



**FAA**  
**Aviation Safety**  
**Drug Abatement Division**

# **Safety-Sensitive Job Categories for FAA-Mandated Drug and Alcohol Testing**

*Guidance Alert*

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## **Purpose**

The Federal Aviation Administration's (FAA) Drug Abatement Division is issuing the following guidance to help aviation employers understand what types of safety-sensitive job categories are subject to the federal drug and alcohol testing requirements outlined in [14 Code of Federal Regulations \(CFR\) part 120](#). It is the responsibility of each aviation employer to evaluate the duties of its employees and determine whether the work being performed is a safety-sensitive function listed under 14 CFR §§ [120.105](#) and [120.215](#).

This Alert is not mandatory and does not constitute a regulation. It describes resources and information to assist an employer in making the determination of whether employees are performing safety-sensitive duties and subject to federal testing.

## **Part 1: Employers & Employees Subject to Testing under 14 CFR part 120**

**Employers.** According to [14 CFR § 120.1](#), the FAA's drug and alcohol testing regulation applies to the following employers:

- a. Air carriers and operators certificated under 14 CFR part 119 and authorized to conduct operations under 14 CFR part 121 or part 135.
- b. Air traffic control facilities not operated by the FAA or by or under contract to the U.S. military.
- c. Operators as defined in [14 CFR § 91.147](#)<sup>1</sup> (air tour operators).
- d. Any 14 CFR part 145 certificate holders who perform safety-sensitive functions and elect to conduct drug and alcohol testing under part 120.
- e. Any contractors<sup>2</sup> who perform safety-sensitive functions and elect to conduct drug and alcohol testing under part 120.

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<sup>1</sup> Defined as a commercial air tour flight conducted for compensation or hire that begins and ends at the same airport and is conducted within a 25-statute mile radius of the airport. Refer to the [National Air Tour Safety Standards Final Rule, effective March 15, 2007](#) for more information.

<sup>2</sup> A contractor is defined under [14 CFR § 120.7](#) as 'an individual or company that performs a safety-sensitive function by contract for an employer or another contractor.' A contractor may be certificated under 14 CFR part 145 or non-certificated (e.g., a staffing company).

**Employees.** According to [14 CFR § 120.7](#), an employee is defined as an individual who is hired, either directly or by contract, or transferred into a position to perform a safety-sensitive function for an employer. The safety-sensitive functions are listed under 14 CFR §§ [120.105](#) and [120.215](#). An employee, including any assistant, helper or individual in a training status, who performs a safety-sensitive function listed below either directly or by contract (including by subcontract at any tier) for an employer must be subject to testing under a FAA-mandated drug and alcohol program. This includes full-time, part-time, temporary, and intermittent employees regardless of the degree of supervision.

The safety-sensitive functions are:

- a. flight crewmember duties,
- b. flight attendant duties,
- c. flight instruction duties,
- d. aircraft dispatcher duties,
- e. aircraft maintenance and preventive maintenance duties,
- f. ground security coordinator duties,
- g. aviation screening duties,
- h. air traffic control duties, and
- i. operations control specialist duties.

It is up to each employer to evaluate the specific duties of their employees, *not the employee's job title*, to determine if an employee hired, directly or by contract (including subcontract at any tier), is performing a safety-sensitive function and subject to testing.

**Note:** Any employee or contractor that is assigned to perform safety-sensitive duties outside the territory of the United States is not subject to testing under part 120. Refer to 14 CFR §§ [120.123](#) and [120.227](#) for more information.

## **Part 2: Discussion of the Safety-Sensitive Duties**

### **a. Flight Crewmember Duties**

Not all certificated pilots are subject to testing under part 120. Only pilots that perform flight crewmember duties for a part 121 or 135 air operator or air tour

operator must be tested. The FAA defines a flight crewmember under [14 CFR § 1.1](#) as a pilot, flight engineer or flight navigator assigned to duty in an aircraft during flight time.

### ***Corporate or General Aviation Pilots.***

Corporate pilots or pilots assigned to fly solely under 14 CFR part 91, excluding [14 CFR § 91.147](#), are not subject to testing under part 120. This includes pilots that work for a Federal Agency (e.g., Department of Defense or Department of Energy).

### ***Medical Crewmembers.***

According to [14 CFR part 135 Subpart B](#), medical crewmembers who are aboard the aircraft during an air ambulance operation only to provide medical care to patients are not performing flight crewmember duties. Consequently, they are not subject to the drug and alcohol testing requirements in part 120. If you need clarification about the duties performed by a medical crewmember, please contact the FAA Principal Operations Inspector (POI) assigned to your operating certificate (if applicable) or your local [Flight Standards District Office](#).

**Guidance Specific to Unmanned Aircraft System (UAS) Operators.** When a UAS operates under 14 CFR part 135, the employer is obligated to conduct drug and alcohol testing for employees that perform safety-sensitive duties. It is important to understand that the terminology used to describe the safety-sensitive duties for a traditional air carrier are different when operating a UAS. An employer must evaluate the duties of its employees to determine the correlation between flight crewmember and a remote pilot in command. For assistance in evaluating the functions of a UAS operation, contact your FAA POI or local Flight Standards District Office.

## **b. Flight Attendant Duties**

Flight attendant duties are typically associated with a part 121 or 135 operation and include assisting passengers during emergency or abnormal events as described in 14 CFR §§ [121.291](#) and [135.123](#). According to the FAA's Flight Standards Directive, Order 8900.1, flight attendants perform duties related to the safety of the airplane and its occupants. For a copy of Order 8900.1 or further

assistance, please contact your POI or local [Flight Standards District Office](#).  
Flight attendant duties may include:

- Safety briefings,
- Compliance checks of seat belt fastening,
- Conducting passenger briefings,
- Ensuring passenger compliance with stowage of the food and beverage tray,
- Ensuring passenger compliance with the seatbelt and no smoking placards/lights,
- Checking for the proper stowage of carry-on baggage,
- Attending distressed passengers, or
- Responding to emergency situations.

### ***Cabin attendants.***

Cabin attendants performing activities limited to passenger service (e.g., serving beverages, conducting customer relations, acting as translators) do not perform flight attendant duties. However, they may be covered if they perform duties that are similar to those described above.

If you need clarification on whether an employee performs flight attendant duties, please contact your POI assigned to your operating certificate or your local [Flight Standards District Office](#).

## **c. Flight Instruction Duties**

Flight instructors who provide instruction in a flight simulator qualify as safety-sensitive employees when the instruction is provided to a part 121 or 135 or air tour operators. If a flight school provides flight instruction solely to the public or general aviation students, the instructor is not subject to testing under part 120. Students that attend flight training are not subject to testing as flight instructors.

### ***Simulator Flight vs. Ground Instruction.***

Simulator flight instruction is considered a safety-sensitive function because instructors are responsible for making evaluations regarding the trainees'

performance and judgment. Ground instruction; however, is not covered under this job category.

#### **d. Aircraft Dispatcher Duties**

Aircraft dispatcher duties are specific to a part 121 or 135 operator and relate to exercising the authority to initiate, conduct or terminate a flight.

***Guidance Specific to Part 121 Operators.*** Under part 121, the pilot in command and aircraft dispatcher share operational control, which means the exercise of authority over initiating, conducting, or terminating a flight (see [14 CFR § 1.1](#)). According to the Dispatching and Flight Release Rules (under 14 CFR part 121, [subpart U](#)), aircraft dispatch duties include the preparation of a dispatch release or document, flight release form, load manifest, or flight plan. Weight and balance calculations are also a safety-sensitive function under the category of aircraft dispatchers, but the performance of these calculations alone does not constitute aircraft dispatcher duties.

***Guidance Specific to Part 135 Operators.*** Part 135 does not require operators to employ aircraft dispatchers or prepare a formal release authorizing a specific flight. Therefore, it is important for a part 135 operator to analyze the duties performed by their employees to determine which employees exercise operational control over a flight. Often, this authority is delegated to the pilot in command, but may be shared by other employees. For more information, please refer to the FAA's Office of Chief Counsel response dated July 19, 2010 to [Jackson & Wade LLC](#) that discusses the duties of an aircraft dispatcher for a part 135 air operator.

***Guidance Specific to Unmanned Aircraft System (UAS) Operators.*** When a UAS operates under 14 CFR part 135, the employer is obligated to conduct drug and alcohol testing for employees that perform safety-sensitive duties. It is important to understand that the terminology used to describe the safety-sensitive duties for a traditional air carrier are different when operating a UAS. An employer must evaluate the duties to determine the correlation between aircraft dispatcher and visual observer. For assistance in evaluating the functions of a UAS operation, contact your FAA POI or local Flight Standards District Office.

## **e. Aircraft Maintenance and Preventive Maintenance Duties**

When determining whether an employee performs aircraft maintenance or preventive maintenance duties, it is important to consider the duties as it relates to the FAA's definition of maintenance and preventive maintenance under [14 CFR § 1.1](#) and [14 CFR part 43](#). According to 14 CFR [§ 1.1](#):

- Maintenance includes inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.
- Preventive maintenance means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

Since 2006, the Office of Aerospace Medicine's Drug Abatement Division and the Flight Standards' Aircraft Maintenance Division have collaborated to address the common maintenance or preventive maintenance functions. This section will explain the most common functions that are considered aircraft maintenance and/or preventive maintenance. If you need further guidance after reviewing the definitions and examples listed below, you should consult with your local [Flight Standards District Office](#) or your FAA Principal Maintenance Inspector (PMI) (if applicable). The Flight Standards inspectors are the experts in determining what functions meet the definitions of aircraft maintenance and preventive maintenance.

If it is determined that the functions are considered aircraft maintenance or preventive maintenance duties, you must conduct testing if the aircraft is used for a part 121 or 135 or air tour operator. If it is not covered, federal testing is prohibited under 14 CFR part 120 and [49 CFR part 40](#). It is recommended that you document your determination or obtain the guidance from Flight Standards in writing. This may prove necessary or helpful to present to a FAA Drug & Alcohol Inspector during an inspection or investigation of your FAA-mandated testing program.

***Cleaning the Aircraft.*** The physical cleaning of an aircraft is not normally considered maintenance or preventive maintenance within the context of the



regulations. However, there may be occasions where the preparation of the aircraft for the cleaning process requires removal of components or protection of components that fall under the definition of maintenance or preventive maintenance. For example, prior to cleaning an aircraft, it may be necessary to close and secure the upper and lower fan cowl doors on a transport category aircraft. The FAA considers the closing and securing of the engine fan cowl doors as maintenance. Additionally, after the cleaning process, it may be necessary to reapply lubrication compounds and preservatives or sealants to aircraft components, which could be considered maintenance or preventive maintenance. Conversely, cleaning seat cushions/covers is not considered maintenance.

***Decorative Coatings.*** According to [14 CFR part 43, Appendix A](#), the “refinishing of decorative coating of fuselage,...cabin, or cockpit interior...” is preventive maintenance.

***Repairing Cargo Containers.*** Cargo containers are considered part of the aircraft; therefore, repairs are covered under [14 CFR part 43](#) as maintenance.

***Building Parts.*** Although the person who physically manufactures a part does not perform maintenance or preventive maintenance duties, the person who takes that manufactured part and consumes it while repairing the next higher assembly must be tested.

***Manufacturer Testing.*** A manufacturer that performs a test on a component to determine the extent of repairs necessary or to determine the serviceability of a component is required to be covered under a drug and alcohol program when performing work for a part 121 or 135 or air tour operator. According to Flight Standards, the testing is being performed to a standard required by the manufacturer or other standards acceptable to or approved by the FAA Administrator. The testing standard may be part of an inspection requirement in the technical data being used in the testing process.

***Line Service Maintenance.*** Persons performing line servicing functions that would be considered maintenance and/or preventive maintenance (as listed in [14 CFR part 43, Appendix A](#)) must be tested. This includes persons that an air

carrier arranges with to perform servicing at line maintenance facilities or locations outside of their normal routes.

***Mechanic's Helpers.*** All employees who conduct aircraft maintenance or preventive maintenance duties are required to be covered by an FAA drug and alcohol testing program. This includes non-certified helpers that perform under direct supervision, regardless of whether they sign off on the work or not.

***Third Level Subcontracting.*** Part 120 requires all persons that perform aircraft maintenance or preventive maintenance duties at any level are tested. It is an employer's responsibility to ensure that any maintenance contracted out is done with persons covered by a program. The air carrier cannot delegate its regulatory responsibility to ensure all persons who perform maintenance or preventive maintenance are covered.

***Aircraft Parts Receiver or Shipper.*** Personnel that ship or receive aircraft parts are not directly performing covered work when the duties are purely administrative and involve signing for a receipt of the part, checking for paperwork or obvious damage, etc. However, if the person is performing inspections that determine the airworthiness of an aircraft appliance or component or determining the scope of work or required maintenance or alteration action, it may be considered part of aircraft maintenance or preventive maintenance duties.

***Emergency Maintenance.*** According to 14 CFR §§ [120.35\(c\)](#) and [120.39\(c\)](#), a certificate holder that conducts on-demand operation into an airport (either domestic or abroad) at which no maintenance providers are available may use individuals not covered under a FAA-mandated testing program to provide emergency maintenance<sup>3</sup>. Under these provisions, you must ensure that maintenance personnel who are tested reinspect the aircraft and you report the emergency maintenance to the Drug Abatement Division within 10 days of learning about the emergency maintenance. A [sample reporting form](#) is available online and should be sent to [drugabatement@faa.gov](mailto:drugabatement@faa.gov) or faxed to 202-267-5200.

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<sup>3</sup> Emergency maintenance covers maintenance that is not scheduled and necessary by an aircraft condition not discovered prior to the departure for that location.

For more information, please refer to the FAA's Office of Chief Counsel response dated January 11, 2016 to [Odyssey Airways, LLC](#) that discusses emergency maintenance.

If you have further questions about reporting emergency maintenance, please contact our Program Administration Branch at [drugabatement@faa.gov](mailto:drugabatement@faa.gov) or 202-267-8442.

***Reminder:*** If you need further guidance after reviewing the maintenance and preventive maintenance definitions and above examples, you should consult with your local [Flight Standards District Office](#) or PMI.

#### **f. Ground Security Coordinator Duties**

Each air carrier or operator's security program dictates the ground security coordinator (GSC) roles and responsibilities. In addition, the Department of Homeland's Transportation Security Administration (TSA) defines the GSC under [49 CFR chapter XII, part 1544](#).

For clarification on whether your employees perform GSC duties, consult with your security program. If you are not an air carrier, you should consult the air carrier with whom you contract to determine whether the duties performed are part of their security program.

#### **g. Aviation Screening Duties**

Aviation screening functions performed by non-TSA employees are covered under part 120. These duties include security screening at the checkpoint, including non-checkpoint screening (pat down/wanding and carry-on baggage searches) of passengers.

Screeners that perform the non-checkpoint screening on service personnel (non-passengers such as catering, cargo, etc.) are not covered under part 120.

**Note:** Aviation screeners employed by the TSA and performing as a TSA employee are not subject to testing under 14 CFR part 120 unless they are hired

directly by a regulated employer, or they work for a regulated employer outside of their employment as a federal employee. For more information about TSA and their security-screening program, please visit their website at [www.tsa.gov](http://www.tsa.gov).

#### **h. Air Traffic Control Duties**

Air traffic controllers that perform duties for an air traffic control facility not operated by the FAA or under contract to the United States military are tested under part 120.

#### **i. Operations Control Specialist Duties**

Any air ambulance operator that has 10 or more helicopters must establish Operations Control Centers<sup>4</sup>. The specific duties of the operations control specialists are defined in [14 CFR § 135.619](#) and include providing preflight weather assessment, assisting with fuel planning and alternate airport weather minimums, and communicating with pilots about operational concerns during flight. These types of duties and this category would not apply to any other operator.

If you need clarification on whether an employee performs operations control specialist duties, please contact the POI assigned to your operating certificate or your local [Flight Standards District Office](#).

### **Part 3. Non-Covered Functions or Job Categories**

FAA is often asked about the following job functions that are not considered safety-sensitive:

- Aircraft push-back, towing, or other ground handling
- Aircraft fueling or de-icing
- Ticketing
- Baggage handling or loading
- Tool calibrators

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<sup>4</sup> Required by the [Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations Final Rule, effective April 22, 2016](#).

If functions are not considered safety-sensitive duties, testing under 14 CFR part 120 and 49 CFR part 40 is prohibited. You may conduct your own company testing; however, you are prohibited from using federal drug and alcohol testing forms or making employment determinations based on federal testing. You must ensure that your DOT/FAA testing program and records are separate from your company testing program (non-DOT testing) in all respects.

**Note:** If your employee holds a commercial driver's license (CDL) to perform any of the above non-covered functions, he or she may be subject to testing under the Federal Motor Carrier Safety Administration (FMCSA) regulation ([49 CFR part 382](#)). For more information about FMCSA and the other transportation agency's regulations, please visit the [Department of Transportation's Agency webpage](#).

#### **Part 4. Additional Resources**

If you have an active DOT/FAA-mandated drug and alcohol testing program, you must have knowledge of the following regulations:

- [14 CFR part 120](#) – FAA's regulation that outlines who will be tested and when, prohibited conduct and consequences for testing violations, training and education requirements, as well as many more requirements that apply to employers and employees.
- [49 CFR part 40](#) – The Department of Transportation's (DOT's) Procedures for Transportation Workplace Drug and Alcohol Testing Programs outlines the collection, testing, reporting, and other procedures that apply to an employer, employees, and service agents.

For more information, aviation employers should visit the FAA's website at [www.faa.gov/go/drugabatement](http://www.faa.gov/go/drugabatement) and [subscribe](#) for future updates!

If you have any questions that are not answered in this Alert, please contact the Drug Abatement Division's Program Policy Branch directly at 202-267-8442 or [drugabatement@faa.gov](mailto:drugabatement@faa.gov).