Guidance on whether an employee who holds a CDL and may drive occasionally must be in a random testing pool

**Section § 382.305: Random testing.**

## Guidance Q&A

**Question 2: What are the employer’s obligations, in terms of random testing, with regard to an employee who does not drive as part of the employee’s usual job functions, but who holds a Commercial Driver's License (CDL) and may be called upon at any time, on an occasional or emergency basis, to drive?**

**Guidance:** Such an employee must be in a random testing pool at all times, like a full-time driver. A drug test must be administered each time the employee’s name is selected from the pool.

Alcohol testing, however, may only be conducted just before, during, or just after the performance of safety-sensitive functions. A safety-sensitive function as defined in §382.107 means any of those on-duty functions set forth in §395.2 On-Duty time, paragraphs (1) through (7), (generally, driving and related activities). If the employee’s name is selected, the employer must wait until the next time the employee is performing safety-sensitive functions, just before the employee is to perform a safety-sensitive function, or just after the employee has ceased performing such functions to administer the alcohol test. If a random selection period expires before the employee performs a safety-sensitive function, no alcohol test should be given, the employee’s name should be returned to the pool, and the number of employees subsequently selected should be adjusted accordingly to achieve the required rate.