

DOT DRUG & ALCOHOL CLEARINGHOUSE

COMPLIANCE KIT

J. J. Keller Keeps You in Compliance

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

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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 new Clearinghouse requirements.

When was the Clearinghouse launched?

The database was launched on January 6, 2020. Since that date, information on FMCSA testing violations has been 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.

Does the final rule 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.

Are violations that occurred before the Clearinghouse rule was implemented included in the Clearinghouse?

No. The Clearinghouse only contains violations that occurred on or after the rule's implementation date of January 6, 2020.

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.

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DOT Drug & Alcohol Policy Content

(See sample on pg. 4)

Motor carriers are required to have information on the CDL Drug & Alcohol Clearinghouse in their DOT drug and alcohol testing policy. Minimum educational elements to provide to drivers are contained in §382.601(b)(12) of the Federal Motor Carrier Safety Regulations.

For an example of the type of verbiage that should be included in your current FMCSA drug and alcohol testing policy, see [page 4](#).



NOTE: The sample DOT Drug & Alcohol Policy verbiage is designed to provide reasonably accurate and authoritative information in regard to the subject matter covered. It is made available with the understanding that J. J. Keller is not engaged in rendering legal, accounting or other professional service. If legal advice or other expert service is required, the services of a competent professional should be sought. J. J. Keller shall not be held liable in any degree for any loss, damage or injury caused by any omission, error, misprinting or ambiguity present in this sample policy addendum.

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Commercial Driver's License Drug and Alcohol Clearinghouse

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

The Company and service providers are called upon to report FMCSA drug and alcohol testing program violations to the Clearinghouse. Motor carriers, medical review officers, consortium/third-party administrators, and substance abuse professionals must provide information when a driver:

- Tests positive for drugs or alcohol;
- Refuses drug and alcohol testing; and
- Undergoes the return-to-duty drug and alcohol rehabilitation process.

The following records will be collected and maintained 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 Company 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).

FMCSA requires motor carrier employers to:

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

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.

FMCSA D&A Testing Clearinghouse Driver Registration Instructions



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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 timesensitive) 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

FMCSA D&A Testing Clearinghouse Registration Receipt

I, _____, do hereby certify that I have registered with the FMCSA D&A Clearinghouse as mandated by my company's policy.

Driver's Signature: _____ Date: _____

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!

INITIAL RESPONSIBILITIES

- Register with the Clearinghouse every five years.
- Purchase a query bundle.
- Update your 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. You must request a full pre-employment query.
 2. The driver applicant logs into his/her personal Clearinghouse account to provide consent.
 3. You receive the report and ensure there is no record of a violation.
- Take the following actions on an annual basis for each **existing CDL driver**:
 - 1a. For the limited query, get the driver's consent ahead of the request outside of the Clearinghouse.
 - 1b. Request the query.
 - 2a. For the full query, you must request the query.
 - 2b. The driver logs into his/her personal Clearinghouse account to provide consent.
- Update procedures to ensure drivers with violations in the Clearinghouse are removed from safety-sensitive duties until they complete the treatment and return-to-duty testing process.



POLICY UPDATE AND TRAINING

- Review your drug/alcohol policy to determine how it's affected by the Clearinghouse, and update as needed.
- Update driver education materials to include the list of information that must be reported in the Clearinghouse.
- 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.

Continued on page 7

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 and annual driver queries, and
 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.



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
- Conducting pre-employment queries on all potential new applicants



Discover how simple compliance can be.

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