**Section § 382.413: Inquiries for alcohol and controlled substances information from previous employers**

## Guidance Q&A

**Question 2: Within 14 days of first using a driver to perform safety-sensitive functions, an employer discovers that a driver had a positive controlled substances and/or 0.04 alcohol concentration test result within the previous two years. No records are discovered that the driver was evaluated by a Substance Abuse Professional (SAP) and has been released by a SAP for return to work. The employer removes the driver immediately from the performance of safety-sensitive duties. Is there a violation of the regulations?**

**Guidance:** Based on the scenario as presented, only the driver is in violation of the rules.