

NOTICE TO A FUTURE FMCSA EMPLOYER

This driver has successfully completed a SAP return-to-duty process.

In order to be eligible to drive, this driver must have a negative return-to-duty test.

Only an employer can order a return-to-duty test. A SAP is not permitted to order this test.

If you intend to hire this driver, you must order a return-to-duty test. The test must be observed. If you are hiring this driver, the test will also serve as the driver's pre-employment test. You would not have to require the driver to take a separate pre-employment test.

If the return-to-duty test is negative, you (the employer) are responsible for recording the date of the negative result on the driver's record in the Clearinghouse. When you enter the date, the driver's status will change to Eligible to Drive, and the driver can start performing safety-sensitive functions for you.

The employer must enter the date of the negative test on the driver's record in the Clearinghouse within 3 business days.

FMCSA REGULATIONS PERMIT A RETURN-TO-DUTY TEST TO ALSO DOUBLE AS THE DRIVER'S PRE-EMPLOYMENT TEST, PROVIDED THAT THE COLLECTION IS OBSERVED

Here is the guidance from FMCSA's website:

<https://www.fmcsa.dot.gov/regulations/title49/section/382.301>

Question 7: A driver has tested positive and completed the referral and evaluation process up to the point of being released by the SAP for a return-to-duty test. The driver no longer works for the employer where he/she tested positive. The driver applies for work with a new employer. Must the new employer conduct two separate controlled substances tests (one pre-employment and one return-to-duty), or will one test suffice for both purposes?

Guidance: An individual, who has complied with the education/treatment process as required under 49 CFR Part 40, Subpart O, but has not submitted to a return-to-duty test, and is seeking employment with a new employer, **a single test will suffice** to meet the requirements of 382.301 AND 382.309 only when the new employer would be required to conduct both tests on the same day.

If you have questions, please call me: