Guidance on whether identifying the wrong DOT mode on the Custody and Control Form for a preemployment test would result in the test being cancelled and recollection required.

## Question:

The Custody and Control Form for a pre-employment DOT test mistakenly indicated that the test was conducted pursuant to the Federal Railroad Administration’s (FRA) authority. The form should have indicated that the employee was a CDL-driver, being tested pursuant to FMCSA authority. Does this procedural error require the employee to have another pre-employment drug/alcohol test?

## Answer:

No, the driver does not need to be retested. So long as the driver was tested in accordance with Part 40 and the test did not contain any flaws addressed in §40.201 or §40.203, or the error does not have a significant adverse effect on the rights of the employee to have a fair and accurate test, a new test is not needed. [§40.209(b)(1)]