§ 26.107 Collecting a urine specimen.

(a) The collector shall direct the donor to go into the room or stall used
confirmatory test result. Collection procedures may not require collectors to
calculate an average or otherwise combine results from two or more
breath specimens to determine the confirmatory test result.
(d) If an EBT that meets the requirements of §26.91(b) and (c) was used for
the initial alcohol test, the same EBT may be used for confirmatory testing.

§ 26.103 Determining a confirmed positive test result for alcohol.

(a) A confirmed positive test result for alcohol must be declared under any
of the following conditions:
(1) When the result of the confirmatory test for alcohol is 0.04 percent
BAC or higher;
(2) When the result of the confirmatory test for alcohol is 0.03 percent
BAC or higher and the donor had been in a work status for at least 1 hour at
the time the initial test was concluded (including any breaks for rest, lunch,
dental/doctor appointments, etc.); or
(3) When the result of the confirmatory test for alcohol is 0.02 percent
BAC or higher and the donor had been in a work status for at least 2 hours at
the time the initial test was concluded (including any breaks for rest, lunch,
dental/doctor appointments, etc.).
(b) When the result of the confirmatory test for alcohol is equal to or
greater than 0.01 percent BAC but less than 0.02 percent BAC and the donor
has been in a work status for 3 hours or more at the time the initial test was
concluded (including any breaks for rest, lunch, dental/doctor appoint-
ments, etc.), the collector shall declare the test result as negative and inform
FFD program management. The licensee or other entity shall prohibit
the donor from performing any duties that require the individual to be subject
to this subpart and may not return the individual to performing such duties until a determination of fitness indicates that the donor is fit to safely
and competently perform his or her duties.

§ 26.105 Preparing for urine collection.

(a) The collector shall ask the donor to remove any unnecessary outer gar-
mments, such as a coat or jacket, which might conceal items or substances that
the donor could use to tamper with or adulterate his or her urine specimen.
The collector shall ensure that all personal belongings such as a purse or
 briefcase remain with the outer garments outside of the room or stall in
which the urine specimen is collected. The donor may retain his or her wallet.
(b) The collector shall also ask the donor to empty his or her pockets and
display the items in them to enable the collector to identify items that the
donor could use to adulterate or substitute his or her urine specimen. The
donor shall permit the collector to make this observation. If the donor ref-
uses to show the collector the items in his or her pockets, this is considered a
refusal to test. If an item is found that appears to have been brought to the
collection site with the intent to adulterate or substitute the specimen, the
collector shall contact the MRO or FFD program manager to determine
whether a directly observed collection is required. If the item appears to have
been inadvertently brought to the collection site, the collector shall secure
the item and continue with the normal collection procedure. If the collector
identifies nothing that the donor could use to adulterate or substitute the
specimen, the donor may place the items back into his or her pockets.
(c) The collector shall instruct the donor to wash and dry his or her hands
before urinating.
(d) After washing his or her hands, the donor shall remain in the presence
of the collector and may not have access to any water fountain, faucet,
soap dispenser, cleaning agent, or other materials that he or she could use to
adulterate the urine specimen.
(e) The collector may select, or allow the donor to select, an individually
wrapped or sealed collection container from the collection kit materials. Ei-
ther the collector or the donor, with both present, shall unwrap or break the
seal of the collection container. With the exception of the collection con-
tainer, the donor may not take anything from the collection kit into the
room or stall used for urination.

§ 26.107 Collecting a urine specimen.

(a) The collector shall direct the donor to go into the room or stall used