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N -Spec Quality Services, Inc.

An NDT Service & Technical Support Group

March 24, 2000

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DEPT OF TRANSPORTATION
PROJECTS

Docket Clerk

Attn: Docket No. OST-99-6578 - 50

Department of Transportation

400 7th Street, SW

Room PL401

Washington, DC 20590

Dear Mrs. Bernstein:

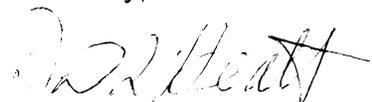
My name is David Heath, Program Manager for a company with **RSPA** covered employees. The company has an average of eleven DOT covered employees. I want to congratulate you and the rest of your office on some the issues you are taking a stand on. I would like to address some of my concerns with the **NPRM**.

1. DOT needs to be specific about egregious grievances. An initiator should only inspect the occurrence and not be able to disrupt the Service Agent's daily operation until it is determined that the egregious action occurred and was - systematic. DOT also needs to be specific about procedures and consequences of a PIE. The PIE should not affect the Service Agents performance of other services, only those affected by the PIE.
2. All boots, outerwear, or utility belts should be removed to see if any adulterants have been concealed.
3. I believe employers should be required to keep signed documentation certifying to the training each individual collector has had.
4. The regulation should be kept as is in regard to an employee refusing to drink fluids after presenting an insufficient amount of urine. The employee should also be given a chance to see a doctor. If the employee does not see the doctor then it should be considered a refusal.
5. If the employer receives a negative result that is dilute, the employee should be given another chance to have an immediate retest under direct observation.

6. Like DOT originally thought there should be a distinct separation between labs and **MRO's**. **TPA's** fulfill the need of bringing together these separate entities.
7. It is felt that the conflict of interest between a lab and collection sites (or their own Patient Centers) is the same as a lab acting as a **TPA**. The lab will likely ignore borderline cases where mistakes have been made in the collection process.
8. The 14 day waiting period for an **MRO** to sign off on a positive result if the employee can not be reached is too much time for the employee to do damage. The employer does not want to hire another person until they get the results from the **MRO**. The employer is in a difficult position because they have a position open and are not able to fill the position because a drug test is in limbo.
9. If the **MRO** informs the employee that he/she has a right to a retest, then the employee who has done illegal drugs will delay the retest as long as possible. An employee who knows that they are drug free will immediately request the retest and pay for it themselves. This should be kept between the employee and employer and should not be regulated.
10. An employer should be allowed to "stand-down" an employee because it is not an issue of confidentiality but a question of safety.
11. The **MRO** should be allowed to inform Employer B if an employee of Employer A has a positive drug test because the employee could cause an accident with serious injury or death. Of course this will increase cost and liability on the **MRO's** function.
12. **TPA's** are efficient. They are on top of the rules and regulations, new and old. By allowing **TPA's** to receive results, companies are saving time and money while still getting experienced service and advice.
13. **TPA's** should be able to conduct a businesses drug and alcohol program, except for the employer's actual decision about hire/no hire, reasonable cause or terminations. **TPA's** can help employers a lot in this way, giving the employer more time for other things that need their attention.

Thanks for your time.

Sincerely,



David Heath
Vice President