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

## Guidance Q&A

**Question 8: Can an employer overrule an SAP treatment recommendation?**

**Guidance:** No. If found to need assistance, the employee cannot return to safety-sensitive functions until an SAP's follow-up evaluation determines that the employee has demonstrated successful compliance with the recommended treatment. An employer who returns a worker to safety-sensitive duties when the employee has not complied with the SAP's recommendation is in violation of the DOT rule and is, therefore, subject to a penalty.