

## **Subpart O - Substance Abuse Professionals and the Return-to-Duty Process**

### **§ 40.295 May employees or employers seek a second SAP evaluation if they disagree with the first SAP's recommendations?**

(a) As an employee with a DOT drug and alcohol regulation violation, when you have been evaluated by a SAP, you must not seek a second SAP's evaluation in order to obtain another recommendation.

(b) As an employer, you must not seek a second SAP's evaluation if the employee has already been evaluated by a qualified SAP. If the employee, contrary to paragraph (a) of this section, has obtained a second SAP evaluation, as an employer you may not rely on it for any purpose under this part.