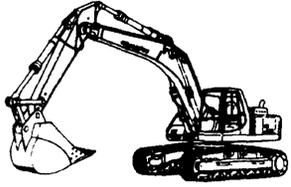


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SCHNEIDER
Excavating, Inc.

DEPT. OF TRANSPORTATION
DOCKETS

ORIGINAL

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March 22, 2000

Docket Clerk
Attn: Docket No. OST-99-6578 - 52
US Dept. of Transportation
400 7th Street SW
Room PL-401
Washington DC 20590

To whom it may concern:

I am writing as a concerned employer who is mandated under US Department of Transportation regulations (49CFR Part 40) to Drug and Alcohol Test my employees in a safety sensitive position. Specifically, I am concerned about the proposed changes that would restrict our ability to use consortia and third party administrators to perform drug and alcohol testing result reporting.

Employers such as myself depend upon that value-added regulatory compliance services provided to us by consortia and third party administrators. For us, these services are analogous, for example, the payroll services that are available, or **safety** program services that are available. Consortia and third party administrators assist the business community and maintain the public safety by implementing drug screening programs, administrating the entire screening process, report results, maintaining records, guiding the employers through the employee sanctioning process and assisting the employer in seeking substance abuse treatment for employees. With out this assistance, we would find it very **difficult** and prohibitively expensive to implement a compliant drug and alcohol testing program for our employees, much less knowledgeable of the additional steps required if one of our employees who tested positive. You may find that some employers will stop being in compliance because of this difficulty.

We are a small company with a very limited office staff. I have no idea how we could staff such a program in house. The hours it would take to train people and keep apprise of all the changing laws for such a small number of people seems mind boggling at this time. We would have to hire additional overhead staff to stay on top of it and that would have to be passed on to our customers once again raising the cost of living. It seems to me that this would create an endless cycle of horrors that could easily be avoided if these changes were not implemented.

P.O. Box 92
20079 W. Main Street
Lannon, Wisconsin 53046
(262) 257-4200 Fax (262) 257-4276
schneider@execpc.com

I am requesting that US Dept. of Transportation, as it rewrites **49 CFR Part 40**, to clearly define the critical role played by consortia and third party administrators, and continue to allow them to act as the “agent of the employer”. This can be accomplished, I believe, in one of the following ways: allow consortia and third party administrators to continue acting as “the agent of the employer”, for those business entities with **50** or fewer employees, or allow consortia and third part administrators to continue acting as the “agent of the employer” for all business entities. As “agent of the employer” the consortia and the third part administrators would be allowed to receive results directly from the **MRO**

Thank you for your consideration of this matter,

Sincerely,
Schneider Excavating, Inc.



Steve Ristow, President