

## **SAP and SAP services**

A Substance Abuse Professional (SAP) is 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 in order to return the employee to his/her work duties as soon as is safely possible. In accordance with DOT regulations, a SAP possesses knowledge and clinical experience in the diagnosis and treatment of substance abuse-related disorders and provides the following services:

- Consultation and coordination of services with the employer
- Comprehensive face-to-face assessment and clinical evaluation to determine the appropriate level of assistance
- Referral for treatment and case management
- Follow-up assessment and monitoring of compliance with recommended services
- Employee drug and alcohol education and treatment (for individuals recommended to attend education and/or treatment as a result of a SAP evaluation conducted by another SAP provider).

## **Drug testing policy**

Organizations with safety-sensitive positions that are regulated by the Department of Transportation must have a substance abuse policy that calls for the utilization of SAP services. Types of drug and alcohol tests that the organization may be required to conduct include pre-employment, random, reasonable suspicion, reasonable cause, post-accident, return-to-duty, and follow up. Passing a test means a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02.

Employees who violate the DOT alcohol and drug policy must immediately be removed from safety sensitive duties. Employers are not required to provide a SAP evaluation or any subsequent recommended education or treatment for an employee. However, if the employer offers the employee an opportunity to return to DOT safety-sensitive duty, the employer must ensure that the employee goes through the entire SAP return-to-duty process to include successful compliance with the SAP's recommendations.

Employer is required to provide the employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of qualified SAPs available to the employee. In the scenario where the employer fires the employee, after providing a list of at least two qualified SAPs, the employer has no further obligation to facilitate referral to the SAP, ensure that the employee receives a SAP evaluation or seek to obtain the SAP reports.

## **SAP evaluation**

A SAP will provide a comprehensive face-to-face assessment and clinical evaluation to determine what level of assistance the employee needs in resolving problems associated with alcohol use or prohibited drug use. After the assessment, the SAP will recommend a course of education and/or treatment which the employee must successfully complete prior to returning to DOT safety-sensitive duty. Treatment recommendations can include, but are not limited to: in-patient treatment, partial in-patient treatment, out-patient treatment, education programs, and aftercare. Education recommendation can include, but are not limited to drug and alcohol education courses, self-help groups, and community lectures.

Employees and employers are prohibited from seeking a second SAP evaluation in order to obtain another recommendation after a qualified SAP evaluated the employee. Employers are not to rely upon a second

evaluation if the employee obtains one contrary to this prohibition. No one may change in any way the SAP's evaluation or recommendations for assistance. Only the SAP who made the initial evaluation may modify the evaluation and recommendations based on new or additional information.

Prior to the employee's return to safety-sensitive duties the SAP has to provide a face-to-face follow up evaluation with the employee to determine if the employee has demonstrated successful compliance with recommendations of the initial evaluation. This evaluation must be accomplished before an employer can consider the employee for return to safety-sensitive functions. Therefore, the evaluation serves to provide the employer with assurance that employee has made appropriate clinical progress sufficient to return to duty.

After violating a DOT alcohol and drug regulation and prior to performing safety-sensitive duties in any DOT regulated industry, the employee must receive a SAP evaluation and demonstrate successful compliance with the recommendations. Employers are responsible for making sure that newly hired employees, who had violated the DOT alcohol and drug regulation prior to being hired, obtain a SAP evaluation and successfully complete the recommendations before performing any safety-sensitive duties. The current employer is responsible for administering the follow-up drug and alcohol testing recommended by the SAP.

### **Follow up testing**

A SAP will develop and direct a follow-up testing plan for the employee returning to work following successful compliance. The number and frequency of unannounced follow-up tests is directed by a SAP and must consist of at least six tests in the first 12 months following the employee's return to safety-sensitive duties. Follow-up testing can last up to 60 months. The employer is responsible for ensuring that the employee is tested according to the plan. The employer must conduct all of the follow-up tests as well as the return-to-duty test as directly observed collections, which includes a procedure for ensuring the employee does not have a prosthetic and other devices designed to carry clean urine or a urine substitute. Follow-up testing is an important way that the employer has to determine if the employee has stopped using controlled substances or misusing alcohol.

If the SAP determines that an employee referred for alcohol misuse also uses drugs, or that an employee referred for drug use also misuses alcohol, the SAP can require that the individual be tested for both substances. The SAP's decision to test for both can be based upon information gathered during the initial evaluation, the SAP's consultation contacts with the treatment program, and/or the information presented during the follow-up evaluation.

Follow up testing is directly related to a rule violation and subsequent return to safety-sensitive duty. Random tests are independent of rule violations. Therefore, the two test types are to be separated – one cannot be substituted for the other or be conducted in lieu of the other. Follow-up testing should be unpredictable, unannounced, and conducted no less than six times throughout the first 12 months after the employee returns to safety sensitive functions. Follow-up testing should be spread throughout the 12-month period and not be grouped into a shorter interval, although the testing can be more frequent during the initial months and less frequent during the final period. Follow-up testing can last up to 60 months. An employee subject to follow-up testing will continue to be subject to an employer's random testing program. It is important to note that a follow-up test that is cancelled is not a complete test; a cancelled follow-up test must be recollected.

Follow-up testing is not to be conducted in a randomized way. An employee's follow-up testing program is to be individualized and designed to ensure that the employee is tested the appropriate number of times as directed by the SAP. Random testing is neither individualized nor can it ensure that the employee receives the required number of tests.

Employees testing positive or refusing a test while in a follow-up testing program are subject to specific DOT rules regarding rules violations. In addition, the employees are subject to employer policies related to second violation of DOT rules. At a minimum, the employee must be removed immediately from safety-sensitive duties and must go through the entire SAP process again before returning to safety-sensitive duties.

### **Continuing assistance**

Occasionally an employee will need continuing assistance with an alcohol and drug problem even if the employee is ready to return to work. If needed a SAP will provide the employee and employer with recommendations for aftercare – continuing education and/or treatment needed after return to safety-sensitive duties.

### **Payment for SAP services and drug and alcohol testing**

Payment for any SAP services as well as education and/or treatment is to be determined by employers and employees and may be regulated by existing management-labor agreements, employer policies, or health care benefits. Likewise, the DOT rules do not mandate responsibility for payment of follow-up testing upon any single party. DOT has left the decision regarding payment to employer policies and to labor-management agreements. Whether the employer pays or the employee pays, if the employee returns to safety sensitive functions, the employer must ensure that follow-up testing occurs as required. The employer will be held accountable if the follow-up testing plan is not followed.

### **SAP Location and Assistance**

For complete SAP assistance we recommend that you or your employee contact Anna Jankowska MA LCPC CEAP SAP at the number below.

**Anna Jankowska MA LCPC CEAP SAP**  
Phone (773) 777-6767; Fax (773) 777-7274  
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