

J. J. Keller®

DOT Drug & Alcohol Services

Ensuring compliance, protecting your CSA scores and keeping highways safe.



J. J. Keller
& Associates, Inc.®

Since 1953



Drug & Alcohol Program Management Service
Drug & Alcohol Clearinghouse Services
TPA Service for Encompass® Fleet Management Platform

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The High Risk of Driver Drug Abuse and Alcohol Misuse

Imagine the damage an impaired driver operating one of your commercial motor vehicles could inflict on the general public. Those companies that have experienced this can tell you firsthand about the potential aftermath: lawsuit, DOT crash investigation, fines and penalties, higher CSA scores and the publicity nightmare.

With so much at stake, it's vital that your company detect and deter drug abuse and alcohol misuse in your commercial drivers. And that starts with a well-managed DOT drug and alcohol testing program.

J. J. Keller can help with a wide variety of services, including:

- Overall management of your drug & alcohol program
- Administering third-party testing
- Handling the Clearinghouse requirements
- And more

The experts at J. J. Keller make compliance easy.



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Understanding the DOT Drug & Alcohol (D&A) Requirements

WHAT'S INVOLVED?

Managing a DOT drug & alcohol program involves training your supervisors and testing and training drivers of commercial motor vehicles — in addition to handling the related recordkeeping — and is required under Part 382 of the Federal Motor Carrier Safety Regulations (FMCSRs).

WHAT TYPES OF TRAINING ARE REQUIRED?

You must ensure that all persons designated to supervise drivers receive the following:

- 60 minutes of training on alcohol use
- 60 minutes of training on drug use

Supervisors will use this training to determine whether reasonable suspicion exists to require a driver to undergo testing.

Additionally, you're required to provide drivers with detailed information covering 12 key areas, including the effects of drug & alcohol use, your company's policies, testing requirements, information about the CDL Drug and Alcohol Clearinghouse, and how and where drivers can get help for substance abuse.

Regulatory Update: Saliva-based Drug Testing Option Approved

As of June 1, 2023,
employers subject to DOT
drug testing rules have the
option of sending covered
employees for an oral-fluid
drug test.



WHO MUST COMPLY?

If your company operates vehicles that require drivers to possess a commercial driver's license (CDL), your operation and the drivers of those vehicles are subject to the Part 382 and Part 40 requirements.

WHAT TYPES OF TESTS ARE REQUIRED?

Part 382 requires the following six types of driver testing:

- Pre-employment
- Random
- Post-accident
- Return-to-duty
- Follow-up
- Reasonable suspicion

WHAT TYPES OF RECORDKEEPING ARE REQUIRED?

Employers are expected to maintain the following records of their drug & alcohol programs under Part 382:

- Records related to the collection processes
- Records related to the driver's test results
- Documentation of any other violations of drug or alcohol misuse
- Records related to evaluations
- Records related to education and training
- Records related to drug & alcohol testing

Protecting Your Controlled Substance & Alcohol CSA BASIC

The Federal Motor Carriers Safety Administration's (FMCSA) Compliance, Safety, Accountability (CSA) program scores carriers and drivers on seven Behavior Analysis Safety Improvement Categories (BASICS), including the Controlled Substance & Alcohol BASIC. This BASIC covers 10 violations that can be detected at the roadside, including using or possessing controlled substances while on duty; possessing, using or being under the influence of alcohol while driving; using or being under the influence of alcohol within four hours of going on duty; or violating an out-of-service order related to drug or alcohol use. The following checklist will help you stay on top of this BASIC.

Check the areas that are addressed at your company:

- ☐ Our company has a controlled substances and alcohol program in place that meets or exceeds the regulations.
- ☐ All company personnel that supervise drivers have received reasonable suspicion training in accordance with Section 382.603.
- ☐ Our company has a policy that does not allow drivers to use or be in the possession of drugs while on duty (except for prescription drugs that have been cleared by a doctor).
- ☐ Our company has a policy that does not allow drivers to have, use, or have any measured presence of alcohol while on duty.
- ☐ Our company has a policy that prohibits drivers from using alcohol within four hours of going on duty.
- ☐ Our company has a policy stating that drivers placed out of service for violating the alcohol prohibitions are not allowed to operate a commercial motor vehicle until the 24-hour time period has elapsed.
- ☐ The driver's handbook includes (either as part of or as a separate document) the company's substance abuse policy (CDL drivers only).
- ☐ All drivers selected for a random test are tested in the correct time frame (CDL drivers only).
- ☐ Drivers are not notified of random tests in advance (CDL drivers only).
- ☐ Our company has a policy of no alcohol in the CMV even in off-duty status.
- ☐ Drivers who fail or refuse a test are immediately removed from performing safety-sensitive functions, including driving (CDL drivers only).
- ☐ When the company has actual knowledge of a violation of FMCSA's testing rules, the driver is immediately removed from performing safety-sensitive functions, including driving (CDL drivers only).
- ☐ Our company has a policy that prohibits a new driver from operating a CMV until a CDL Drug and Alcohol Clearinghouse pre-employment query is received (CDL drivers only).
- ☐ Our company has policies and procedures in place to request annual Clearinghouse queries on current drivers (CDL drivers only).
- ☐ Our company has policies and procedures in place to ensure failed DOT alcohol tests, actual knowledge, and refusal to test are reported to the Clearinghouse within 3 business days of the event (CDL drivers only).
- ☐ Our company policy communicates to drivers that failing to provide consent for Clearinghouse queries restricts them from performing a safety-sensitive function (CDL drivers only).
- ☐ Our company has a policy of not using a driver in a safety-sensitive function if a Clearinghouse query indicates an unresolved DOT testing violation (CDL drivers only).



Drug & Alcohol Program Management Service

This comprehensive service relieves you of the detailed tasks associated with managing a DOT drug & alcohol program by assigning you a **dedicated Compliance Specialist** who helps manage your overall compliance with the requirements. Plus, our **online DataSense® platform** lets you see current information about your drivers' test results, drug and alcohol file contents, reports, and overall compliance status.

Your assigned Compliance Specialist will ...

- Ensure you have a compliant DOT drug & alcohol policy in place
- Establish confidential electronic drug & alcohol files and purge them per DOT regulations
- Manage your driver pool and your random selections
- Administer all of your testing, including pre-employment, reasonable suspicion, random, return-to-duty, post-accident, and follow-up
- Provide regular updates regarding file deficiencies, so they can be addressed before they cause problems
- Reduce audit risk by improving CSA Controlled Substances/Alcohol scores
- Help you comply with the Drug & Alcohol Clearinghouse regulation by managing new hire and annual queries, reporting of violations, and policy creation
- Ensure compliance with recordkeeping requirements per 49 CFR Parts 40 and 382
- Provide access to our team of compliance experts
- Quickly notify you of test results so you can proactively follow up with drivers
- Consolidate invoicing that pulls all individual driver testing statements into one detailed invoice

See This Service in Action!



Small Fleet?

We offer a consortium and special pricing starting at just one driver!

JJKellerDataSense.com/SmallFleet



What Sets Our DOT Drug & Alcohol Testing Services Apart?

Many fleets rely on Third-Party Administrators (TPAs) to manage required DOT drug and alcohol testing. Generally speaking, these programs focus on the transactional functions of drug and alcohol testing, versus overall compliance and best practices. Below is a comparison of these typical programs with J. J. Keller's comprehensive service.

PROCESS	COMMON PROGRAMS	J. J. KELLER	THE J. J. KELLER DIFFERENCE
Written Company DOT Drug & Alcohol Policy Review - assistance and management of DOT-compliant policy		X	The FMCSA requires employers to have policies in place that fully explain their drug and alcohol program. You must also make them available to employees covered under your DOT program. We help ensure you're in compliance with these requirements.
Company Reasonable Suspicion Supervisor Training - procedure review		X	Our trained compliance experts can deliver reasonable suspicion training to your staff so they can determine whether to require a driver to undergo reasonable suspicion testing.
File Auditing		X	We perform a comprehensive initial audit, and ongoing auditing and maintenance to ensure your compliance.
Testing Paperwork Retention	X (Results)	X (All Required)	You must maintain comprehensive records so you can fully account for your programs when you are inspected or audited by DOT agencies. In addition, you might have to produce records for court cases and arbitration hearings. We image and retain all required testing paperwork. Easily query it from your company's online DataSense [®] portal, or request it from your Compliance Specialist.
Non-Compliance Notification & Follow-Up (minimum requirements of §40 & 382)		X	We make sure you are notified of non-compliance issues, and we follow up to be sure corrective action was completed.
Drug and Alcohol Pool/ Consortium Management		X	We maintain your company drug and alcohol pool, or include your drivers in our consortium.
Random Selections	X	X	We ensure your random selections are pulled accurately, applied consistently, and that you meet year-end testing requirements.
Collection Site Setup - clinic site identification	X	X	We work directly with collection sites to coordinate your testing. We operate with a nationwide network of 8,000+ clinics nationwide and regularly add clinics based on client needs.

What Sets Our DOT Drug & Alcohol Testing Services Apart? *(cont.)*

PROCESS	COMMON PROGRAMS	J. J. KELLER	THE J. J. KELLER DIFFERENCE
Dedicated Program Compliance Specialist	Varies	X	Experienced specialists are assigned to work with your company. You'll know who to call when you need help, and we'll establish a positive working relationship you can count on.
Collection Site Management - complete coordination & collaboration of clinic management, including invoicing & error correction	X	X	Your Compliance Specialist works directly with collection sites to be sure testing invoices are paid promptly, and overall service is satisfactory.
Supply & Distribution of Chain of Custody Forms	X	X	Using the wrong chain of custody form, or completing it incorrectly, is a common weak link in drug & alcohol testing. We supply and distribute the proper forms to everyone involved.
Laboratory & Medical Review Officer (MRO) Services Coordination	X	X (Proactive)	When you need a MRO, we coordinate this process from start to finish.
Test Result Processing & Reporting	X	X (Proactive)	We take the guesswork out of what test to use, who to test, and when to test.
Proactive Test Monitoring - coordination of all test resolution across all locations, providing uniform adherence to DOT and company policy		X	Your compliance specialist will proactively monitor the status of your testing, and work with your location managers to make sure tests are accurately completed.
Annual Statistical Tracking & Reporting		X	Keeping testing documentation and ensuring year-end testing percentages is critical to avoiding an intervention or audit. We make sure your program is accurately maintained so you don't over or under test..
Post-Accident Support	Varies	X	We're available to you 24/7 in the event of an accident to help you determine who needs to be tested.
Invoice Reconciliation/ Consolidation		X	You will receive one consolidated invoice for all involved services. We coordinate payment of clinics, lab and MRO on your behalf.
Regulatory Guidance		X	J. J. Keller's foundation is regulatory compliance. In addition to having dedicated Compliance Specialists, our clients have access to DOT transportation safety experts and experienced safety consultants.
Audit Support		X	In the event of an audit or intervention, we support you through the entire process.

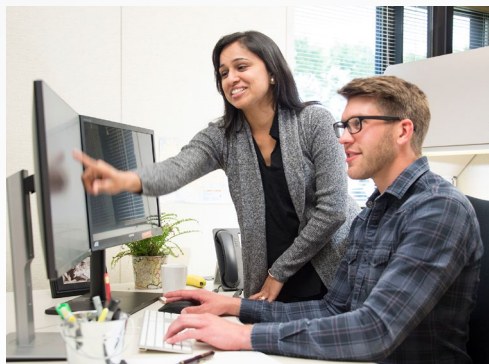
J. J. Keller® Third Party Administration (TPA) Service for Encompass® Fleet Management Platform



This service combined with our [Encompass® fleet management platform](#) helps you manage a reliable drug & alcohol testing program that complies with the FMCSR Parts 40 and 382 DOT requirements.

Your Compliance Specialist will work with you and your Encompass platform to ...

- Administer all of your testing, including pre-employment, reasonable suspicion, random, return- to-duty, post-accident and follow-up
- Integrate with your Encompass® system and provide 24/7 access to testing documentation and reporting
- Manage your random selections
- Maintain a consortium for small companies
- Upload your test results into your Encompass® system
- Provide 24/7 access to post-accident/ emergency/reasonable suspicion testing services
- Provide quick turnaround time of test results so you can follow-up with your drivers immediately
- Give you access to a nationwide 8,000+ clinic network
- Provide consolidated invoicing with all your testing costs on one monthly detailed invoice



ABOUT J. J. KELLER® ENCOMPASS

From alcohol and drug program management to hours-of-service compliance, driver qualification recordkeeping, CMV legalization, vehicle inspections, maintenance tracking, and IFTA/IRP reporting, you can manage them all using the Encompass® platform.

When paired with connected technology options, such as the Dash Cam Pro, mandate-compliant ELDs, Encompass® Vehicle Tracking, and the J. J. Keller® Compliance Tablet™, you get a comprehensive fleet management solution that helps protect your operation from risk while empowering you to make informed decisions about compliance and operations.

The Encompass® Platform supports over 100,000 connected devices, and is used by over 10,000 fleets to manage compliance and operations for over 315,000 drivers!

Understanding the FMCSA Drug & Alcohol Clearinghouse

WHAT IS IT?

The CDL Drug and Alcohol Clearinghouse is a repository to collect information on drug and alcohol violations occurring under a motor carrier's DOT testing program. 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.

As of January 6, 2020, motor carriers, medical review officers (MROs), consortium/third-party administrators (C/TPAs), and substance abuse professionals (SAPs) must provide information when a driver:

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

To aid in learning of a driver's need to start or continue with the necessary steps in the DOT return-to-duty process, motor carriers must query the database on two occasions:

- During the hiring process, and
- Annually for current drivers.

Motor carriers are also required to provide information to their drivers about the database.

DID YOU KNOW?

Total drug and alcohol violations in 2021 climbed to **59,252**,

a **10% increase over 2020!**

WHO NEEDS TO COMPLY?

Motor carriers and drivers that operate CDL vehicles are subject to 49 CFR Part 382 testing. As a result, both are also subject to the Clearinghouse requirements. However, motor carriers may designate a C/TPA like J. J. Keller to submit data on their behalf and/or request driver queries.

In addition, MROs and SAPs are called upon to submit specific data elements on commercial drivers who have violated testing rules.

WHY IS COMPLIANCE CRITICAL?

Motor carriers must ensure potential and current drivers do not have any unresolved DOT testing violations. Failure to comply with reporting requirements or perform the required queries could result in:

- Fines and penalties,
- A low safety rating, and
- A tarnished reputation.

In addition, a motor carrier that fails to query the database may be subject to litigation in the event of a high-profile crash. Plaintiffs may claim negligent entrustment, regardless of whether the driver had a violation in the database or was impaired at the time of the accident. It comes down to operating a commercial motor vehicle with an incomplete DOT drug and alcohol testing file.

DOT 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. We can help handle them for you!

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**:
 1. For the **limited query**, get the driver's consent ahead of the request outside of the Clearinghouse, then request the query.
 2. For the **full query**, you must first request the query, then 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.

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.

J. J. Keller® DOT Drug & Alcohol Clearinghouse Services

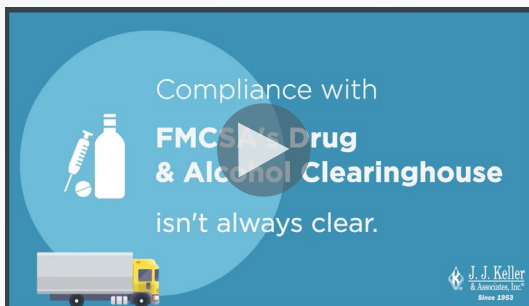
We can simplify your compliance with the Clearinghouse requirements by handling everything from performing pre-employment and annual driver queries to submitting information to the Clearinghouse so you don't have to worry about a thing.

Your Compliance Specialist will...

- Report drivers' alcohol & drug violations on your behalf
- Provide instructions to drivers on how they should register in the Clearinghouse database
- Track driver signatures and receipt of annual consent for all affected drivers
- Review your current DOT drug & alcohol policy for accuracy and completeness
- Run limited queries on all CDL drivers according to the regulation
- Run full queries as required due to the results found in the annual limited query
- Conduct pre-employment queries on all potential new applicants.



See This Service in Action!



3 Reasons Every Fleet Needs a Drug & Alcohol Policy



1. It Satisfies the FMCSA Regulatory Requirements

If your company vehicles require drivers to possess a commercial driver's license (CDL), you're subject to the Part 382 and Part 40 requirements.

2. It Simplifies the Management of Your Drug & Alcohol Program

A policy clearly describes for drivers and supervisors alike what rises to the level of unacceptable drug & alcohol use, and what the consequences are of violating the policy.

3. It Safeguards Your Company

A drug & alcohol policy ensures that your drivers are aware of the effects of alcohol and controlled substances on their health, safety, and the work environment.

The Value of Outsourcing

J. J. Keller lets you outsource your complex, labor-intensive drug & alcohol tasks and compliance monitoring to the industry experts. The value of outsourcing D&A compliance includes a variety of benefits:

- **Understanding nuances of the requirements**, such as the protection of personal privacy information, document retention practices and accident reporting requirements.
- **Gaining expertise** to be sure you're in compliance without all of the extra staff and costly overhead.
- **Augmenting compliance efforts** if there's a shortage of workers or turnover in your safety or HR department.
- **Saving time** that's required by staff to undertake due diligence in consistently meeting every regulatory and company policy requirement.
- **Reducing risk of negligent hiring or negligent supervision.** If a crash leads to litigation, a plaintiff attorney will have the driver's DQ and drug & alcohol files scrutinized for anything missed in the hiring process, drug tests, compliance or company policy.
- **Reducing the risk of unsafe drivers on the road** by getting notifications for any compliance deficiencies and advanced notice of expiring documents.
- **Going above FMCSA minimums** to show that safety is a value and a priority at your company.
- Ensuring **new driver compliance** as they're added to your roster.
- Having **access to the thousands of clinics and Medical Review Officers (MROs)** nationwide that we maintain relationships with.
- Providing **audit support**, gathering the required paperwork and being there during the audit process for auditor questions.



YOUR DATA IS SECURE WITH J. J. KELLER

We make protecting your data a priority by training every associate on data security and achieving accreditation by the Professional Background Screening Association and ISO 27001:2013 certification.

We also offer secure APIs and document upload features to further protect your data.



80%



Approximately **80%**
of the drug and alcohol files
we have evaluated are missing
at least one document.

**Could your files
be missing
something?**



“Having dedicated account reps at J. J. Keller to help manage all of our communities across the country gives us peace of mind that we’re doing exactly what we need to stay compliant.”

Michael Johnson
Corporate Fleet Manager
Brookdale Senior Living



J. J. Keller’s Purpose

To create safer workplaces and highways, so your employees thrive and return home each day to the families who love them.

Why J. J. Keller?

For 70 years we’ve been helping fleets like yours run safer, more efficiently, and with reduced regulatory risk. Our safety and compliance specialists have over 300 years of combined regulatory experience. When you partner with us, you join over 500,000 customers, including 90% of the Fortune 1000® companies and 99% of the top 100 private motor carriers.

Discover how J. J. Keller goes the extra mile to make sure you have safe drivers.

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