requirements table.</i></p>	
<p>6. Does the agency maintain charter records for at least three years?</p> <p>Are these procedures documented?</p> <p><i>Charter records must be maintained for at least 3 years.</i></p>	
<p>7. Have any complaints been filed alleging that the charters are in violation of the FTA regulations?</p>	

CHARTER BUS EXCEPTIONS AND REQUIREMENTS

Exception	Procedure
<p>Exception 604.6 – Government officials on official government business (GO)</p> <p>(1) Is restricted to its geographic service area</p> <p>(2) Must not generate revenue, except as required by law</p> <p>(3) Is limited to 80 hours annually. May petition for additional charter hours</p>	<p>Record the following information:</p> <ol style="list-style-type: none"> 1. Government organization's name, address, phone number, and email address 2. Date and time of service 3. Number of government officials and other passengers 4. Origin, destination, and trip length (miles and hours) 5. The fee collected, if any 6. Vehicle number (example, bus 102) <p>Retain the record for three years.</p>
<p>Exception 604.7 – Qualified human service organizations (QH)</p> <p>Service to persons:</p> <p>(1) With mobility limitations related to advanced age,</p> <p>(2) With disabilities, or</p> <p>(3) With low income.</p> <p>Organization must register if it does not receive funds from programs listed in Appendix A of the charter regulation.</p>	<p>Ensure that the human service agency is qualified, that is, it receives funds from programs listed in Appendix A of the charter regulation or has registered on the FTA charter website at least 60 days before the charter request.</p> <p>Record the following information:</p> <ol style="list-style-type: none"> 1. QHSO's name, address, phone number, and email address 2. Date and time of service 3. Number of passengers 4. Origin, destination, and trip length (miles and hours) 5. The fee collected, if any 6. Vehicle number (example, bus 102) <p>Retain the record for three years.</p>
<p>Exception 604.8 – Leasing FTA funded equipment and drivers to a charter service operator (LE) only if the following conditions exist:</p> <ol style="list-style-type: none"> 1. The operator is registered on the FTA charter registration web site 2. The operator owns and operates buses or vans in a charter service business 3. The operator received a request for charter service that exceeds its capacity either of the number of vehicles operated or the number of accessible vehicles 4. The operator has exhausted all of the available vehicles for all registered charter providers in your geographic service area 	<p>Record the following information:</p> <ol style="list-style-type: none"> 1. Registered charter provider's name, address, telephone number, and email address 2. Number of vehicles leased, types of vehicles leased, and vehicle identification numbers 3. Documentation presented by the registered charter provider that the four conditions are satisfied. <p>Retain the record for three years.</p>

Exception	Procedure
<p>Exception 604.9 – When no registered charter provider responds to a notice posted on the FTA charter website (WN):</p> <ol style="list-style-type: none"> 1. Within 72 hours for charter service requested to be provided in less than 30 days, or 2. Within 14 calendar days for charter service requested to be provided in 30 days or more. 	<p>Include the in the e-mail notice sent to the list of registered charter providers:</p> <ol style="list-style-type: none"> 1. Customer name, address, phone number, and e-mail address (if available); 2. Requested date of service; 3. Approximate number of passengers 4. Type of equipment requested, bus(es) or van(s); 5. Trip itinerary and approximate duration; and 6. The intended fare to be charged for the service. <p>If an “undeliverable” notice is received in response to its e-mail notice, fax the notice.</p> <p>If service is provided, record the following information:</p> <ol style="list-style-type: none"> 1. The group’s name, address, phone number, and email address 2. Date and time of service 3. Number of passengers 4. Origin, destination, and trip length (miles and hours) 5. Fee collected, if any 6. Vehicle number (example, bus 102) <p>Retain all records (email sent, undeliverable notice, facsimile, record of charter) for three years.</p>
<p>Exception 604.10 – Agreement with registered charter providers</p> <p>If a new charter provider registers in the geographic service area, may continue to provider charter service for 90 days without an agreement with the newly registered charter provider.</p> <p>Any parties to an agreement may cancel at any time after providing a 90-day notice.</p>	<p>Record the following information:</p> <ol style="list-style-type: none"> 1. The group’s name, address, phone number, and email address 2. Date and time of service 3. Number of passengers 4. Origin, destination, and trip length (miles and hours) 5. Fee collected, if any 6. Vehicle number (example, bus 102) <p>Retain the record for three years.</p>

Exception	Procedure
<p>Exception 604.11 – Petitions to the Administrator for:</p> <ol style="list-style-type: none"> 1. Events of regional or national significance 2. Hardship (<200,000 population only) 3. Unique and time sensitive events that are in the public interest 	<p>For an event of regional or national significance, the petition shall describe how registered charter providers were consulted and will be utilized, include a certification that the recipient has exhausted all the registered charter providers in its service area, and submit the petition at least 90 days before the first day of the event.</p> <p>For a hardship request, the exception must be for deadhead time that exceeds total trip time from initial pick-up to final drop-off, including wait time and shall describe how the minimum duration would create a hardship on the group requesting the charter.</p> <p>For a unique and time sensitive event, the petition shall describe why the event is unique and time sensitive and would be in the public's interest.</p> <p>Record the following information:</p> <ol style="list-style-type: none"> 1. The group's name, address, phone number, and email address 2. Date and time of service 3. Number of passengers 4. Origin, destination, and trip length (miles and hours) 5. Fee collected, if any 6. Vehicle number (example, bus 102) <p>Retain the record for three years.</p>
<p>Note: Charter service hours include: time spent transporting passengers, time spent waiting for passengers and "deadhead" hours.</p>	

SCHOOL BUS

Under [49 CFR Part 605](#), subrecipients are prohibited from providing exclusive school bus service unless the service qualifies under an allowable exemption and is approved by the FTA Administrator. In no case can FTA-funded equipment or facilities be used to provide exclusive school bus service.

<p>1. Is exclusive school bus service operated? <i>Subrecipients are prohibited from providing exclusive school bus service. In no case can federally funded equipment or facilities be used to provide exclusive school bus service.</i></p>	
<p>2. Does the agency provide school “tripper” service? <i>A tripper is an extra bus that is added to a route to provide capacity or service that cannot be accommodated by the buses already in service.</i></p> <p>If yes, does the tripper service meet the following criteria to be considered public transit service?</p> <ul style="list-style-type: none"> a. Service is regularly scheduled? b. Buses are clearly marked as open to the public? c. Buses have no special designations (e.g., school bus, school special)? d. Buses use regular bus stops? e. Service is noted on published schedules? <p><i>If not, the service does not qualify as public transit service and cannot be provided with FTA-funded equipment or out of FTA-funded facilities.</i></p> <p><i>(The reviewer will review all schedules and signs used on buses to ensure that the tripper service complies with the stated criteria.)</i></p>	

NONDISCRIMINATION IN THE DELIVERY OF SERVICE (TITLE VI)

Subrecipients must not discriminate on the grounds of race, color, or national origin in the delivery of public transit services.

<p>1. How does the agency notify the public of its rights under Title VI? (Website, reception area, meeting rooms, schedules, signs or brochures on vehicles)</p> <p>How does the agency follow up on responses?</p> <p>Do you notify beneficiaries of:</p>	
<p>a. Protection under Title VI?</p>	
<p>b. How to obtain additional information on nondiscrimination obligations?</p>	
<p>c. How to file a complaint?</p>	
<p>d. That information on Title VI obligations and complaint procedures will be translated as needed?</p> <p><i>49 CFR 21.9 (d): Subrecipients must notify the public of its protections under Title VI, how to obtain additional information on nondiscrimination obligations, and how to file a complaint. Subrecipients should offer to translate the nondiscrimination obligations and complaint procedures as needed. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in the public areas of the agency's office(s), including the reception desk, meeting rooms, etc. If you provide clients with a declaration of rights, MoDOT recommends including the Title VI notice in that document.</i></p>	
<p>2. Have any complaints concerning discrimination in the delivery of service been received since the last review or last grant application?</p> <p>If yes:</p>	
<p>a. How were the complaints identified and resolved?</p>	

<p>b. Does the agency maintain a record of the complaints that includes:</p> <ul style="list-style-type: none"> ▪ the date of the complaint was filed? ▪ a summary of the allegations? ▪ the status of the investigation? ▪ the actions taken in response to the complaint? 	
<p>3. Have employees received training in providing timely and reasonable language assistance to limited English proficient (LEP) populations?</p> <p><i>FTA requires subrecipients to train employees in providing timely and reasonable language assistance to LEP populations.</i></p>	
<p>4. Since you submitted your Title VI plan, have you identified any additional language assistance needs? If yes, please describe.</p>	

EQUAL EMPLOYMENT OPPORTUNITY

Subrecipients may not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, or physical or mental disability. Subrecipients must post in conspicuous and accessible places and make available to employees and applicants for employment notices setting forth an equal employment opportunity (EEO) policy.

<p>1. Who (job title) is responsible for ensuring that EEO obligations are fulfilled?</p> <p>To whom (job title) does this individual report for EEO matters?</p>	
<p>2. Has the agency posted an EEO statement in a conspicuous and accessible place?</p> <p><i>An EEO statement must be posted in a conspicuous place where employers and job applicants will see it. Posters are available from the State Department of Labor.</i></p>	
<p>3. Is an EEO policy included in the agency's personnel policies and/or employee handbook?</p> <p><i>An EEO policy should be included in personnel policies and/or employee handbook.</i></p>	
<p>4. Do all employees have a policies and procedures handbook?</p>	
<p>5. Are EEO statements included on job applications and employment notices/job postings?</p> <p><i>Job applications and employment notices should include an EEO statement.</i></p>	
<p>6. Were any EEO complaints or lawsuits received since the last site visit? If yes:</p> <p>Describe the complaint and how it was resolved.</p> <p>What is the process for handling and resolving such complaints?</p> <p>Did you notify MoDOT of the complaint?</p>	

COORDINATION

Subrecipients must coordinate to the maximum extent feasible with transportation assisted from other federal sources.

1. Please describe how you are coordinating with other transportation providers in the area.	
Providers	Coordination Efforts/Reasons for Not Coordinating
2. Are there more opportunities for coordination?	

DRUG AND ALCOHOL PROGRAM

Subrecipients and their contractors must have a drug and alcohol-testing program in place for all safety-sensitive employees. Maintenance contractors for providers in nonurbanized areas are not required to have a drug and alcohol-testing program.

Applicable to Sec. 5310 subrecipients with FTA-funded vehicles requiring a commercial driver's license (CDL) to operate.

<p>1. Who (Job Title) is the drug and alcohol program manager (DAPM)/ designated employer representative (DER)?</p> <p>Has the DAPM signed up for the USDOT Office of Drug and Alcohol Policy and Compliance (ODAPC) email alerts?</p> <p><i>If your agency is participating in the MoDOT TPA, please skip to Question 9.</i></p>	
<p>2. Who is the consortium/third party administrator (TPA)? The consortium/TPA draws the random sample, contracts the medical review officer (MRO), and usually contracts the collection site.</p> <p>Does the agency have a contract with the consortium/TPA?</p> <p>Does the contract with the consortium/TPA specify that it must comply with USDOT and FMCSA drug and alcohol-testing requirements (49 CFR Part 40 and 49 CFR Part 382)?</p> <p><i>The contract must specify that the testing program must be implemented in accordance with 49 CFR Part 40, "Procedures for Transportation Workplace Drug Testing Programs," as amended, and 49 CFR Part 382, "Controlled Substances and Alcohol Use and Testing," as amended.</i></p>	
<p>3. What is the name of the drug-testing lab?</p> <p>Is the lab certified by the US Department of Health and Human Services (DHHS)?</p> <p><i>The drug testing lab must be DHHS-certified. The current list of certified labs can be found at http://workplace.samhsa.gov/DrugTesting/Level_1/Pages/CertifiedLabs.aspx.</i></p>	

<p>4. Who is your medical review officer (MRO)?</p> <p>Is the MRO a licensed physician (medical doctor or doctor of osteopathy), with appropriate medical training and knowledge of substance-abuse disorders?</p> <p>Does the agency have the MRO's qualifications on file?</p> <p><i>The MRO reviews the results of all positive drug tests to confirm that they are truly positive and provides a quality assurance review of the drug testing process. You can obtain the identity and qualifications of the MRO from your consortium/TPA. The MRO must be a licensed physician with appropriate medical training and knowledge of substance-abuse disorders. More information on the qualifications and role of the MRO in the drug testing process can be found in 49 CFR Part 40 Subpart G.</i></p>	
<p>5. Who provides the breath alcohol technicians (BATs) or the non-evidentiary alcohol-screening testing technicians (STTs)?</p> <p>Has each BAT and/or STT completed a National Highway Traffic Safety Administration (NHTSA)-approved course of instruction on the methodology, operation, and calibration of the specific evidential breath-testing device (EBT) and/or saliva-testing device (SD) being used by the collection site?</p> <p>Does the agency have the certificates/qualifications on file?</p> <p><i>The BAT and STT work for the collection site. The BAT conducts USDOT breath alcohol screening and confirmation tests while the STT conducts saliva alcohol screening tests. Each BAT and STT must have taken a NHTSA-approved course of instruction on the methodology, operation, and calibration of the EBT or SD being used. Obtain the qualifications of these individuals from the collection site. More information on the role and training requirements of the BAT and STT can be found 49 CFR Part 40 subparts J through N.</i></p>	

<p>6. Who provides the urine collectors?</p> <p>Has each urine collector received qualifications training and passed his or her initial proficiency demonstration?</p> <p>Does the agency have the certificates/qualifications on file?</p> <p><i>The urine collectors work for the collection site. The collectors must receive qualifications training in the steps necessary to complete a proper collection, problem collections, fatal flaws, and maintaining the integrity of the collection process. Collectors must then pass a proficiency demonstration consisting of five consecutive error-free collections. More information on the role and training requirements of urine collection personnel can be found in 49 CFR Part 40 subparts C through D and I.</i></p>	
<p>7. Who is the substance abuse professional (SAP)?</p> <p>Is the SAP a licensed professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders?</p> <p><i>When an employee or applicant fails a drug or alcohol test, you must refer him or her to a SAP. The SAP conducts a clinical assessment and evaluation of employees that test positive for drugs or alcohol and recommends a treatment program. The SAP must be a licensed professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. If you do not have a SAP directly under contract, contact your consortium/TPA for his or her qualifications. More information on the role of the SAP can be found in 49 CFR Part 40 Subpart O.</i></p>	
<p>8. How are vendors (e.g., collection sites, MROs) monitored to ensure compliance with program requirements?</p> <p><i>Per 49 CFR 40.11, an employer is responsible for the actions of all service agents. Monitoring may include conducting periodic mock collections, observing tests, investigating reports by employees of flawed procedures, requiring detailed explanations for cancelled tests, and providing vendors with copies of USDOT and FTA handbooks and procedural manuals.</i></p>	
<p>9. Does the drug and alcohol policy contain the required elements?</p> <p><i>The reviewer will examine your policy to ensure that it includes the required elements. 49 CFR 382.601 states what elements an FMCSA drug and alcohol policy must contain.</i></p>	

<p>10. Is a copy of USDOT regulation, "Procedures for Transportation Workplace Drug Testing Programs" 49 CFR Part 40, as amended, readily available to any employee who requests a copy?</p> <p><i>A copy of USDOT regulation 49 CFR Part 40, "Procedures for Transportation Workplace Drug Testing Programs" must be made available to employees upon request.</i></p>	
<p>11. Are the following types of drug and alcohol tests conducted?</p> <ul style="list-style-type: none"> a) Pre-employment (drugs only) b) Random c) Post-accident d) Reasonable suspicion e) Return-to-duty (second chance only) f) Follow-up (second change only) <p><i>49 CFR Part 382 Subpart C discusses the required tests.</i></p>	
<p>12. Are the following substances tested for:</p> <ul style="list-style-type: none"> a) Marijuana metabolites b) Cocaine metabolites c) Opioids d) Phencyclidine e) Amphetamines f) Alcohol <p><i>49 CFR 40.85 lists the substances tested for.</i></p>	

<p>13. How does the subrecipient check on the drug and alcohol testing records of new hires and transfers that will work in safety-sensitive positions?</p> <p>What information do you obtain from previous employers?</p> <p>At what point in the hiring process are applicants placed in safety-sensitive positions?</p> <p><i>After obtaining the applicant's consent, subrecipients must request and review the following information from DOT-regulated employers who have employed the employee during any period during the two years before the employee first performs safety-sensitive functions:</i></p> <ul style="list-style-type: none"> • <i>Alcohol tests with a result of 0.04 or higher alcohol concentration</i> • <i>Verified positive drug tests</i> • <i>Refusals to be tested (including verified adulterated or substituted drug test results)</i> • <i>Other violations of DOT agency drug and alcohol testing regulations</i> • <i>The employee's successful completion of DOT return-to-duty requirements (including follow-up tests), if applicable</i> <p><i>A release of information form can be found at http://www.transportation.gov/odapc/40_25-release-information-suggested-format</i></p>	
<p>14. What positions are in the random testing pool?</p> <p>Are all positions safety-sensitive?</p> <p><i>Per 49 CFR 382.305(j)(1), covered employees, and only covered employees, are to be in an employer's random testing pool, and all covered drivers must be in the random pool.</i></p>	

<p>15. How often are the names received for random testing from the TPA?</p> <p>Are random tests unannounced?</p> <p>Are random tests conducted during the draw period?</p> <p>Are random tests reasonably spread throughout the calendar year?</p> <p>Are random tests reasonably distributed across all days and hours of service?</p> <p>Are the date and time of notification and collection documented?</p> <p>49 CFR 382.305 discusses the requirements for random testing. 49 CFR Part 40 Subpart E discusses the collection process.</p> <p><i>(The reviewer will examine testing records for the past year.)</i></p>	
<p>16. What days and hours is the collection site open?</p> <p>Is the collection site available on all days and during all hours safety-sensitive functions are performed?</p> <p><i>Random tests must be conducted during all days and hours safety-sensitive functions are performed.</i></p>	
<p>17. For CDL holders covered under an FMCSA policy, is random testing performed at least at the required minimum testing rates? If not, why not?</p> <p><i>Per 49 CFR 382.305, current minimum random testing rates for FMCSA are 50 percent for drugs and 10 percent for alcohol. Under FMCSA, agencies are required to document that random tests are performed at the mandated testing rates. 49 CFR 382.403 documents reporting requirements.</i></p>	
<p>18. Do you make proper post-accident determinations in regard to testing?</p> <p><i>Fatal accident: Employers must test all surviving covered employees on duty in the vehicle at the time of the accident.</i></p> <p><i>Nonfatal accidents: Employers must test the CDL holder if a traffic citation was issued.</i></p>	

<p>19. How soon after tests are conducted does the collection site submit the employer copy of the custody and control form (CCF) and alcohol testing form (ATF)?</p> <p>Are the employer copies of the CCF and ATF reviewed for completeness and accuracy?</p> <p>If there is a problem with a form, do you follow up with the collection site in writing and ask for documentation of the corrective action?</p> <p><i>Per 49 CFR 40.73, the collection site must submit the employer copy of the CCF and ATF to the designated employer representative within 24 hours or during the next business day. Per 49 CFR 40.255, the collection site must transmit the result of the alcohol test to the DER immediately in a confidential manner.</i></p> <p>Note: New CCF must be used effective July 1, 2018.</p>	
<p>20. Who (job title) maintains the drug and alcohol-testing program records?</p> <p>Are they maintained in a secure location with controlled access?</p> <p><i>49 CFR 40.333 addresses record retention and control requirements.</i></p>	
<p>21. Are the following records maintained for at least 1 year:</p> <ul style="list-style-type: none"> a) Alcohol test results less than 0.02 b) Verified negative drug test results 	
<p>22. Are the following records maintained for at least 2 years:</p> <ul style="list-style-type: none"> a) Collection process for alcohol-testing except calibration of EBTs b) Collection process for drug testing c) Alcohol education and training records d) Drug education and training records 	
<p>23. Are the records from previous employers kept at least 3 years?</p>	

<p>24. Are the following records maintained for at least 5 years:</p> <ul style="list-style-type: none"> a) Alcohol test records with alcohol readings of 0.02 or greater b) Drug-test records with verified positive results c) Calibration documentation of EBTs d) SAP evaluations and referrals of employees for alcohol misuse e) Employee compliance with recommendations of the SAP for drug use and/or alcohol misuse, including results of return-to-duty and follow-up testing f) SAP evaluation and referrals of employees for drug use g) MIS reports h) Refusals 	
<p>25. Does the testing laboratory only release verified drug test results to the MRO?</p> <p><i>Per 49 CFR 40.97, the testing laboratory should only release drug test results to the MRO.</i></p>	
<p>26. Are employees and applicants for safety-sensitive positions who have a verified positive drug-test result or a breath-alcohol concentration of 0.04 or greater referred to a substance abuse professional (SAP) for evaluation even if they are to be terminated?</p> <p><i>Per 49 CFR 40.287, employers must refer employees and applicants who have a verified positive drug-test result or a breath-alcohol concentration of 0.04 or greater to a SAP for evaluation even if they are to be terminated.</i></p>	

<p>27. Have all safety-sensitive employees received 60 minutes of training on the effects and consequence of prohibited drug use on the personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use?</p> <p>When is training provided to new hires?</p> <p>Is refresher training provided? If yes, how often?</p> <p><i>Safety-sensitive employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on the personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.</i></p> <p><i>The reviewer will examine training records.</i></p>	
<p>28. Have supervisors who are designated to determine whether reasonable suspicion exists to require a safety-sensitive employee to undergo alcohol and/or drug-testing been provided the following training?</p> <p>a) At least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.</p> <p>b) At least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use.</p> <p>Is refresher training provided? If yes, how often?</p> <p><i>Per 49 CFR 382.603, supervisors and/or company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.</i></p>	

TECHNICAL ASSISTANCE

MoDOT administers a program of technical assistance for its subrecipients, including Rural Transportation Assistance Program (RTAP).

<https://www.nationalrtap.org/>

1. Do you have any training and/or technical assistance requests, needs or recommendations? (Please describe.)	
2. Do you have any suggestions on how RTAP funds should be used?	

ATTENDANCE SHEET

Name	Title	Phone	Email