



FAQS FOR EMPLOYEES

I failed a drug test (or I have a refusal). What happens now?

If you violate a Department of Transportation drug or alcohol regulation, you will need to complete the [return-to-duty process](#) before being eligible to go back to work.

Until you complete a return-to-duty process, you are subject to federal civil and criminal penalties.

(For FMCSA drivers only) What is the FMCSA Clearinghouse?

The FMCSA Clearinghouse is a national computerized database. Starting in 2020, all violations must be recorded on the Clearinghouse. A violation will remain on the Clearinghouse for at least 5 years, or until the driver has completed the SAP's follow-up testing plan, whichever is later.

All FMCSA employers are required to check an applicant's record on the Clearinghouse. An employer cannot hire a driver/applicant until a SAP indicates that the driver has successfully complied with the SAP's treatment recommendation.

My employer told me I have to find a SAP? How do I do this?

You can search for a qualified SAP in the [Find a SAP directory](#).

If I have a violation, do I absolutely have see a SAP?

Yes. The DOT requires that a qualified and trained SAP evaluate every employee with a DOT violation.

Can I be evaluated by someone who is not a SAP?

No. An employer cannot accept recommendations from anyone who is not a qualified SAP.



Who is going to pay for my SAP services?

DOT does not specify who is responsible for the cost of SAP services. Some employers pay for them, or have arranged for SAP services to be covered by an Employee Assistance Program (EAP). But many employers require their employees to pay for SAP services. Your employer's written policy should indicate whether they will pay, or if it's your responsibility. If you're not sure who will pay, ask your employer.

How much do SAP services cost?

Cost varies by SAP, and our website policy does not allow SAPs to list their fees. To find out a SAP's fees, contact the SAP directly. In some cases, your workplace's Employee Assistance Program (EAP) may cover SAP fees. In other cases, you will need to pay. Ask your employer for details. Health insurance typically doesn't cover SAP assessments or follow-up appointments.

Many SAPs require full payment for their services in advance. If you are not able to provide the money at the first visit, a SAP may choose to not start the evaluation. Some SAPs will require payment in cash, money order or certified check.

My employer gave me the name of phone number of a SAP. Must I use that SAP, or can I find another SAP?

According to DOT rules, your employer has the right to specify the SAP that employees must use. The reason is that your employer is ultimately responsible for anything that a SAP may do (or not do) under federal law, and your employer could be fined or face other penalties and sanctions by DOT, even if you selected a SAP on your own.

Can I just go to a treatment center on my own?

The DOT requires you to go to a SAP for an evaluation. If the SAP determines that you require a treatment plan other than what you may have had in a treatment center, you will have to comply with the SAP's recommendation before you can be considered for return to safety-sensitive functions in the transportation industry.



What if I just "forget" to list my previous employer on an application form?

Falsification of information is a serious offense. Because this is a federal law, you would be subject to fines and civil penalties. DOT will hold you responsible under civil penalties if you provide safety-sensitive functions when you know that you have a violation.

What if I can't afford the plan that the SAP recommends?

You have no alternative. You must either comply with the recommendation and find a way to pay for it, or find a different job outside of the transportation industry. DOT considers the SAP's recommendation to be final. No one can change it.

If I don't agree with the SAP's recommendation, can I get a second opinion from another SAP?

No. You (or your employer) may believe the SAP's recommendation is too tough. Or you may find that the recommendation is not covered by your insurance plan. The DOT rule is very clear about this: Once you have started an evaluation process with a SAP, you cannot seek the services of a different SAP. If you try to get a second opinion, you and your employer would be subject to DOT fines.

How long will this process take?

It depends on the treatment plan that your SAP proposes, and how well you comply with it. Typically, the process takes between a few weeks and a few months.

How can I find out the follow-up testing schedule?

DOT requires that the follow-up testing schedule (when, how often, and how many years) remain confidential. Neither the SAP nor your employer is permitted to share this testing plan with you. All the tests will be unannounced. Your employer is subject to fines for any tests that are not conducted.

Who pays for these follow-up tests?

The decision regarding who pays for follow-up tests is up to your employer. Some employers pay for follow-up testing. But most employers require the employee to pay for all follow-up tests, as a



consequence of having violated DOT's rule. If it's not specified in your employer's written testing policy, you may want to ask about it.

What happens if I test positive on a follow-up test?

If you test positive again, you must go through the entire [return-to-duty process](#) again. This includes removal from safety-sensitive functions and a complete SAP evaluation. The SAP will again recommend treatment and/or education. Many employers terminate an employee for a second violation. If you are terminated and you want to apply for a safety-sensitive job with another DOT employer, you must first complete the SAP return-to-duty process.