**Section § 382.305: Random testing.**

## Guidance Q&A

**Question 20: If an employer is subject to random testing for only a partial calendar year, how should the employer** **determine the number of random tests required during the year to achieve the appropriate testing rate? (Examples: new employers that begin operating midway through the calendar year; employers which merge or split midway through the calendar year; Canadian or Mexican carriers that begin U.S. operations midway through the calendar year.)**

**Guidance:** The number of random tests required can be computed in the same manner as for any employer that has large fluctuations in the number of driver positions during the year. Use the formulas T = 50%x D/P for controlled substance testing and T = 10%x D/P for alcohol testing, where T is the number of tests required, D is the total number of drivers subject to testing, and P is the number of selection periods in a full calendar year. For any selection period during which the carrier was not subject to §382.305, simply enter a zero in the driver calculations. Example: A carrier starts operating in August and decides to test quarterly (P = 4). It has 16 drivers subject to testing in the third quarter and only 12 drivers subject to testing in the fourth quarter. D = 0 + 0 + 16 + 12 = 28. D/P = 28/4 = 7. T = 50%of 7, or 3.5, which must be rounded up to 4. The carrier must test 4 drivers for controlled substances between its first day of operation in August and the end of the year. Following the requirement to spread testing reasonably throughout the year, two drivers should be tested during the third quarter and two during the fourth quarter.