

Direct Observation Collections

Mandatory for Return-to-Duty and Follow-Up Testing

Beginning August 31, 2009

On July 30, 2009, ODAPC published a Final Rule in the Federal Register which restores **mandatory direct observation (DO) collections for all return-to-duty and follow-up testing**. This DO drug testing rule is applicable to return-to-duty, safety-sensitive transportation industry employees who have already failed or refused to take a prior drug test.

The start date for mandatory DO for return-to-duty and follow-up testing is **August 31, 2009**. All employees who go for return-to-duty and follow-up tests on and after the effective date must have their collections observed. This includes employees currently in follow-up testing programs who will still be in those programs on and after August 31st.

Some employers and labor organizations may have entered into collective bargaining agreements that prohibit or limit the use of DO collections in return-to-duty and follow-up testing situations. When this final rule goes into effect, conducting all follow-up and return-to-duty testing using DO collections will be a requirement of **Federal law**.

Safety is the highest priority of the U.S. Department of Transportation and restoring our direct observation drug testing rules helps to support this mission.

You can link to the Final Rule on the Federal Register website at:

<http://edocket.access.gpo.gov/2009/pdf/E9-18156.pdf>