

FMCSA PRE-EMPLOYMENT TESTING WAIVER
EFFECTIVE JUNE 5, 2020 – SEPTEMBER 30, 2020

Key points of the waiver:

- Currently, Section 382.301 (b) allows an exemption for pre-employment testing if the driver has been participating in a testing program within the past 30 days in which he was:
 - (a) tested within the last six months
 - or
 - (b) participated in an FMCSA random program for the previous 12 months.
 - In addition, the employer utilizing this exemption must also prove that the driver did not have any substance abuse violations within the past six months at any other DOT Agency regulated employer such as PHMSA, FAA, FRA, FTA, USCG

NOTE: THIS EXEMPTION HAS NOW BEEN EXTENDED TO **90 DAYS** AS LONG AS THE ABOVE CONDITIONS ARE MET.

- If the driver was furloughed, laid off, etc., and the motor carrier did not remove him from their random pool, then a pre-employment test is not required.

- If the driver was furloughed, laid off, etc., and was removed from the motor carrier's random pool and did not participate in any other random pool, then a pre-employment test must be conducted and a negative test result provided to the DER before he can operate a CMV