

Employer Drug Testing Compliance Checklist

Employer Information

Company Name: _____

Completed By: _____

Review Date: _____

Program Type: _____

1. Written Drug & Alcohol Policy

A written policy is the foundation of every compliant program. It must be provided to all covered employees before they begin work — and updated whenever regulations change.

- ☐ Policy is in writing and covers all prohibited behaviors, testing occasions, consequences, and employee rights
- ☐ Policy distributed to every covered employee before they perform safety-sensitive or covered duties
- ☐ Employees signed an acknowledgment of receipt — records are retained
- ☐ Policy reviewed by qualified employment counsel familiar with current federal and state requirements
- ☐ Policy updated within the last 12 months or upon any regulatory change
- ☐ Policy specifies the name and contact information of the Designated Employer Representative (DER)
- ☐ Employee Assistance Program (EAP) information included in the policy
- ☐ For DOT programs: policy meets all applicable modal agency requirements (49 CFR Part 382, 49 CFR Part 655, etc.)

2. Covered Employee Identification & Enrollment

Accurately identifying which employees are subject to testing — and keeping that list current — is essential. Missed employees create significant compliance gaps.

- ☐ All positions subject to drug testing have been formally identified in writing
- ☐ Every covered employee is enrolled in the testing program before beginning covered duties
- ☐ Program enrollment is updated promptly when employees are hired, transferred, promoted, or terminated
- ☐ For DOT programs: all safety-sensitive employees as defined by the applicable modal agency are enrolled
- ☐ Owner-operators (if applicable) are enrolled in a qualified random testing consortium
- ☐ Contractors and temporary workers performing covered functions are included in the program

Employer Drug Testing Compliance Checklist

3. Designated Employer Representative (DER)

The DER is the employer's point of contact for all drug and alcohol testing matters. This person must be immediately reachable whenever covered employees are on duty.

- ☐ A qualified DER has been formally designated and their name is in the written policy
- ☐ The DER understands their responsibilities: receiving results, removing employees from duty, providing SAP referrals
- ☐ The DER is reachable at all times when covered employees are performing safety-sensitive functions
- ☐ A backup DER has been designated to cover absences, vacations, and emergencies
- ☐ The DER has completed any required DOT DER training or orientation
- ☐ DER contact information is on file with all service agents (collection sites, MRO, C/TPA)

4. Service Agents: Collection Sites, Lab & MRO

Your testing program is only as strong as the vendors behind it. Verify each service agent is properly qualified — and document that verification.

- ☐ A qualified DER has been formally designated and their name is in the written policy
- ☐ Collection sites are staffed by DOT-trained collectors (for DOT programs)
- ☐ Collection sites use the federal Custody and Control Form (CCF) for all DOT specimens
- ☐ Laboratory holds current SAMHSA certification (required for all DOT drug tests)
- ☐ Medical Review Officer (MRO) is a licensed physician with current DOT MRO certification
- ☐ MRO reviews all non-negative results before they are reported to the employer
- ☐ C/TPA (if used) has been verified as familiar with 49 CFR Part 40 requirements
- ☐ Service agent contracts are current and include required compliance provisions
- ☐ Employer has retained verification documentation for all service agents

5. Pre-Employment Drug Testing

Pre-employment testing is the employer's first line of defense. Timing and documentation are critical — especially for DOT-covered roles.

- ☐ Pre-employment drug test is required for all new hires before performing covered duties
- ☐ Test is administered after a conditional offer of employment is extended (not before — ADA risk)
- ☐ No covered employee begins safety-sensitive duties until a verified negative result is received
- ☐ For FMCSA (CDL drivers): Clearinghouse full query with driver consent completed before hire
- ☐ Pre-employment test records are retained per applicable retention schedule

Employer Drug Testing Compliance Checklist

☐ Transfer and re-hire situations: pre-employment test policy is consistently applied

6. Random Drug & Alcohol Testing Program

Random testing is the backbone of any ongoing drug-free workplace program. The selection method, rate, timing, and documentation all matter.

- ☐ Random pool uses a scientifically valid, computer-generated random selection methodology
- ☐ Every covered employee has an equal chance of being selected on every selection date
- ☐ Selections are distributed throughout the calendar year — not concentrated in one period
- ☐ Employees are notified of selection the same day and must report to the collection site immediately
- ☐ Current-year random testing rates verified against applicable agency minimums (see table below)
- ☐ All random selection records, notifications, and results are documented and retained
- ☐ Employees on leave are removed from the pool; selection is immediately re-run if a selected employee is unavailable

2026 DOT Minimum Random Testing Rates

Agency	Covered Employees	Drug Rate	Alcohol Rate
FMCSA	CDL Drivers	50%	10%
FAA	Aviation Safety-Sensitive	25%	10%
FRA	Railroad Safety-Sensitive	25%	10%
FTA	Transit Safety-Sensitive	25%	10%
PHMSA	Pipeline Operations	25%	N/A
USCG	Merchant Mariners	25%	N/A
Non-DOT	Employer-Determined	Varies	Varies

Employer Drug Testing Compliance Checklist

7. Reasonable Suspicion Testing

Reasonable suspicion testing protects both the employer and the employee — but only if it is directed consistently, by trained supervisors, and properly documented every time.

- ☐ Pre-employment drug test is required for all new hires before performing covered duties
- ☐ All supervisors of covered employees have completed required DOT reasonable suspicion training (60 min drug + 60 min alcohol for FMCSA)
- ☐ Training completion is documented: date, content, duration, trainer name, supervisor signature
- ☐ Supervisor training records are retained for the duration of employment plus 2 years
- ☐ Supervisors document specific, contemporaneous observations in writing before directing a test
- ☐ Alcohol testing is administered within 2 hours of the supervisor's determination; delays are documented
- ☐ Alcohol testing attempts cease and are documented if not completed within 8 hours
- ☐ Drug testing is administered as soon as practicable following the determination
- ☐ Reasonable suspicion testing is applied consistently regardless of employee seniority or position

8. Post-Accident Drug & Alcohol Testing

Post-accident testing must happen fast. Know your triggering criteria and timing requirements before an incident occurs — not after.

- ☐ Written policy clearly defines which accidents or incidents trigger post-accident testing
- ☐ For FMCSA: alcohol testing administered within 8 hours; drug testing within 32 hours of the accident
- ☐ Delays in testing are documented in writing, including the reason and what was attempted
- ☐ Employees are instructed not to consume alcohol for 8 hours post-accident or until tested
- ☐ Employees who leave the scene without authorization are treated as a test refusal
- ☐ Post-accident test results are documented and retained in the required program records
- ☐ Supervisors know post-accident triggering criteria and testing procedures by memory — not just policy

Employer Drug Testing Compliance Checklist

9. Return-to-Duty & Follow-Up Testing

When an employee violates your drug or alcohol policy, the return-to-duty process is precise and non-negotiable. Every step must be documented.

- ☐ Employee is immediately removed from safety-sensitive duties upon violation
- ☐ Employee is provided a list of qualified Substance Abuse Professionals (SAPs) without delay
- ☐ Employee completes all SAP-recommended education, treatment, and aftercare before return consideration
- ☐ SAP provides written clearance and return-to-duty recommendation to the employer
- ☐ Return-to-duty test is directly observed and yields a verified negative result before duty resumes
- ☐ Follow-up testing plan (minimum 6 tests in first 12 months) is documented and tracked
- ☐ All follow-up tests are unannounced and conducted under direct observation
- ☐ For FMCSA-covered drivers: violation and RTD completion are reported to the Clearinghouse

10. FMCSA Drug & Alcohol Clearinghouse (CDL Employers)

This section applies to employers regulated by the FMCSA who employ CDL drivers in safety-sensitive positions. Non-FMCSA employers may skip this section.

- ☐ Employer is registered with the FMCSA Drug and Alcohol Clearinghouse
- ☐ Pre-employment full Clearinghouse query (with driver written consent) completed for every new CDL hire
- ☐ Annual Clearinghouse query (limited or full) completed for every active covered CDL driver
- ☐ All violations reported to the Clearinghouse within 3 business days of knowledge
- ☐ Drivers with a Clearinghouse prohibition are not permitted to perform safety-sensitive functions
- ☐ Clearinghouse query records and driver consents retained for 3 years
- ☐ C/TPA Clearinghouse reporting (if used) is verified for accuracy and timeliness

Retention Requirements (49 CFR Part 40.333)

Record Type	Retention
Verified positive drug test results	5 Years
Refusals to submit to testing	5 Years
Confirmed alcohol results (BAC ≥ 0.02)	5 Years
EBT calibration records	5 Years
SAP reports and follow-up plans	5 Years
Negative and cancelled drug test results	1 Year
Alcohol results below 0.02 BAC	1 Year
Collection logbooks	2 Years
Supervisor training documentation	Employment + 2 Years

Employer Drug Testing Compliance Checklist

Clearinghouse queries and consents	3 Years
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11. Recordkeeping & Secure Storage)

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- ☐ All violations reported to the Clearinghouse within 3 business days of knowledge
- ☐ Drivers with a Clearinghouse prohibition are not permitted to perform safety-sensitive functions
- ☐ Clearinghouse query records and driver consents retained for 3 years
- ☐ C/TPA Clearinghouse reporting (if used) is verified for accuracy and timeliness

12. State Law Compliance)

State drug testing laws vary widely — especially regarding marijuana. Multi-state employers face the highest compliance risk. Review state law before taking adverse action on any test result.

- ☐ State-specific drug testing laws have been reviewed for every state where covered employees work
- ☐ Policy reflects state-law differences, particularly for marijuana-related employment protections
- ☐ Adverse action decisions (discipline, termination) reviewed for compliance with applicable state law
- ☐ Multi-state employers have state-specific policy addenda where required
- ☐ Policy reviewed by counsel when employees work in states with employee marijuana use protections
- ☐ Testing procedures comply with any state-required notice, consent, or procedural requirements
- ☐ Policy is updated when state laws change — annually at minimum

Employer Drug Testing Compliance Checklist

13. Annual Program Review)

A documented annual review is the employer's best protection against compliance gaps. It demonstrates good faith and catches drift before regulators do.

- ☐ Annual program review conducted and documented (date, participants, findings)
- ☐ Random testing rates for current year verified against updated modal agency minimums
- ☐ Covered employee roster audited for accuracy: new hires, terminations, transfers, leaves
- ☐ Service agent qualifications re-verified: SAMHSA lab certification, MRO certification, collection site compliance
- ☐ Written policy reviewed and updated as needed for regulatory or state law changes
- ☐ All supervisor training records confirmed current; refresher training scheduled as needed
- ☐ Clearinghouse registration and query procedures confirmed current (FMCSA employers)
- ☐ Recordkeeping audit: verify retention compliance, secure storage, and access controls
- ☐ Prior year's test results reviewed for any trends requiring program adjustments
- ☐ Action items from prior year's review confirmed resolved and documented

Program Review Notes
