

December 17, 1991

The following information is provided in response to your recent inquiry concerning random drug testing conducted in accordance with the Department of Transportation (DOT) drug testing regulations.

The Department has determined that it is, indeed, permissible for an employer to combine covered employees from different operating administrations, (e.g. Research and Special Programs Administration (RSPA), Coast Guard, and Federal Highway Administration) into a single selection pool for the purpose of conducting random drug testing under DOT authority. When exercising this option, however, the employer must insure that the random testing rate is at least equal to the highest rate required by each of the operating administrations. In your particular case, even though the Federal Highway Administration random drug testing rate for the initial year is only 25 percent, you must test at the higher rate of at least 50 percent required by both the Coast Guard and RSPA if you are going to combine all three covered groups of employees into a single pool.

I trust that this information adequately responds to your question. If you have any further questions please feel free to contact me at (202) 366-3784.

Sincerely,

Dennis J. Bennett
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Drug Enforcement and Program
Compliance