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http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/policy/faq/

DRUG AND ALCOHOL TESTING GUIDANCE
FOR PARTS 121 AND 135 OPERATORS
AND FRACTIONAL OWNERSHIP PROGRAMS

14 C.F.R. part 120

14 C.F.R. part 120, defines covered employees as employees who perform the following safety-sensitive duties either directly or by contract for an air carrier operating under part 121 or 135, a sightseeing operator under 14 C.F.R. § 91.147 or an air traffic control facility not operated by the FAA or by or under contract to the U.S. military:

- Flight crewmember duties
- Flight attendant duties
- Flight instruction duties
- Aircraft dispatcher duties
- Aircraft maintenance or preventive maintenance duties
- Ground security coordinator duties
- Aviation screening duties
- Air traffic control duties
- Operations control specialist duties

Required alcohol testing must be conducted immediately before, during, or immediately after the performance of a safety-sensitive duty.

When the employee is performing, immediately available to perform, or immediately after performing a safety-sensitive function under 14 C.F.R. part 121 or 135, the employee is subject to required drug and alcohol testing under 14 C.F.R. part 120.

14 C.F.R. §91.1047

In accordance with 14 C.F.R. §91.1047, each program manager of a fractional ownership operation must provide drug and alcohol misuse education to each employee and contract employee performing:

- Flight crewmember duties
- Flight attendant duties
- Flight instructor duties
- Aircraft maintenance duties

If an employee is performing, scheduled to perform, or available to perform under the fractional ownership rules of 14 C.F.R. part 91, Subpart K, that employee may not be tested for alcohol under 14 C.F.R. part 120.

When are employees subject to required drug and alcohol testing under 14 C.F.R. part 120 and 49 C.F.R. part 40?

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Operate under Part 121 or 135	Operate under Part 91, Subpart K	Operate under part 121 or 135 and 91, Subpart K
If you and your covered employees conduct operations under 14 C.F.R. part 121 or 135, you must comply and test in accordance with 14 C.F.R. part 120 and 49 C.F.R. part 40.	If you and your employees operate only under 14 C.F.R. part 91, subpart K, you may not conduct drug and alcohol testing or give the appearance that you are testing under the auspices 14 C.F.R. part 120 and 49 C.F.R. part 40.	Whenever your covered employees are performing, ready to perform, available to perform or have just performed safety-sensitive functions in accordance with part 135, and if you operate under both, part 135 and part 91, subpart K, you must be in compliance with 14 C.F.R. part 120 and 49 C.F.R. part 40.
	You may conduct drug and alcohol testing under a company testing policy using non-Federal drug testing custody and control forms and non-DOT alcohol testing forms.	Aircraft listed on the part 135 operations specifications must be maintained in accordance with part 135. Therefore, the maintenance and preventive maintenance personnel for those aircraft must be subject to 14 C.F.R. part 120 and 49 C.F.R. part 40.
		Reserve duty depends on each company's alcohol misuse prevention program informational materials and policy. A company that operates under part 135 is required to inform its employees what portion of the day they are subject to FAA-required drug and alcohol testing.