Guidance on how to manage dual-agency covered employees.

## Question:

Determination of DOT Agency Random Testing Pool: When an employee is subject to the alcohol and controlled substance testing rules of more than one DOT agency (e.g., PHMSA & FMCSA), how is it determined which DOT agency’s random testing rate applies to the driver?

## Answer:

If an employee performs safety-sensitive functions that would subject him to the DOT testing programs of more than one DOT agency, the employee shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50% of the employee’s safety-sensitive work. See 49 CFR §382.305(n) and (o).This situation may occur where an employee performs both CDL functions and pipeline maintenance functions for a DOT-regulated employer.