

# DOT/CDL Pre-employment Testing

## Summary of DOT Requirements

The following information applies **ONLY** to applicants who will be hired for a CDL covered position.

### There are 4 basic requirements to qualify an applicant for driving with a CDL license:

1. Perform a PE (pre-employment) drug test.
2. Complete a drug and alcohol background check (if the individual has performed DOT safety-sensitive functions for any employer in the previous 3 years) and verify they haven't failed a PE test for an employer who did not hire them. (**Use Form A and A-2**)
3. Provide employee with required educational materials and execute a "Certificate of Receipt" (**Form C**).
4. Add employee to random pool (**Use Form Pool Add/Delete DOT/CDL**).

### Additional details on these requirements:

1. **49 CFR part 382.301** - Drug test required
  - a. The prospective employee must submit to a drug test **prior** to the first time a DOT covered function (operating a vehicle that requires a CDL) occurs.
  - b. A negative result **MUST** have been confirmed by the MRO or C/TPA prior to the employee performing any safety-sensitive function.
  - c. Have employee sign "Pre-Employment Applicant Testing Form" before sending them for the pre-employment test.
2. **49 CFR Part 40.25** - Drug and Alcohol Background Check
  - a. Employers must obtain written consent from the prospective employee for the purpose of obtaining testing records for the previous 3 years from any previous employer(s) whose DOT testing program they were subject to.
  - b. This applies only to employees seeking to begin performing DOT safety-sensitive duties for the first time (i.e., a new hire or an employee transfers into a DOT safety-sensitive position).
  - c. If the employee did not participate in any DOT program in the previous 3 years, then do not initiate a drug and alcohol background check.
  - d. If the employee refuses to provide written consent, you must not permit the employee to perform DOT safety-sensitive functions.
  - e. "**Form A**" (Drug and Alcohol Background Check) should be used to meet this requirement.
  - f. If possible, the employer should obtain this information before the employee begins performing safety-sensitive functions. If this is not feasible, you should obtain the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after **30 days** from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain this information.
  - g. Suggested "good faith" effort should include the initial attempt to send Form A to the previous employer and 2 additional follow-up attempts (ex. calling, emailing, faxing, mailing). Document date and time all attempts to communicate with previous employer.

- h. If you obtain information that the employee has an alcohol or drug violation, you must not use the employee to perform safety-sensitive functions unless you also obtain verification that the employee has complied with the return-to-duty requirements of 49 CFR Part 40, Subpart O.
  - i. In addition you must **ALSO** ask the employee if they have tested positive or refused to test, on any pre-employment test administered by an employer to which the employee applied for, but was not hired by the employer during the past two years (**Form A-2**). If the employee admits to a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions unless you verify they have met the return-to-duty requirements of 49 CFR Part 40, Subpart O.
  
- 3. **49 CFR Part 382.601** - Employee Education Requirements
  - a. Employers are required to provide educational materials that explain the requirements of 49 CFR Part 382.601.
  - b. A master copy of these educational materials can be found in the Section 11 (CDL Employee Education Information) of this notebook.
  - c. The employer must ensure these materials were provided to the employee prior to the start of alcohol and controlled substance testing.
  - d. Employers must ensure each driver has signed a statement certifying that he or she has received a copy of these materials. **“Form C”** (Certificate of Receipt), found in this section of this notebook, can be executed with each employee to verify this requirement has been completed.
  
- 4. **49 CFR Part 382.305** - Adding Employee to Random Pool
  - a. Employees must be added to your random pool within 30 days once a negative pre-employment drug test has been verified. If the employee has not been added within 30 days of the verified negative test, another pre-employment test would have to be administered to meet the pre-employment rule requirements. If you have an employee that is in training to obtain their CDL, add the employee to the pool after receiving the verified negative test even if they only have a CDL permit (the employee is performing safety-sensitive functions while using the CDL permit).
  - b. Employers must have some way to document when they add or remove an employee from the random pool.
  - c. Use **“Form Pool Add/Delete CDL”** to add and delete employees from your pool. This will also provide the written verification you may need to verify proper pool updates. The add date should be consistent with the start of safety-sensitive or covered functions.