

Client Services Update



February 2005

THE ROAD TO SAFETY AND COMPLIANCE

On-Site Training

Available thru Fleet Safety Services

- Topics customized to your company's needs - HazMat, General Safety, Hours of Service Logging
- All training materials are included in the fee-ERG books too!
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The NEW 2004 ERG

(Emergency Response Guide)

Books are finally here! Call Fleet if you are in need of ERG or FMCSR books...



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Notes from Clay

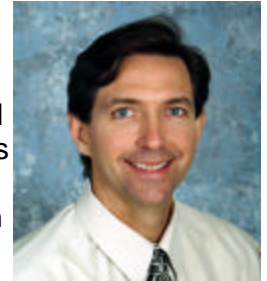
DOT REQUESTS COMMENTS ON HOURS RULE

On January 24, 2005, the Federal Motor Carrier Safety Administration issued a Notice of Proposed Rulemaking which asks the public for comments on its current hours of service regulations. This is in response to the July 2004 US Court of Appeals decision that directed the Agency to specifically consider the impact of the current hours of service rules on the health of drivers. (Please contact our office if you would like information on commenting)

The comment period on the DOT's current proposed rulemaking closes March 10, 2005. However, the Agency is not currently offering any changes to the current hours of service regulations. The Agency has until September 30, 2005 to address the Court's concerns.

Once the comment period closes on March 10, 2005, the Agency may propose a change to the existing hours of service rules based on public comments and its own sponsored research. At this point it anybody's guess what the final outcome will be.

Fleet Safety will closely follow the developments and keep our clients apprised of any developments.



Post Accident Testing - What YOU Need to Know

To test or not to test? Post Accident testing is always a difficult situation - here are some tips to help you make an informed decision. As always, please call Fleet Safety Services with any questions you have. We are available 24/7 to assist you with emergencies. First - note the time of day that the accident happened - you will need this information as there is an 8 hour time "window" for alcohol testing and a 32 hour "window" for substance testing.

When making your decision to test, ask yourself these questions:

1. Was the driver driving a vehicle that has a GWVR (or combination weight) of 26,001 pounds or more?
2. Was the driver driving a vehicle that carries placardable amounts of HazMat (of any size or weight)
3. Was the driver driving a vehicle that was designed to transport 16 or more passengers including the driver?

If you answered "YES" to any of these questions, your driver is subject to Federal Testing laws. If you answered No to all of these questions your driver may be subject to testing under your company policy.

If you answered YES to any of the questions above, you must now consider these questions:

1. Was there a Fatality?
2. Was there an injury with immediate treatment away from the scene of

(Continued on page 2)

POST ACCIDENT TESTING---Continued

(Continued from page 1)

the accident and/or a tow away of any involved vehicle?

3. Was a Citation issued to your driver? (The citation may not necessarily be issued at the scene of the accident).

If you answered YES to any of the preceding questions please refer to the following table -

| | | | |
|--|------------------------|-------------------------|----------------------------|
| Human Fatality | Citation Yes | Drug Test Yes | Alcohol Test Yes |
| | Citation No | Drug Test Yes | Alcohol Test Yes |
| Bodily Injury With Immediate Medical Treatment Away From The Scene | Citation Yes | Drug Test Yes | Alcohol Test Yes |
| | Citation No | Drug Test No | Alcohol Test No |
| Disabling Damage To Any Motor Vehicle Requiring Tow Away | Citation Yes | Drug Test Yes | Alcohol Test Yes |
| | Citation No | Drug Test No | Alcohol Test No |

- Post accident substance testing should be done as per the table within thirty two (32) hours of the accident. If a citation is **not** issued (in the case of bodily injury or tow away) the driver does **not** need to be tested. *The driver should remain available for testing and avoid alcoholic drinks and/or controlled substances such as pain killers until it is certain that a citation will not be issued or the 32 hour time limit has passed. If testing is required and not done, the employer is responsible for documenting why testing did not occur.*
- Post accident alcohol testing should be done as per the table. If a citation is **not** issued (in the case of bodily injury or tow away) the driver does **not** need to be tested. Testing should be done within two (2) hours of the accident. If it cannot be done within eight (8) hours of the accident it should not be done at all. If testing is not done, the employer must document why it was not done.
- IF A DRIVER REFUSES TO BE TESTED, HE OR SHE CANNOT CONTINUE ON THE JOB. REFUSAL TO BE TESTED IS CONSIDERED TO BE A POSITIVE TEST RESULT. A DRIVER WHO REFUSES A SUBSTANCE OR ALCOHOL TEST MUST BE EVALUATED BY A DOT CERTIFIED SAP AND COMPLETE THE "RETURN-TO-DUTY" PROCESS PER FEDERAL REGULATIONS AND COURSE OF TREATMENT BEFORE RETURNING TO ANY SAFETY SENSITIVE FUNCTION.

Please contact Fleet Safety if you are in need of "Cab Kits" these kit contain collection supplies and paperwork to be used for substance testing in a post accident situation. Cab Kits can also be used in pre-employment situations - the box and supplies can be shipped to potential new hires, insuring that they have the appropriate paperwork for their pre-employment test.

Cab Kits are provided to all of our Random Testing Program clients at no charge.