

QUESTION:

Can an employer wishing to conduct pre-employment alcohol testing, do so?

ANSWER:

- A DOT-regulated employer (except under USCG and RSPA rules) wishing to conduct pre-employment alcohol testing under DOT authority may do so if certain conditions are met.
- The testing must be accomplished for all applicants (i.e., the employer cannot select for testing some applicants and not others) and the testing must be conducted as a post-offer requirement (i.e., the employer needs to inform the applicant that he or she has the job if he or she passes a DOT alcohol test).
- In addition, the testing and its consequences must comply with requirements of Part 40.