

Posted for display in yesterday's Federal Register is a Final Rule that will be published in the Federal Register Thursday, November 20, 2008, dealing with 40.67(b) – direct observation for return-to-duty and follow-up testing. That section of the regulation will read, pending further order of the United States Court of Appeals for the District of Columbia Circuit, as follows:

**§ 40.67 When and how is a directly observed collection conducted?**

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(b) As an employer, you may direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test.

You can access the displayed document at:

[http://federalregister.gov/OFRUpload/OFRData/2008-27617\\_PI.pdf](http://federalregister.gov/OFRUpload/OFRData/2008-27617_PI.pdf)