Guidance on employee admissions

## Question:

Self-Admission: A driver admits to a company official that they have used a controlled substance, as defined in the National Institute of Drug Abuse (NIDA-5) for a 5 panel DOT drug test; however, the self-admission either does not meet the criteria under 49 CFR §382.121 or the employer does not have a qualified voluntary self-identification program. Does the admission trigger a DOT SAP evaluation and the return-to-duty process?

## Answer:

Yes. If an employee admission does not fall under 49 CFR §382.121, then by default the admission provides the employer with “actual knowledge” that the driver has violated the prohibitions in 49 CFR part 382, subpart B. See 49 CFR 382.107. Therefore, the driver must undergo a DOT SAP evaluation and complete the return-to-duty process in accordance with 49 CFR 382.503 before performing safety sensitive functions.