DOT CONSORTIUM RULES

By paying the Administration Fee, Employer acknowledges and agrees to the terms and conditions of this document.

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1. ENROLLMENT

Employer agrees to pay the Administration Fee in full, unless other arrangements are agreed to in writing.

Employer affirms it meets the following eligibility requirements:

- 12 or fewer employees in the testing pool
- Maintain and regularly monitor a valid email address and phone number
- Register and use the Tomo Client Portal to retrieve random lists and results
- Pay the Consortium Administration Fee by the due date

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2. EMPLOYER RESPONSIBILITIES

Employer acknowledges and agrees that it is solely responsible for compliance with DOT regulations, even when participating in a consortium. Employer must:

- Complete all random tests within the designated testing period (quarter) unless a DOT-approved reason is promptly provided to Tomo via email or phone call.
- Maintain an up-to-date employee list and ensure all employees have passed a DOT pre-employment drug screening and pre-employment query in FMCSA Clearinghouse before being added to the random pool
- Respond promptly to Tomo's notifications and attempts to schedule testing

DOT-approved reasons for not testing a selected employee include:

- Death of the employee.
- Employee is no longer employed.
- Employee is on long-term disability, leave of absence, or military deployment for the *full* testing period.

Employer also agrees to comply with all applicable provisions of **49 CFR Part 40**, which sets forth the procedures for all DOT-required drug and alcohol testing programs, and any additional regulations that apply across all DOT agencies, including but not limited to:

- Maintaining records in accordance with **49 CFR §§ 40.99–40.113**.
- Ensuring confidentiality of testing information as required by **49 CFR § 40.321**.

- Designating and maintaining a DER as specified under **49 CFR § 40.3 & 40.15**.

Employer agrees to provide to adhere to all responsibilities outlined in Part 40.

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3. NON-COMPLIANCE

Non-compliance by Employer includes, but is not limited to:

- Failure to complete a random test within the quarter without a valid reason
- Failure to respond to Tomo's communication attempts
- Repeated failure to update employee lists

Tomo may assess a **non-compliance fee of $150 per quarter** for each quarter in which Employer is non-compliant. The fee is invoiced the month following the quarter and must be paid within 30 days.

If Employer remains non-compliant for an entire year, even if fees are paid, Tomo reserves the right to remove Employer from the consortium and cease providing any services, including those unrelated to the consortium. In such cases, the Administration Fee is forfeited.

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4. TOMO SUPPORT

Tomo will make reasonable efforts to support Employer's compliance by providing:

- Email reminders to update the participant list
- Notifications when random lists are posted in the Client Portal *(email address must be verified in the client portal prior to receiving notifications)*
- Mid-quarter reminders for pending tests via email or phone call
- End-of-quarter reminders for pending tests via email or phone call.

Upon request, Tomo will also provide:

- Consortium statistics
- DOT MIS report
- Current participant pool information
- Consortium enrollment letter

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5. ACKNOWLEDGMENT

Employer acknowledges that participation in a consortium does not relieve Employer of its responsibility under DOT regulations. Employer remains fully responsible for ensuring compliance.