

CMCI Motor Carrier Policy and Service Agreement

CMCI only enrolls Drivers operating under the Federal Motor Carrier Safety Administration

CMCI operates under the responsibilities and limitations specified in **CFR Part 40, Part 382, and Subpart Q of Part 40**. The terms specified in this agreement are to ensure full compliance with all DOT Drug and Alcohol Testing from you the Motor Carrier, as well as CMCI, your service agent.

1. REGISTRATION:

CMCI requires each Motor Carrier Company to complete a registration form for the Company and any additional driver(s), found on the CMCI Website: <https://www.ooida.com/cmci-registration/>. Enrollment into the Drug and Alcohol Testing Program will not be complete until the registration form is completed, signed, submitted to CMCI and payment is received.

Forms can be emailed to:

CMCI@OOIDA.com

If at any time information on the registration form changes, the Motor Carrier will be required to complete and sign a new form. If you need to add drivers to your account, please send registration forms found on CMCI Website <https://www.ooida.com/cmci-registration/> for your new drivers.

2. TERMS AND DEFINITIONS:

49 C.F.R. § 40.3 This is **not** a complete list but the most used in the terms of this agreement. The terms listed in this section have the following meanings:

Adulterated specimen. A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

Alcohol screening device (ASD). A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.

Alcohol screening test. An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Breath Alcohol Technician (BAT). A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Chain of custody (COC). The procedure is used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF) as approved by the Office of Management and Budget.

Collection container. A container into which the employee urinates to provide the specimen for a drug test.

Collection site. A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

Collector. A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the CCF.

Consortium/Third-party administrator (C/TPA). A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employer's drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug, and alcohol testing programs of its members. C/TPAs are not "employers" for the purposes of this part. CMCI is a C/TPA.

Designated Employer Representative (DER). An employee(s) authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs.

Dilute specimen. A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Drugs. The drugs for which tests are required under this part and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids.

Employee. (Drivers) Any person who is designated in a DOT agency regulation is subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under this part, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Employer. (Motor Carrier) A person or entity employing one or more employees (including a self-employed individual) subject to DOT agency regulations requiring compliance with this part. The term includes an employer's officers, representatives, and management personnel. Service agents are not employers for this part.

FMCSA Clearinghouse. A database that contains information about violations of the U.S. Department of Transportation controlled substances and alcohol testing programs for holders of CDLs. The Clearinghouse rule requires FMCSA-regulated employers, medical review officers, substance abuse professionals, consortia/third party administrators, and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in **49 Code of Federal Regulations, Parts 40 and 382** by current and prospective employees.

Invalid drug test. The result is reported by an HHS-certified laboratory by the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Invalid result. The result reported by a laboratory for a urine specimen that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

Laboratory. Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Leased O/O. Leased owner-operators are individuals who own their commercial vehicles or small fleet. Most often, they serve as the driver of these vehicles. The Motor Carrier you are leased to will be responsible for the Compliance.

Medical Review Officer (MRO). A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Negative result. The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is valid.

Non-negative specimen. A urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid.

Office of Drug and Alcohol Policy and Compliance (ODAPC). The office in the Office of the Secretary, DOT, is responsible for coordinating drug and alcohol testing program matters within the Department and providing information concerning the implementation of this part.

Owner Operator Motor Carrier. Owner-Operators, also known as "self-employed drivers" or "single-driver operations" are persons who operate a commercial motor vehicle for their authority. This can be as a single person or under your own company. Owner-operators are required to follow FMCSA regulations as a driver and as an employer.

Positive result. The result is reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Refusal to test. If an employee leaves before fully attempting to provide a specimen in the 3 hours allotted or before being excused by the collector, this is a refusal to test.

Return to Duty. Return to Duty is a single test required by the Department of Transportation (DOT) performed at a scheduled time followed by the successful completion of an SAP drug and alcohol recovery program. RTD is required after a driver has a violation reported to the Clearinghouse.

Screening Test Technician (STT). A person who instructs and assists employees in the alcohol testing process and operates an ASD.

Service agent. Any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to,

collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons, and organizations must meet DOT qualifications, if applicable. Service agents are not employers for purposes of this part.

Split specimen. In drug testing, a part of the urine specimen is sent to a first laboratory and retained unopened, and it is transported to a second laboratory if the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Split specimen collection. A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP). A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

3. ROLES, RESPONSIBILITIES, AND REQUIREMENTS

A. MOTOR CARRIER (or company owner)

- 1) Are required to have all drivers with CDL Class A and Class B licenses and driving equipment 26,001 lbs. or greater GVW enrolled in a random testing program, such as CMCI. Additionally, any CLD Class B licensed driver hauling hazmat material must be enrolled in a random testing program.
- 2) Are required to conduct Pre-Employment urine drug testing verifying negative results before assigning safety-sensitive functions, or must obtain proof of enrollment from the previous carrier in writing per 382.301.
- 3) Are required to be registered in the FMCSA Clearinghouse; conduct full query requests on each new hire and verify query information that drivers are not prohibited from driving before dispatching drivers for any safety-sensitive functions. Additionally, the Motor Carrier must conduct a limited query annually on each driver to verify no testing violations prohibit the driver from performing any safety-sensitive functions. This may be assigned to the Designated Employer Representative
- 4) Must list CMCI as C/TPA in the FMCSA Clearinghouse, with permissions given to report violations, report return-to-duty, and conduct queries. Conducting queries is optional.
- 5) Must assign an individual as the Designated Employer Representative.
- 6) Establish a policy for testing violations, i.e., a policy if a driver tests positive, or refuses to test.
- 7) Will receive OOIDA Membership and CMCI billing statements.
- 8) Notify of any DER change or additions.

B. DESIGNATED EMPLOYER REPRESENTATIVE (DER)

- 1) Must familiarize themselves with FMCSA CFR Part 40 and Part 382 regulations.
- 2) Will be the primary person CMCI contacts for new and existing drivers, testing, and general information.
- 3) Will receive general correspondence and announcements from CMCI
- 4) If the DER is not an individual owner-operator and the only driver of the company, the DER must complete the 2-hour Reasonable Suspicion Training. CMCI provides this training as part of the program.
- 5) Notify CMCI of company drivers, contracted drivers, and leased drivers to be added or removed from the CMCI program.
- 6) Must complete the registration form for any new drivers to be added to the company enrollment.
- 7) Will coordinate Pre-Employment activities and testing, including, but not limited to, researching the applicant's drug and alcohol testing history in the FMCSA Clearinghouse, and have all appropriate forms signed.
- 8) Will ensure that all appropriate forms are signed by current drivers, contract drivers, and leased drivers.
- 9) Will ensure if any current drivers, contract drivers, or leased drivers are unavailable for any safety-sensitive functions for any length of time (more than 15 days) contact CMCI.
- 10) Coordinate Reasonable Suspicion Training for all supervisors of drivers and ensure they have signed a Supervisor Training Statement that the required training was completed.
- 11) Will receive CMCI documentation, including, but not limited to, Certificate of Enrollment, Active Driver list, Random Selection letters, and test results.
- 12) Will call CMCI to schedule testing for the driver's testing requirements within the required time frame **before notifying** the driver to proceed to the collection facility for testing.
- 13) Provide the driver with the proper CMCI test authorization for testing.
- 14) Ensure the drivers arrive at the collection facility within the scheduled time frame.
- 15) **Must notify CMCI if a driver does go into the collection facility for any scheduled test on the designated date or location. The driver's failure to appear at the collection facility may result in additional fees for testing assessed to the Motor Carrier.**

- 16) Will coordinate Management Information System (MIS) reports as required by FMCSA regulation.
- 17) Must maintain separate Drug & Alcohol and Driver Qualification files on each driver
- 18) Must notify CMCI of any address changes, phone number, or email for contacting the DER; and any name, address, or phone number changes of any driver eligible for testing for their company.
- 19) Will pay CMCI at the time testing is scheduled for pre-employment, return-to-duty, follow-up, or post-accident testing.

C. DRIVER

- 1) Must familiarize themselves with FMCSA CFR Part 40 and Part 382 regulations.
- 2) Will read the provided CMCI Driver Handbook, sign the Driver Receipt, and provide the page for the DER
- 3) Will proceed to the collection facility for testing within the allowed time to complete any drug and/or alcohol testing. Failure to do so may result in the company determining that the driver has refused a controlled substance test and be reported to the FMCSA Clearinghouse as a testing violation.
- 4) Must be registered in the FMCSA Clearinghouse
- 5) Must keep a test copy of the Federal Custody and Control Form, as proof of the test being conducted. The driver may provide a copy to the DER.
- 6) Must notify DER if unable to make it to the collection facility, to have the test rescheduled immediately.

D. CMCI

- 1) Must familiarize themselves with FMCSA CFR Part 40 and Part 382 regulations.
- 2) Will provide proof of enrollment, i.e. Certificate of Enrollment annually; and Active Driver List to the DER, as drivers are added, or upon request.
- 3) Will assign individual unique OOIDA/CMCI customer numbers to each company owner and for each additional driver associated with the owner's account as the registration forms are received and processed.
- 4) Will maintain collection facility database.
- 5) Will assist DERs in finding collection facilities and scheduling testing.
- 6) Will provide letters of random test selection to the listed DER via mail
- 7) Will provide driver's test authorization to DER via email (or fax) when possible, and to the collection facility.
- 8) Will provide a copy of test result(s) to the DER via email, or fax.

4. RECORDS:

40.349 authorizes your C/TPA (CMCI) to receive and maintain all records concerning DOT Drug and Alcohol Testing, including Positive, Negative, and Refusals to Test. In addition, as the C/TPA Intermediary we will maintain all information needed for operating a Drug/Alcohol Program; including names of employees in the random pool, random selection lists, and copies of notices to employers of selected employees on behalf of an employer.

- a) As the C/TPA Intermediary most test results will be forwarded to us, upon receipt of test results, authorized by CMCI, CMCI will make a notification to the Motor Carrier. We are required under regulation to provide the information we receive in the same time frames required of the original reporting party.
- b) CMCI will send a secure email with all test results to the Designated Employer Representative (DER) once they are received. If a problem arises with a test, a CMCI Representative will make every attempt to contact the DER by phone or secure email.
- c) If at any time the DER receives test results or any other notifications directly from the original reporting party, it is important the DER notify CMCI at 800-288-3784 to ensure CMCI received the notifications as well. If CMCI did not receive the notification, CMCI will ask the DER to forward the information to CMCI at CMCI@OOIDA.com. This ensures your Motor Carrier's Drug/Alcohol Testing records are complete.
- d) **382.401** Retention of records CMCI follows the required time frame for all records retention specified in the regulation. The DER will have the option of having their records sent to them at that time.
- e) At any time, the Motor Carrier may request their testing records be transferred to their place of business or another service provider by completing a Release of Information, provided by CMCI, **40.349 (f)** requires the transfer of records be done immediately.
- f) If at any time the Motor Carrier needs to produce records or information to the DOT, under regulation your service agent, CMCI, has two business days to fulfill the request.

5. PRE-EMPLOYMENT:

Per **Title CFR 49 382.301** Before the first time a Driver performs safety-sensitive functions for an employer, the Driver shall undergo testing for controlled substances as a condition before being hired, unless the employer uses the exception in paragraph (b) of this section. No employer shall allow a Driver, whom the employer intends to hire

or use, to perform safety-sensitive functions unless the employer has received a controlled substance test result from the MRO or C/TPA indicating a verified negative test result for that Driver and conducted a Full Query with driver consent within the FMCSA Clearinghouse.

- a) The Pre-Employment exemption is: if the Driver was enrolled in a random program with no more than a 30-day lapse and had a negative drug screen within the previous six months (with results) or participated in a random program for the previous 12 months with no more than a 30-day lapse they do not need a Pre-Employment.
 - i. You must verify that the Driver qualifies for the exemption. This should be kept in the Driver's file.
- b) You may set the Pre-Employment up yourself and forward a copy to CMCI CMCI@OUIDA.com or CMCI can set the test up for an additional cost.
- c) An Owner Operator falls under the same requirements mandated through **382.301** and **382.301 (a)**. Pre-Employment testing information must be kept in "your" Drug and Alcohol File.

6. RANDOMS:

All registered Drivers are included in the random selection draws. CMCI makes random selections through a computer-generated randomizing program.

- a) If the Driver is selected for a Random Drug and/or Alcohol Test, and has no DER, CMCI will notify the driver typically by phone. If CMCI is unable to reach the driver, we will continue to try to reach you over the next 24 hours. If during these 24 hours, CMCI is not able to make contact, this will be noted in the driver and Owner/Operator CMCI file. It is important to remember, failure to test when you are selected in a random draw is a violation of Federal Regulations. CMCI is required by regulation to ensure tests are completed. If at any time CMCI is unable to fulfill their assigned responsibility due to a Motor Carriers refusal to test CMCI will be forced to not only report the act of non-compliance but will also cancel the Motor Carriers enrollment in the consortium. Once the enrollment is canceled the Motor Carrier will be required under regulation to stop all safety-sensitive functions.
- b) If a DER is in place, a selection letter will be mailed to DER at the address provided to CMCI. The DER will have 30 days from the date of the letter to contact CMCI to schedule testing.
- c) During the notification call a CMCI representative will verify the testing location and duty status for an Owner Operator with no DER; while you are on the phone CMCI will contact the closest facility with truck parking (if needed) to schedule the test.
- d) CMCI will authorize the test and send the OOMC or DER the name, address, phone number, and hours of the collection facility once notified of testing.
- e) Driver must report immediately to the testing facility. Per **49 CFR 40.355 (j) (1)**; If drivers or OOMC do not report once the test is scheduled, CMCI is required to consider this a refusal. A refusal has the same consequences as a positive. CMCI will be required to report the refusal according to state and federal regulations, including to the FMCSA Clearinghouse.
- f) Once the test is completed and the results are received CMCI will send a secure email with negative results to the Motor Carrier. If a positive result is received CMCI will make the notification by phone and instruct you to cease performing safety-sensitive functions immediately. (Refer to 2. Records (b))

7. POSITIVES:

Per **Subpart E 382.501** Any Driver that tests positive must be removed from safety-sensitive functions immediately until Substance Abuse Professional (SAP) evaluations are complete and the driver has a negative Return to Duty drug and/or drug and alcohol test result by **part 40, subpart O**.

- a) When a Driver tests positive **Part 382, Subpart F 382.601 (a)** requires each employer to provide educational materials that explain the requirements of this part. If you are an Owner Operator/ Motor Carrier with no DER, CMCI is required to take on this responsibility. This includes SAP information. All positive drug and alcohol violations will be reported to the Clearinghouse per **382.705** by the MRO.
- b) Only the Return to Duty process is completed, with a negative result, and the driver may return to safety-sensitive functions. CMCI will report the Return to Duty to the Clearinghouse only if CMCI is designated as the C/TPA.
- c) Once a Driver completes the SAP Evaluation, the SAP is required to forward a copy of the evaluation and required follow-up regimen to the Motor Carrier. If you are an Owner Operator/ Motor Carrier, the SAP will forward the evaluation and follow-up test regimen to CMCI; unless you instruct them to send it to another

service provider. Once CMCI receives the evaluation and regiment a CMCI Representative will contact you. At that time CMCI will confirm you want CMCI to handle the follow-up regimen for the driver and will secure payment for the service.

- d) Per **40.311 (h)** as an employer, you must maintain your reports from SAPs for 5 years from the date you received them.
- e) *SAPlist* is a searchable database where employers and Owner Operator can find a Substance Abuse Professional after a drug and alcohol violation under **49 CFR Part 382**. SAPs are listed on *SAPlist*. It's the largest, most comprehensive database of SAPs.

8. CLEARINGHOUSE:

As of January 6, 2020, the Motor Carrier will be required to comply with the new Clearinghouse regulations. Under the regulation **Subpart G §382.701 through §382.727** the following is applicable:

- a) When your company registers in the Clearinghouse you must designate **CMCI-Official** as your C/TPA, granting CMCI permission to report refusals and negative Return to Duty tests on your or your company's behalf. For an additional fee, CMCI can register the Motor Carrier in the Clearinghouse.
- b) The company must request and the driver must consent to conduct a Full Query. The Motor Carrier will ensure the required limited queries annually are conducted on any/all drivers.
- c) For an additional fee CMCI can conduct the queries for the Motor Carrier, if the Motor Carrier chooses to have CMCI do so. The Motor Carrier must contact CMCI when it is time to conduct the query. It will be the Motor Carrier's responsibility to ensure there are funds available within the Clearinghouse for CMCI to conduct the query. If funds are not available CMCI cannot add funds for the query. It will be the responsibility of the Motor Carrier to add the appropriate amount into the Clearinghouse. If in the event a limited query is run and it comes back that a full query must be performed, the Motor Carrier will have 24 hours to respond to the request. If the driver queried does not respond within that time, the Motor Carrier must insure the driver ceases performing any safety-sensitive functions and the consortium enrollment will be temporarily suspended.
- d) If your CMCI enrollment is canceled for any reason, CMCI will remove/unassign themselves as your C/TPA. If you enroll with CMCI at a later date, it will be your responsibility to designate/reassign **CMCI-Official** as your C/TPA.
- e) As the Motor Carrier you will be able to perform a query of your record at any time for a small fee assigned by the Clearinghouse.
- f) Under **§382.717** you will be able to challenge the accuracy of the information reported to the Clearinghouse.
- g) CMCI and/or its contracted service agents are required to report the following information to the Clearinghouse and will do so according to the **FMCSA Regulation §382.705**.
 - Alcohol test results of 0.04 or greater
 - Positive Drug Test Result
 - Refusals to take an alcohol test
 - Refusals to take a drug test, where the MRO is not involved in making the determination
 - "Actual knowledge" (defined in **§382.107**) that a driver has used alcohol on duty (including a traffic citation for DUI/DWI in a commercial vehicle), used alcohol within four hours of coming on duty used alcohol before post-accident testing or used a controlled substance
 - Negative return-to-duty test results
 - Completion of follow-up testing

State licensing agencies will have access to the database and will not issue, upgrade, or transfer the CDL of anyone who has violated a drug or alcohol prohibition. After January 6, 2023, a full query of the Clearinghouse will replace the three-year verification of the driver's drug and alcohol history.

9. SPLIT SPECIMEN TESTING - SUBPART H:

CFR 40.171- If the MRO notifies a Driver that has a verified positive drug and/or refusal to test because of adulteration or substitution, the Driver has 72 hours from the time of the notification to request a test of the split specimen, this request must be made to the MRO.

- a) Fees for split specimen testing vary from lab to lab; CMCI's policy is to bill the Motor Carrier for the additional cost of the test once the bill is received by CMCI.
- b) It is the Motor Carrier's responsibility to ensure payment is made to CMCI.

10. TIME-SENSITIVE RESULTS:

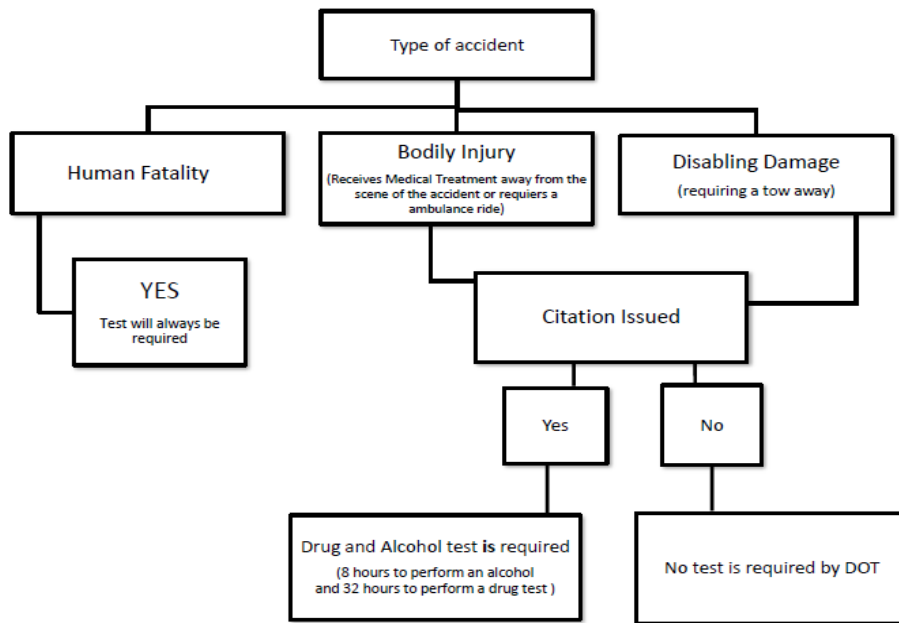
When the test is a Pre-Employment or Return-to-Duty a CMCI Representative will make every attempt to have the results within five business days. This includes calling the facility, obtaining a copy of the Custody and Control Form, contacting the MRO's office, or contacting our Collection Site Vendors. Unfortunately, CMCI cannot control collection facility and lab processes; therefore, there may be test results that could take longer than the desired five business day time frame. Once the result is received, a CMCI Representative will send results by secure email to the Motor Carrier.

11. POST-ACCIDENT:

Per **CFR 382.303** any Driver who has been involved in an accident resulting in a fatality must take a Post-Accident Drug and Alcohol Test. Drivers are required to take a Post-Accident test if:

- 1) A citation was issued to the CDL holder within 32 hours of the accident and a vehicle required tow away from the scene of the accident.
- 2) The driver received a citation issued to the CDL holder within 32 hours of the accident and bodily injury resulting in medical attention away from the accident scene or by ambulance ride.
 - a) Alcohol tests must be performed within eight (8) hours of the incident.
 - b) Drug tests must be performed within thirty-two (32) hours of the incident.

MATRIX FOR DETERMINING IF A POST ACCIDENT TEST IS REQUIRED BY DOT



- i. If the Driver is unable to get to a testing facility within the required time frame. The Motor Carrier must document extensively the reason for not complying with the regulations this explanation is required to be kept on file in the Driver’s drug and alcohol testing file.
- a) If the incident occurs during CMCI business hours, CMCI will be able to assist you in locating a collection facility.
- b) If CMCI sets up post-accident testing or CMCI CCF/paperwork is used additional fees will apply.
- c) In the event an accident occurs during CMCI non-business hours, CMCI has provided a CMCI Post-Accident Kit. In this kit will be a chain of custody, detailed instructions for the collection facility, and detailed instructions for the driver. Please keep this in the truck with the driver(s). Upon an accident, they may take this envelope to the closest collection facility to have the test performed.
 - i. If a test occurs during CMCI non-business hours, the Motor Carrier MUST call CMCI at 800-288-3784 on the next business day; CMCI will need to know, where and when the test was performed. At that time CMCI will secure payment for the test.
 - ii. Notification to CMCI is important to avoid delays in CMCI securing the test results and in avoiding additional costs.

12. PROBLEMS OR CONCERNS:

If at any time you experience an issue with a collection facility, please call CMCI immediately at 800-288-3784 before leaving the Collection Site. CMCI strives to make sure the collection facilities have the proper paperwork and information. If the collection facility uses incorrect paperwork or incorrect information, this could delay the results being reported.

13. CMCI POLICIES:

If at any time during your enrollment with CMCI, you obtain a DER or change DERs, please notify CMCI immediately. At that time CMCI will provide an updated contract and registration form, (your enrollment dates will not be affected). Once the registration form is received your account will be updated with the new company information. Your renewal fee will be adjusted on your renewal date, if necessary. **All CMCI participants and Company Owners must be OOIDA MEMBERS.**

- a) Any company found to violate CMCI policies or Department of Transportation (DOT) **Regulations 49 CFR Part 40 and 382** will be canceled immediately without a refund.
- b) Enrollment in CMCI is due yearly; failure to renew will result in the cancellation of your enrollment; removing you from performing safety-sensitive functions, as well as, removing CMCI as the C/TPA on Clearinghouse.
- c) CMCI as the Motor Carrier's C/TPA Intermediary is also governed by Federal Regulation and must act in full compliance with the required regulations at all times. Once a Driver is canceled out of the drug and alcohol testing program your Motor Carrier records kept by CMCI will reflect the date of the cancellation. To ensure your company is always in full compliance it is important to renew your enrollment before it cancels.
- d) Per **382.505** Other alcohol-related conduct. No Driver tested under the provisions of **Subpart C** of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for an employer, including driving a commercial motor vehicle, nor shall an employer permit the Driver to perform or continue to perform safety-sensitive functions, until the start of the Driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. (b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against a Driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with the law.
- e) CMCI will receive the notification of an alcohol concentration of 0.02 or greater but less than 0.04 directly from the BAT. Upon CMCI's notification from the BAT, CMCI will immediately contact the Motor Carrier and/or DER and advise that the driver is not allowed to drive for a minimum of the next 24 hours.
- f) CMCI fees and policies are subject to change. In the event of a change, CMCI will issue a notice in writing 30 days before the effective date of the change.
- g) OOIDA is a membership-based organization, and all OOIDA programs (CMCI) require membership, therefore membership fees are due by the membership renewal date.
- h) Your OOIDA membership must be paid for the entire length of your CMCI enrollment. Failure to keep your OOIDA membership dues up to date will result in cancellation within 30 days.

Familiarize yourself with the FMCSA Regulations **CFR part 49 parts 40 and 382.**

Responsibility is the Company and CDL holders to follow
FMCSA Regulations to maintain compliance.

However, CMCI works with our members to assist with all compliance regulations.

If you have any questions or concerns please reach out to CMCI for further assistance at
800-288-3784 or cmci@ooida.com



