

# DOT DRUG & ALCOHOL CLEARINGHOUSE

## COMPLIANCE KIT

### J. J. Keller Keeps You in Compliance

Now that the DOT Drug & Alcohol Clearinghouse is in effect, you can use the information and resources in this kit to help keep your fleet in compliance. If you have any questions or need assistance, J. J. Keller is always here to help!

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# Clearinghouse FAQs

## What is the Clearinghouse?

The Clearinghouse is an online portal that houses data on CDL drivers' FMCSA drug & alcohol testing violations. It's meant to provide employers with a way to identify drivers who are prohibited from operating a CMV based on FMCSA drug & alcohol program violations.



## Who needs to comply?

If you have a DOT testing program under Part 382, you're subject to the Clearinghouse requirements.

## How is data used in Clearinghouse functions?

Information on FMCSA testing violations is reported to the Clearinghouse, along with completed rehabilitation, treatment, and follow-up programs. In addition, employers are expected to request queries on:

- New drivers hired in a safety-sensitive function (SSF), and
- Existing drivers in a SSF on an annual basis, to learn of any unresolved testing violations.

## Did the Clearinghouse change any of the existing drug and alcohol program requirements in part 40?

No, this rule does not change any existing requirements in part 40, the DOT-wide procedures for workplace drug and alcohol testing.

## Can a driver correct information in the Clearinghouse?

Yes. The Clearinghouse provides an administrative process for drivers to request corrections on their Clearinghouse record (§ 382.717). Drivers may challenge only the accuracy of information reported, not the accuracy or validity of test results or refusals.

## How can I make compliance easier?

Use the attached resources to help ensure your company's compliance with the Clearinghouse requirements.

## Can J. J. Keller help?

Yes! We provide a suite of service options and a team of regulatory experts to manage your compliance with the Clearinghouse rule. See the bottom of [page 7](#) for details.



# DOT Drug & Alcohol Clearinghouse Key Points

Effective January 6, 2020, a repository created by the FMCSA began collecting information on drivers' FMCSA drug and alcohol violations occurring under the employer's FMCSA DOT testing program.

The employer and service providers are called upon to report DOT drug and alcohol testing program violations to the Clearinghouse. Motor carriers, medical review officers, third-party administrators (C/TPAs), and substance abuse professionals must provide specific information:

- Positive drug and failed alcohol tests,
- Refusals to take a drug or alcohol test,
- Actual knowledge of prohibited behavior, and
- Completed steps in the return-to-duty and rehabilitation process.



The following records will be collected and maintained about drivers in the Clearinghouse:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any test required by Subpart C of Part 382;
- An employer's report of actual knowledge, as defined at §382.107, including:
  - On duty alcohol use pursuant to §382.205;
  - Pre-duty alcohol use pursuant to §382.207;
  - Alcohol use following an accident pursuant to §382.209; and
  - Controlled substance use pursuant to §382.213;
- A substance abuse professional report of the successful completion of the return-to-duty process; and
- An employer's report of completion of follow-up testing.

The Clearinghouse will aid the employer in learning of a driver's need start or continue with the necessary steps in the DOT return-to-duty process (i.e., Substance Abuse Professional (SAP) program) in order to operate a commercial motor vehicle (CMV). It also assists in learning when a follow-up testing plan needs to be completed.





# DOT Drug & Alcohol Clearinghouse Key Points

## FMCSA requires motor carrier employers to:

- Query the system for information on driver applicants, and
- Search the database annually for current employees.

Employers will receive a notification if the driver's Clearinghouse record changes within 12 months of any query. The employer must request a follow-on query to learn details.

Before the Company may gain access to the information in the Clearinghouse, the driver must grant consent. Failure to provide consent prevents the Company from using the CDL driver in a safety-sensitive function.



## Clearinghouse Status Tied to CDL/CLP

State driver's licensing agencies (SDLAs) have been instructed by the Federal Motor Carrier Safety Administration (FMCSA) to:

- Deny CDL and CLP issuance, renewal, upgrade, or transfer for any driver that has an unresolved violation (prohibited status) in the Clearinghouse.
- Downgrade existing CDL and CLP holders while they are in prohibited status in the Clearinghouse.

The SDLA must report the downgrade within 60 days of learning of the status and reinstate privileges after learning that the driver is no longer prohibited.

Monitoring the reinstatement status is one additional step for the employer before allowing the driver to operate a commercial motor vehicle (CMV) again. It must ensure the driver is properly licensed or face a citation (using a driver without a CDL when one is required).



## MONITORING REINSTATEMENT STATUS

The employer must ensure the driver is properly licensed or face a citation.



# FMCSA D&A Testing Clearinghouse Driver Registration Instructions

## Creating a Login.gov Account

1. Go to <https://clearinghouse.fmcsa.dot.gov/register> and click on "Go to login.gov" to create a login.gov account
2. Click "Create an account"
3. Enter your email address and click submit
4. Check your email and open the email from no-reply@login.gov with the subject Confirm your email
5. Click Confirm email address
6. Create a password (must be 12 + characters long and "strong enough" to continue), click "Continue"
7. Select an option to authenticate your account (phone via text or call; authentication application; government employee; or I don't have any of the above in which case you will be given 10 backup codes to keep in a secure place)
  - a. Best option is to utilize a cell phone with text first
8. Enter the security code you are sent within 10 minutes in the "One-time security code" box and click submit
9. Click agree and continue to return to the Clearinghouse website and complete your Clearinghouse registration

## Register for Clearinghouse (Start Here if you already have a login.gov account)

1. Login with email and password if you already have a login.gov account:  
**<https://clearinghouse.fmcsa.dot.gov/>**
2. Select your role – Driver
3. Enter your contact information and your preferred method of contact (email is advisable as notifications are time sensitive) and click next
  - a. Note: if you select U.S. Mail you will be asked to confirm this selection
4. Enter CDL information and click verify – this info will be verified against the information in the CDLIS
5. You will receive a "Success! We have verified your CDL information" when it's been verified. Click next
6. Check box to accept terms and conditions and click I Agree
7. Registration Complete

# Drug & Alcohol Clearinghouse Compliance Checklist

This checklist includes the many tasks you need to complete in order to comply with the FMCSA's Drug & Alcohol Clearinghouse.

**The experts at J. J. Keller can handle most of these tasks for you, so compliance is easy!**

## RESPONSIBILITIES

- ☐ Register with the Clearinghouse.
- ☐ Purchase a query bundle.
- ☐ Include written procedures to ensure violations, negative return-to-duty tests and completed follow-up programs are reported within three business days.
- ☐ Take the following actions for each **new CDL driver-applicant**:
  1. Request a full pre-employment query.
  2. Have the driver applicant log into a personal Clearinghouse account to provide consent.
  3. Receive the report and ensure the driver is not in a Prohibited Status
- ☐ Take the following actions annually for each **existing CDL driver**:
  - 1a. For the limited query, get the drivers' consent ahead of the request outside of the Clearinghouse.
  - 1b. Request the query.
  - 1c. If the result show the driver has a record, request a full follow-on query for details.
  - 2a. For the full query, request the query.
  - 2b. Have the driver applicant log into a personal Clearinghouse account to provide consent.
  - 2c. Remove the driver from safety-sensitive duties if consent is not provided within 24 hours or the query indicates a Prohibited Status.
- ☐ Take the following actions for each existing CDL driver after receiving notification of a change to the Clearinghouse record since the last query:
  1. Request a full query within 24 hours.
  2. Have the driver log into a personal Clearinghouse account to provide consent.
  3. Remove the driver from safety-sensitive duties if consent is not provided within 24 hours or the query indicates a Prohibited Status.



- ☐ Update procedures to ensure drivers with unresolved violations in the Clearinghouse are removed from safety-sensitive duties until they complete the treatment and return-to-duty testing process.
- ☐ Monitor the CDL license status following a reported drug or alcohol violation/Prohibited Status by requesting a motor vehicle record (MVR) or subscribing to an MVR monitoring service. Assist drivers in the state-specific procedures to reclaim the CDL.

## TRAINING

- ☐ Inform your CDL drivers about:
  1. The initial and annual inquiries you will need to perform.
  2. The need for drivers to register online with the Clearinghouse in order to grant consent for a full query.
  3. Their ability to obtain their own Clearinghouse reports for free at any time.
  4. Their ability to challenge the accuracy of information in the Clearinghouse.
  5. The need to notify current employers, in writing, of any DOT testing violations that occur under a different employer.

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# Drug & Alcohol Clearinghouse Compliance Checklist *(cont.)*

## MOTOR CARRIER REPORTING REQUIREMENTS

- ☐ You or a service provider, such as J. J. Keller, must report the following information to the Clearinghouse within three business days for all CDL drivers subject to FMCSA drug and alcohol testing:
  1. Alcohol test results of 0.04 or greater.
  2. Refusals to take an alcohol test.
  3. Refusals to take a drug test, where the MRO is not involved in making the determination.
  4. "Actual knowledge" that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
  5. Negative return-to-duty test results.
  6. Completion of follow-up testing.

## SERVICE AGENTS

- ☐ If you decide to outsource your drug & alcohol testing program, contract with a qualified third party, such as J. J. Keller, to:
  1. Perform pre-employment, annual, and follow-on driver queries.
  2. Provide information to the Clearinghouse on your behalf. Service providers must be designated in your Clearinghouse to act on your behalf to submit data and/or request queries.
  3. Use a motor vehicle record (MVR) monitoring service to know whether a driver has lost or regained CDL/CLP privileges due to their Clearinghouse record.



## WE SIMPLIFY COMPLIANCE WITH THE DRUG & ALCOHOL CLEARINGHOUSE

Let the experts at J. J. Keller handle your Clearinghouse compliance for you by...

- Reporting drivers' alcohol & drug violations on your behalf
- Providing instructions to drivers on how they should register in the Clearinghouse database
- Tracking driver signatures and receipt of annual consent for all affected drivers
- Reviewing your current DOT drug & alcohol policy for accuracy and completeness
- Running limited queries on all CDL drivers according to the regulation
- Running full queries as required due to the results found in the annual limited query
- Running follow-on queries when notified of a change to the driver's record since the last query
- Conducting pre-employment queries on all potential new applicants
- Requesting MVRs to monitor the CDL status following a violation or after completing the return-to-duty process



Discover how simple compliance can be.

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