**Section § 382.605: Referral, evaluation, and treatment.**

## Guidance Q&A

**Question 7: Can an employee who has violated the rules return to safety-sensitive functions prior to receiving an SAP evaluation?**

**Guidance:** The employee is prohibited from performing any DOT regulated safety-sensitive function until being evaluated by the SAP. An employer is prohibited from permitting the employee to engage in safety-sensitive duties until evaluated. If the evaluation reveals that assistance is needed, the employee must receive the assistance, be re-evaluated by the SAP (and determined to have demonstrated successful compliance with the recommendation), and pass a return-to-duty alcohol and/or drug test prior to performing safety-sensitive duties.