**Section § 382.601: Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.**

## Guidance Q&A

**Question 1: If a driver refuses to sign a statement certifying that he or she has received a copy of the educational materials required in §382.601 from their employer, will the employee be in violation of §382.601? May the driver’s supervisor sign the certificate of receipt indicating that the employee refused to sign?**

**Guidance:** The employer is responsible for ensuring that each driver signs a statement certifying that he or she has received a copy of the materials required in §382.601. The employer is required to maintain the original of the signed certificate and may provide a copy to the driver. The employer would be in violation if it uses a driver, who refuses to comply with §382.601, to perform any safety sensitive function, because §382.601 is a requirement placed on the employer. The employee would not be in violation if he or she drove without signing for the receipt of the policy. It is not permissible for the driver’s supervisor to sign the certificate of receipt; however, it is advisable for the employer to note the attempt, the refusal, and the consequences of such action. Also, please note that the signing of the policy by the employee is in no way an acknowledgment that the policy itself complies with the regulations.