Guidance on conducting a single DOT test to satisfy both the requirements for a return-to-duty and preemployment test.

## Question

Return-to-duty/Pre-employment Testing: What type of DOT tests must an employer provide in order to hire a driver who has completed the referral and evaluation process with a SAP, but still needs a return-to-duty test before the driver may perform a safety-sensitive function?

## Answer

An employer may give the driver a single DOT test that will meet both the requirements of §382.301 (pre-employment test) and §382.309 (return-to-duty test) if the employer would be required to conduct both tests on the same day. The single test must be characterized as a DOT return-to-duty test and conducted under direct observation. See 49 CFR 40.67(b). In other words, a DOT return-to-duty test will suffice for a DOT pre-employment test, but a DOT pre-employment test will not suffice for a DOT return-to-duty test. See §382.309, Question 1.