

TOWN OF NEEDHAM

MEMORANDUM

TO: Prospective Hires with Commercial Drivers Licenses (CDLs)
FROM: Human Resources Department, Town of Needham
RE: USDOT Federal Motor Carrier Safety Administration Drug & Alcohol Clearinghouse
ACTION REQUIRED: Driver History, Consent to Query, Training Materials

Enclosed please find the following:

- Personnel Policy #416 - Drug & Alcohol Testing Policy
- FMCSA Clearinghouse Consent to Query Release Form
- FMCSA Clearinghouse Training Materials for Drivers

As a condition of your employment, the Town must conduct a **full query** on your prior driving and drug and alcohol history from the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License Drug and Alcohol Clearinghouse.

The Clearinghouse is a centralized database that employers will now use to report drug and alcohol program violations and to conduct queries, which checks that current or prospective employees are not prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to an unresolved drug and alcohol program violation. Queries are required by the USDOT, to be conducted as part of a pre-employment driver investigation, and at least annually for current employees.

Prior to your first day of employment the following is **required** by all conditional appointees to positions requiring CDLs:

- ✓ Register with the DOT Clearinghouse online and authorize the Town to run a FULL query:
<https://clearinghouse.fmcsa.dot.gov/>
 - ☐ Read instructions first:
<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-Driver-Instructions>
- ✓ Submit to the Human Resources Department:
 - ☐ a signed Policy acknowledgement, after reviewing Town Policy #416
 - ☐ a signed FMCSA Clearinghouse Consent to Query form, allowing annual limited queries
- ✓ Review the training materials and reach out to your supervisor with questions

We appreciate your cooperation in ensuring both the Town and drivers are in compliance with these new regulations. Refusal to sign and submit forms may impact drivers' ability to perform an essential function of their position and may adversely impact employment with the Town.

For more information for Drivers on the Clearinghouse visit the FMCSA Drug & Alcohol Clearinghouse "Learning Center" at: <https://clearinghouse.fmcsa.dot.gov/Learn>

**Town of Needham
Drug and Alcohol Testing Policy
Personnel Administration #416**

I. PURPOSE AND SCOPE

The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988.

II. APPLICABILITY

This policy applies to all safety-sensitive employees at the Department of Public Works.

III. DEFINITIONS

Refer to Policy #100 Definitions for commonly used words and phrases.

Safety Sensitive – For the purposes of this policy, safety-sensitive shall refer to all employees required by the Town to obtain and retain a Commercial Drivers License.

IV. GENERAL POLICY REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE

- A. The Town of Needham firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town of Needham discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town and encourages very forcefully the rehabilitation of such persons already in its employ.
- B. Employees of the Town of Needham are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion. While the Town of Needham has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that employee off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on our ability to accomplish our goal of providing an alcohol and drug-free environment.
 - 1. In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.

2. Employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town practice, such conditions will be proper cause for disciplinary action up to and including termination of employment.
3. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.
4. Any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including termination will be imposed.
5. The Town of Needham is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.
6. If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designed to provide care and treatment to employees who are in need of rehabilitation. Details concerning the treatment any employee receives at this program shall remain confidential and shall not be released to the public.

V. POLICY REGARDING DRUG AND ALCOHOL TESTING

- A. It is the policy of the Town of Needham to comply fully with the regulations mandating pre-use, random, reasonable suspicion and post-accident drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation.
- B. Performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.

Use of illicit drugs by safety-sensitive drivers is prohibited.

VI. PROCEDURES

A. Types of Tests

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following tests are required:

1. **Pre-employment (Pre-use)** All applicants for employment in positions requiring Commercial Drivers License (pre-employment), or candidates for transfer or promotion to such a position (pre-use) are subject to screening for improper use of alcohol or controlled substances.
2. **Post-Accident** – conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hour after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.
3. **Reasonable Suspicion** – conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least 24 hours. Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Director of Public Works or his/her designee.
4. **Random** – conducted on a random, unannounced basis just before, during or after performance of safety sensitive functions for alcohol or at any time for drugs. Each year, the number of random alcohol tests conducted by the Town must equal at least 25% of all the safety-sensitive drivers. Random drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.
5. **Return to Duty and Follow-up** – conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

B. Conducting Tests

1. Alcohol

DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a “negative” test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted.

2. Drugs

- a. Drug testing is conducted by analyzing a driver’s urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen’s security, proper identification and integrity are not compromised.
- b. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

- c. All urine specimens are analyzed for the following drugs:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)

- d. Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
- e. All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result.

3. Refusal to Participate

Any refusal to participate in any of the types of alcohol and or drug tests authorized in this policy will be treated as indicative of a positive result.

C. Consequences of Alcohol/Drug Misuse

1. Safety sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety sensitive functions must be removed from performing such duties for 24 hours. Depending on the circumstances, disciplinary action will be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04).
2. Drivers who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety sensitive functions. Drivers who are serving a probationary period will be terminated immediately. Non-probationary drivers will be offered an opportunity for rehabilitation in accordance with section 3 below. Non-probationary drivers who choose not to avail themselves of this rehabilitation opportunity will be terminated immediately.
3. Drivers who wish to continue employment with the Town of Needham must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period, whichever is appropriate.
4. Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result of less than 0.02, and who are then subject to un announced follow-up tests at the employees' expense, may return to work.
5. Drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be terminated immediately.
6. Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

D. Information/Training

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt (Attachment 1).

2. All supervisory and management personnel in the Department of Public Works and Department of Public Facilities must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, ongoing training will also occur after implementation of the policy.
3. This policy will be posted on employee bulletin boards and will be available to all employees.
4. Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and “reasonable suspicion” testing, the effect on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.
5. All recruitment advertising will include the statement “Drug/alcohol screening is a condition of employment” at the bottom of the advertisement/posting with the EEO statement.
6. All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

E. Record Keeping

1. The Town is required to keep detailed records of its alcohol and drug misuse prevention program.
2. Driver alcohol and drug testing records are confidential. Test results and other confidential information may only be released by the employer, the substance abuse professional, the MRO, and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information may only be made with the driver’s consent, or in response to a court order.

F. Pre-employment References

1. The Town must obtain and review the following information from each employer that the prospective driver worked for, in a safety-sensitive position, during the previous two years: information about a test in which the employee’s blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she will not be hired.
3. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the

applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.

4. The Town of Needham must provide the same information to subsequent employers of current Town employees when provided with a written release.

G. FMCSA Clearinghouse Reporting

The Town is required to collect, maintain, and report certain information listed below, to the Federal Motor Carrier Safety Administration (FMCSA) Commercial Driver's License Drug and Alcohol Clearinghouse as required by 49 CFR Part 382, Subpart C, §391.23:

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to any test required;
4. An employer's report of actual knowledge, as defined at §382.107;
5. On duty alcohol use pursuant to §382.205;
6. Pre-duty alcohol use pursuant to §382.207;
7. Alcohol use following an accident pursuant to §382.209; and
8. Controlled substance use pursuant to §382.213;
9. A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;
10. A negative return-to-duty test; and
11. An employer's report of completion of follow-up testing.

H. Questions

Questions about this policy should be referred to the employee's Division Superintendent, the Director of Public Works, the Director of Building Maintenance and/or the Director of Human Resources.

Attachments:

- A Employee Confirmation of Receipt
- B Consent to Conduct Limited Query in Clearinghouse

ATTACHMENT A
Town of Needham
ACKNOWLEDGMENT OF RECEIPT OF POLICY

I acknowledge receipt of the Drug & Alcohol Testing Policy #416 (revised September 2020) from the Town of Needham and I have read its contents. I have been granted the opportunity to ask my supervisor questions about this policy.

Employee's Name (Print)

Employee's Signature

Electronic Signature - By clicking this you agree that the electronic signature appearing above is the same as handwritten signature for the purposes of validity, enforceability and admissibility.

Date

Attachment B
Town of Needham
FMCSA Clearinghouse Consent to Query

I, _____ (Driver Name), in accordance with 49 CFR Section 382.711(b), provide consent to the Town of Needham (hereinafter “the Town”) or its agent to conduct a limited query of the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse (hereinafter “Clearinghouse”) to determine whether drug or alcohol violation information about me exists in the Clearinghouse. This consent is valid during the period of my employment by the Town and the Town or its agent may make inquiries of the Clearinghouse as necessary during my employment, including annual queries as required by law.

I understand that if the limited query conducted by the Town or its agent indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the Town or its agent without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the Town or its agent to conduct a limited query of the Clearinghouse, the Town is legally required to prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA’s drug and alcohol program regulations. I understand my refusal may impact my ability to perform an essential function of my position, and may adversely impact my employment with the Town.

Employee Signature

Date

Electronic Signature - By clicking this you agree that the electronic signature appearing above is the same as handwritten for the purposes of validity, enforceability and admissibility.



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

DRUG & ALCOHOL CLEARINGHOUSE

**Coming
January 6, 2020**

FOR CDL DRIVERS

- ✓ **Record**
- ✓ **Consent**
- ✓ **Query**
- ✓ **Safety**



What is the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse?

A secure, online database that will give employers and other authorized users real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations, thus improving safety on our Nation's roadways.

Which drivers are covered by the Clearinghouse?

Any driver who holds a CDL (CDL driver) and meets the requirements of the CDL standards (49 CFR Part 383), and the FMCSA Drug and Alcohol Testing Program (Part 382). References to CDL drivers also includes CLP drivers.



FALL 2019

Registration Opens

- Create your user account
- Visit the Clearinghouse Learning Center



JANUARY 6, 2020

Implementation Date

- Mandatory reporting begins



How will CDL drivers use the Clearinghouse?

Beginning January 6, 2020, registered CDL drivers can use the Clearinghouse to:

- **Provide electronic consent** to release detailed drug and/or alcohol violation information in your Clearinghouse record to a current or prospective employer (when an employer conducts a full query).
- **Review** your own Clearinghouse record and initiate the process to revise or remove incorrectly entered information.
- **Identify a substance abuse professional (SAP)** to report on RTD activities, if you have an unresolved drug and alcohol program violation in your Clearinghouse record.

Questions?

Email clearinghouse@dot.gov

Why register this fall?

Beginning January 6, 2020, employers of CDL drivers must query the Clearinghouse to verify that a current or prospective driver is not prohibited from operating CMVs or performing other safety-sensitive functions due to an unresolved drug and alcohol program violation.

Register early to to ensure you are ready on January 6, 2020.

While Clearinghouse registration is not required for all drivers, you will need to be registered to view your own Clearinghouse record electronically, or to provide electronic consent for a current or prospective employer to conduct a full query (including a pre-employment query) in the Clearinghouse. Failing to consent to a query will result in a driver being prohibited from performing safety-sensitive functions for the employer conducting the query.



DRUG & ALCOHOL CLEARINGHOUSE

<https://clearinghouse.fmcsa.dot.gov>



DRUG & ALCOHOL CLEARINGHOUSE

GET NEWS AND UPDATES AT:
<https://clearinghouse.fmcsa.dot.gov>

Coming
January 6, 2020

What is the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse?

The Clearinghouse is a secure online database that will give employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time information about CDL driver drug and alcohol program violations, thereby enhancing safety on our Nation's roadways. An act of Congress directed the Secretary of Transportation to establish the Clearinghouse.

The Clearinghouse contains information about drivers with commercial driver's licenses (CDL drivers) who are covered by FMCSA's drug and alcohol program. This also includes drivers with commercial learner's permits (CLPs).

For more information on drivers affected by the Clearinghouse, see other side.



When must I use the Clearinghouse?

JANUARY 6, 2020: Authorized users will be required to complete the actions described in the Clearinghouse final rule. At this time, employers will be required to conduct both electronic queries and traditional manual inquiries with previous employers to meet the three-year timeframe, required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may also view their own records for information recorded on or after January 6, 2020.

JANUARY 6, 2023: Once three years of violation data are stored in the Clearinghouse, employers are no longer required to also request information from the driver's previous FMCSA-regulated employers under 391.23(e); an employer's query of the Clearinghouse will satisfy that requirement.



How will the Clearinghouse improve highway safety?

- ✓ Make it easier for employers to meet their pre-employment investigation and reporting obligations.
- ✓ Make it more difficult for drivers to conceal their drug and alcohol program violations from current or prospective employers.
- ✓ Provide roadside inspectors and other enforcement personnel with the means to ensure that drivers receive required evaluation and treatment before performing safety-sensitive functions, such as driving a commercial motor vehicle (CMV).
- ✓ Make it easier for FMCSA to determine employer compliance with testing, investigation, and reporting requirements.

What information will the Clearinghouse contain?



The Clearinghouse will contain information on all CDL driver drug and alcohol program violations. These violations include:

- Report for duty/remain on duty for safety-sensitive function with alcohol concentration of 0.04 or greater or while using any drug specified in the regulations (Part 40), other than those prescribed by a licensed medical practitioner
- Alcohol use while performing, or within four hours of performing, a safety-sensitive function
- Alcohol use within eight hours of an accident, or until post-accident test, whichever occurs first
- Test positive for use of specified drugs
- Refusing to submit to a required alcohol or drug test

How will I use the Clearinghouse?

EMPLOYERS

Report drug and alcohol violations and check that no current or prospective employee is prohibited from performing safety-sensitive functions, such as operating a CMV, due to a drug and alcohol program violation for which a driver has not successfully completed a Return-To-Duty (RTD) process.

CDL DRIVERS

View own record, provide consent to current or prospective employers to access details about any drug and alcohol program violations, and select a Substance Abuse Professional, if needed.

MEDICAL REVIEW OFFICERS

Report verified positive drug test results and test refusals.

SUBSTANCE ABUSE PROFESSIONALS

Report RTD initial assessment and eligibility status for RTD testing.

CONSORTIUM/THIRD-PARTY ADMINISTRATORS

On behalf of an employer, report drug and alcohol program violations and perform driver queries as required.

STATE DRIVER LICENSING AGENCIES

Query the Clearinghouse prior to completing licensing transactions.



What types of drivers and employers will the Clearinghouse affect?



All CDL drivers who operate CMVs on public roads, and their employers and service agents. This includes, but is not limited to:

- Interstate and intrastate motor carriers, including passenger carriers
- School bus drivers
- Construction equipment operators
- Limousine drivers
- Municipal vehicle drivers (e.g., waste management vehicles)
- Federal and other organizations that employ drivers subject to FMCSA drug and alcohol use testing regulations (e.g., Department of Defense, municipalities, school districts)



DRUG & ALCOHOL CLEARINGHOUSE

How Will I Use the Clearinghouse?

Beginning January 6, 2020, registered users will be required to complete the actions listed below.

	DRIVER	EMPLOYER	CONSORTIUM/THIRD-PARTY ADMINISTRATOR (C/TPA)	MEDICAL REVIEW OFFICER (MRO)	SUBSTANCE ABUSE PROFESSIONAL (SAP)
Register as user beginning Fall 2019	✓	✓	✓	✓	✓
Manage assistants (optional)		✓	✓	✓	✓
Select C/TPA*		✓			
Request driver consent for queries		✓	✓		
Consent to full query requests	✓				
Query driver violation information		✓	✓		
Report drug and alcohol program violations		✓	✓	✓	
Select SAP †	✓				
Report on RTD initial assessment, eligibility for RTD testing					✓
Report on RTD and follow-up testing		✓	✓		

* Selecting a C/TPA is required for an employer who employs him/herself as a driver (owner-operator). For all other employers, this is optional.

† A driver would only need to select a SAP if they have a drug or alcohol violation in the Clearinghouse and enter the Return-To-Duty (RTD) process.



How to Designate a Substance Abuse Professional

The Return-to-Duty Process

A driver with a verified drug and alcohol program violation is prohibited from performing safety-sensitive functions until he or she completes the return-to-duty (RTD) process. The driver must be evaluated by a substance abuse professional (SAP), who also oversees the driver's treatment and education plan. The driver selects his or her SAP, either from the list of DOT-qualified SAPs provided by his or her employer (as required per § 40.287), or based on his or her own research. Learn more about the RTD process. Before the SAP can record information relating to the driver's RTD status, the driver must send a request to designate his or her SAP in the Clearinghouse. Once the SAP approves the driver's request, the SAP will be able to enter RTD information about the driver.

How a Driver Designates a SAP

The instructions below walk through how to designate a SAP in the Clearinghouse. To complete this action, a driver must be registered in the Clearinghouse. A driver must contact a SAP and establish a relationship prior to designating him or her in the Clearinghouse. When coordinating with your chosen SAP, be sure they have registered for the Clearinghouse, as a SAP must be registered to accept your designation request and enter information about your RTD process.



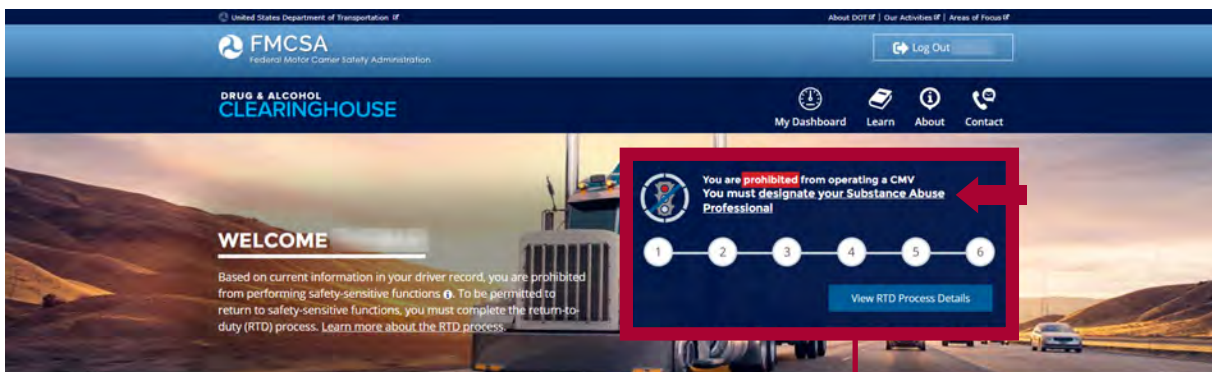
NOT YET REGISTERED? VISIT THE [REGISTER](#) PAGE TO DOWNLOAD INSTRUCTIONS AND GET STARTED.

1

Log In and Access Your Driver Dashboard

Visit <https://clearinghouse.fmcsa.dot.gov>. Click Log In and access the Clearinghouse using your login.gov username and password.

If you have a new violation in your Clearinghouse record, your Driver Dashboard will display a message prompting you to select a SAP. Click designate your substance abuse professional to begin the process.





2

Designate Your SAP

Type the name of your SAP in the text box labeled Who is your SAP? If you enter enough characters of the SAP's name, a list of options will also appear.

If you can't find your SAP, check the spelling and try again. Be sure to enter the name the SAP used to register in the Clearinghouse.

If your SAP is not listed, you will need to contact your SAP to ask him or her to register for the Clearinghouse.

Once you have identified your SAP, you will be prompted to send him or her a request. Review the displayed SAP information.

When you are ready to designate this SAP, click **Send Request**.

Note: You cannot designate a different SAP in the Clearinghouse once the SAP accepts your designation request.

THE REQUEST HAS BEEN SENT

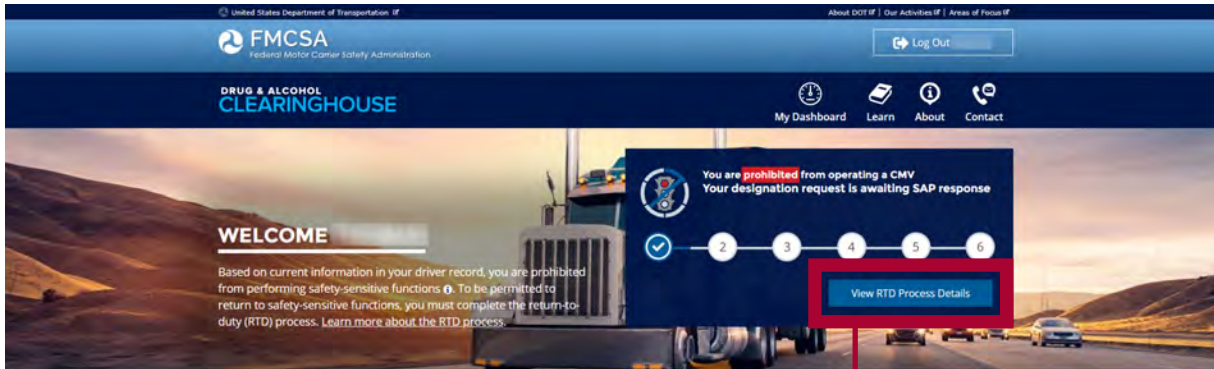
You will see a confirmation message once your SAP request has been sent. Your Driver Dashboard will indicate when the SAP approves this request and you are ready to move to the next step of the RTD process.



3

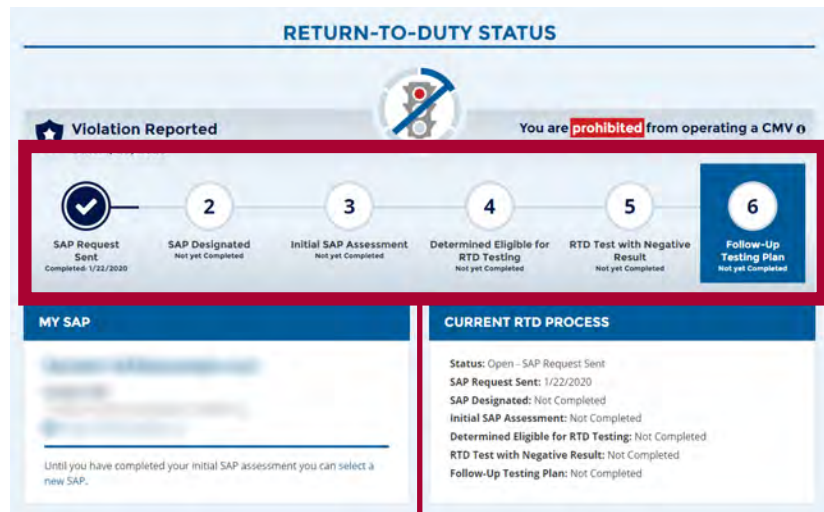
Return-to-Duty Status

Your Driver Dashboard will update to reflect that your request is awaiting a SAP response. For more detailed information, click View RTD Process Details.



Your return-to-duty status will reflect that your SAP request has been sent. This tracker will continue to display updates throughout your RTD process.

Once the SAP accepts the designation request, you will not be able to designate a different SAP. If, due to unforeseen circumstances, your designated SAP is not able to fulfill the requirements of overseeing your treatment and/or education plan, [contact FMCSA](#) for assistance.



Federal Motor Carrier Safety Administration

DRUG & ALCOHOL CLEARINGHOUSE



SUBMITTING A PETITION FOR DATA REVIEW



DataQs is a Federal Motor Carrier Safety Administration (FMCSA) system that allows users to request and track Federal and State data on file with FMCSA. Drivers may use DataQs to file concerns about information reported to the Drug and Alcohol Clearinghouse (Clearinghouse) or monitor the status of a current request for data review (RDR).



What can I do if I believe information has been inaccurately recorded about me in the Clearinghouse?

Drivers are permitted to challenge only the accuracy of information in the Clearinghouse reflected in one of the following categories:

- Accuracy of data in driver record
- Actual knowledge violation did not result in a conviction
- Actual knowledge violation did not comply with reporting requirements
- Refusal to test violation did not comply with reporting requirements

Drivers may not use the petition process to challenge the accuracy of test results or refusals.



When can I expect a response to my petition?

Within 45 days of receiving a complete petition, FMCSA will inform the driver, in writing (email or letter), of its decision to retain, remove, or correct the information in the database and provide the basis for the decision.

A driver may request an expedited review if the inaccuracy is currently preventing him or her from performing his or her job duties per [§ 382.717\(e\)](#). FMCSA will respond to expedited reviews within 14 days. Note that the driver must provide evidence (e.g., notice of suspension) in order to request an expedited review.



Requesting a Review of Drug and Alcohol Clearinghouse Information

Complete the steps in the following pages to **create a DataQs account** and submit a petition for a review of your Clearinghouse information.



Requesting a Review of Drug and Alcohol Clearinghouse Information

Complete the following steps in order to submit your request.

CREATE A DATAQs ACCOUNT

Owner-operators (employers who employ themselves as CDL drivers, typically a single-driver operation) will log in using their FMCSA Portal account. (Don't have a Portal account? [Register for one now.](#)) **Select FMCSA Portal Account**, enter your Portal User ID and password, and click the **arrow icon**. Then go to page 3.)

1

If you are a CDL driver or an authorized driver representative and are new to DataQs, you will need to create a DataQs account.

Go to <https://dataqs.fmcsa.dot.gov>. Click **DataQs account** to sign up for a DataQs account to continue.

2

Enter your information. All fields marked with an asterisk (*) are required. When you have finished entering your information, click **Next**.

Once you create your account, you will be directed to your **DataQs profile**.

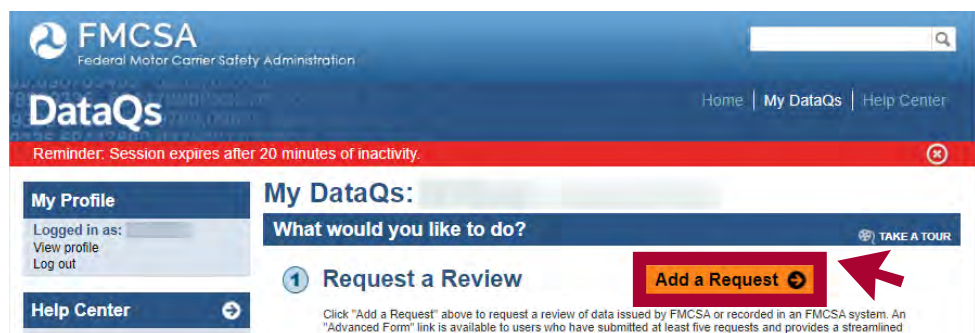


START YOUR PETITION

- 1 While logged in to your DataQs account, click **My DataQs** in the toolbar.



- 2 To start a new petition, click **Add a Request**.

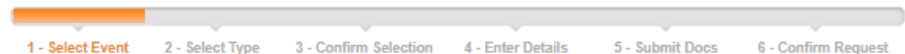


SUBMIT A PETITION

- 1 **SELECT OPTION**
Follow the steps in the DataQs wizard to complete your petition.

In Step 1, **select the option** under Drug and Alcohol Clearinghouse, "Submit a petition contesting the accuracy of information reported in the Clearinghouse." Click **Next**.

Add a Request - Step 1



What are you inquiring about?

Choose one of the event types you want to have reviewed.

Note: Many FMCSA systems are updated using a monthly snapshot of the Motor Carrier Management Information System (MCMIS). Data corrections made as a result of a DataQs request will be reflected in a subsequent update of the respective FMCSA system. Check the website of that FMCSA system to determine the latest update.

Roadside

- ☐ Crash Event
- ☐ Inspections/Violations (including requesting a copy of a report)
- ☐ Warnings

Non-Roadside

- ☐ U.S. DOT Audit/Investigation (examples include: safety audits, compliance reviews and CSA Investigations)
- ☐ Registration/Insurance
- ☐ Household Goods Complaints

Drug and Alcohol Clearinghouse

- ☐ Submit a petition contesting the accuracy of information reported in the Clearinghouse

None of the above

- ☐ I don't know





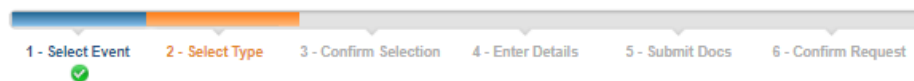
2

SELECT REASON

In Step 2, **select the reason** you would like FMCSA to review your Clearinghouse information. See [§ 382.717](#) for details on acceptable reasons for a petition. Then click **Next**.

You may not use this petition process to challenge the accuracy of test results or refusals.

Add a Request - Step 2



Drug and Alcohol Clearinghouse

Select the reason why you would like FMCSA to review your Clearinghouse information. See [§ 382.717](#) for details on acceptable reasons for a petition.

- ☒ Accuracy of data in driver record
- ☐ Actual knowledge violation did not result in conviction
- ☐ Actual knowledge violation did not comply with reporting requirements
- ☐ Refusal to test violation did not comply with reporting requirements

Cancel [← Back](#) [Next →](#)

3

CONFIRM SELECTION

Once you have selected the reason for your petition, Step 3 will prompt you to confirm your request. In the screenshot at right, "Accuracy of data in driver record" has been selected.

If this does not accurately explain why you are filing this petition, click **Back** and select the correct option. Once you have confirmed the information is correct, click **Next**.

Add a Request - Step 3



Confirm Request Type

You have selected **Accuracy of data in driver record**.

Per [§ 382.717](#), petitioners may challenge only the accuracy of information reported to the Drug and Alcohol Clearinghouse. **You may not use this petition to challenge the accuracy of test results or refusals.**

→ If this choice does not accurately explain why you are filing this petition, click "Back", otherwise, click "Next".

Cancel [← Back](#) [Next →](#)



4 ENTER DETAILS

A Enter your information. If you are an authorized driver representative, enter the information about the CDL driver on whose behalf you are submitting this petition. All fields marked with an asterisk (*) are required.

B Locate your Clearinghouse Record ID Number. This will be listed in your Violation Record in the Clearinghouse.

Enter the Clearinghouse record ID number and the reason for the petition and click **Add record to petition**. If you want to enter more than one record ID number, enter each separately. Make sure to provide adequate details of the reason for your request.

WARNING! You must add at least one Clearinghouse Record ID Number in order to complete your petition. Otherwise no information will be saved.

C 382.717(e) Request
You will be asked if you have any evidence (e.g., notice of suspension) that the violation in your Clearinghouse record is preventing you from performing safety-sensitive functions. If you select "Yes," you will submit this documentation on the next screen.

When you have selected your response, click **Next**.

Add a Request - Step 4

1 - Select Event 2 - Select Type 3 - Confirm Selection 4 - Enter Details 5 - Submit Docs 6 - Confirm Request

Your previously selected options result in a request type of: Drug and Alcohol Clearinghouse

The previously selected review reason is described as follows: Accuracy of data in driver record

Fields marked with an asterisk (*) are required.

Type of submitter * Driver

CDL Driver Information as Appears in the Clearinghouse

First Name *		Middle Name	
Last Name *			
Mailing Address *		Mailing Address 2	
Mailing City *		Mailing Country *	United States
Mailing Zip Code *		Mailing State *	
Phone *		Email Address	

Explanation of Request for Review of Clearinghouse Information

Enter the Clearinghouse record ID number and the reason for the petition and click "Add record to petition." If you want to enter more than one record ID number, enter each separately. You must add at least one record ID number before you can continue. The Clearinghouse record ID number is located in the Drug and Alcohol Clearinghouse. Log into the Clearinghouse, navigate to My Dashboard > Violation Record and select the relevant violation.

Clearinghouse Record ID # *

Why do you want FMCSA to review this information? *

Be sure to provide details about the information reported and why you believe it to be inaccurate.

Add record to petition

382.717(e) Request

☒ Yes ☐ No

Can you provide evidence or other documentation that this violation is preventing you from performing safety-sensitive functions in accordance with § 382.717(e)? *

Cancel Back Next



5

SUBMIT DOCUMENTATION

You must include documentation to support your petition. You can upload documentation on this screen, or you can save a draft of your request and upload your documents later (see page 7). You also have the option to fax in documentation using a fax cover sheet, see page 8 for fax instructions.

If applicable, include evidence that the violation in your Clearinghouse record is preventing you from performing safety-sensitive functions.

Note that you must provide evidence to support your claim that information recorded in your Clearinghouse record is inaccurate. **If you fail to provide sufficient evidence, your petition will be closed with no further action taken.**

Once you have uploaded your documentation, click **Next**.

Add a Request - Step 5

1 - Select Event 2 - Select Type 3 - Confirm Selection 4 - Enter Details 5 - Submit Docs 6 - Confirm Request

Submit Documentation

You must provide evidence to support your claim that information recorded in your Clearinghouse record is inaccurate. If you fail to provide sufficient evidence, your petition will be closed with no further action taken.

Once your request has been submitted, you have the option to upload any additional documentation. You will also have the option to fax in documentation. Submitted documentation should contain appropriate content and support the petition. Reviewers reserve the right to request additional information.

Based on your request type, the following documentation should be submitted with your request:

- Documentation to support your petition
- If applicable, evidence that this violation is preventing you from performing safety-sensitive functions, such as a notice of suspension, notice of termination, etc.

Upload Documentation

To upload your documentation at this time:

1. Select file to upload: No file chosen

Allowable file size: 5MB
Allowable file types: DOC, DOCX, PDF, TIF, TIFF, TXT, XLS, XLSX, WPD, ZIP
Allowable image formats: GIF, JPEG, JPG
Allowable video formats: AVI, MKV, MP4, MPEG, MPG, WMV

2. Enter a brief title, or select a suggested title from the dropdown menu on the right:

--Title Suggestion--

3. Click upload

4. Confirm document is listed in table below

5. Repeat steps 1-4 for each document or continue with submission of your request

The following files have been uploaded for submission:

None uploaded.

Cancel



6

SAVE A DRAFT

Review the information you entered. If your information is not accurate or not yet complete, DataQs gives you the option to save it and complete it at a later date. Click **Save Draft**. You should also choose this option if you need instructions on submitting your documentation via fax.

If you are ready to submit your petition to FMCSA without first saving a draft or faxing in documentation, **check the box** to certify your information is true, accurate, and complete, click **Submit**, and go to page 11.

Add a Request - Step 6

1 - Select Event
2 - Select Type
3 - Confirm Selection
4 - Enter Details
5 - Submit Docs
6 - Confirm Request

Confirm Request

Review all entered information for accuracy.

Request Type: Drug and Alcohol Clearinghouse
Type of submitter: Driver

CDL Driver Information as Appears in the Clearinghouse

Name:
Address (Line 1): Address (Line 2):
City: State:
Zip: Country: United States

CDL Driver License Information as Appears in the Clearinghouse

License Number: State:

Explanation of Request for Review of Clearinghouse Information

The following Clearinghouse record(s) have been requested to be reviewed:

Clearinghouse Record ID #	Reason for Petition
1234567	The CDL Number associated with my Clearinghouse account is incorrect.

Request for Expedited Treatment

Can you provide evidence or other documentation that this violation is preventing you from performing safety-sensitive functions in accordance with [§ 382.717\(g\)](#)? ☐ Yes

Supporting Documents

The following files have been uploaded for submission:

None uploaded.

Caution

Company officials will be notified of any requests related to their U. S. DOT Number if they have a validated DataQs account. Read this related [FAQ](#) for more information.

Warning

Any intentionally false or misleading statement, representation, or document that you provide in support of this DataQs request may subject you to prosecution for violation of Federal law punishable by a fine of not more than \$10,000.00 or imprisonment of not more than 5 years, or both (18 United States Code 1001).

☐ * By clicking this box, I certify/understand that the statements and information I am submitting in support of this request are, to the best of my knowledge, true, accurate, and complete.

Cancel



7

Faxing Documentation

Once you have saved your draft, DataQs will provide a link to a cover sheet you can use to fax any supporting documentation to FMCSA. Follow the instructions provided.

Once you are ready to submit your petition, click **View Your Request**.

Request Saved

1 - Select Event ☒ 2 - Select Type ☒ 3 - Confirm Selection ☒ 4 - Enter Details ☒ 5 - Submit Docs ☒ 6 - Confirm Request ☒

Your Request Was Successfully Saved

ID Number:

Request Type: Drug and Alcohol Clearinghouse

Assigned To: FMCSA Drug & Alcohol Clearinghouse

Drug & Alcohol Clearinghouse

You have saved your petition as a draft. Your petition will not be reviewed by FMCSA until you complete the submission process.

Before you submit this petition for review, you will need to provide documentation to support your petition. The more

To fax your documentation:

1. Print the [Fax Cover Sheet](#) for request ID
2. Send fax to (202) 688-2675
3. Confirm fax was assigned to the request approximately 5 minutes after sending

your draft petition, select

View Your Request.

Add Another Request

View Your Request

Return to My DataQs



This will take you to a summary of the information you have entered so far. Click **Add Response/Documentation** to expand the page.

Petition Submitter

Ed

Type of submitter: Driver

CDL Driver Information as Appears in the Clearinghouse

View More

Ed

First Name:

Middle Name:

Last Name:

CDL Driver License Information as Appears in the Clearinghouse

Ed

License Number:

Country:

State:

Explanation of Request for Review of Clearinghouse Information

Ed

Petition Type: Accuracy of data in driver record

Clearinghouse Record ID

Reason for petition: The CDL Number associated with my Clearinghouse account is incorrect.

382.717(e) Request

Ed

Can you provide evidence or other documentation that this violation is preventing you from performing safety-sensitive functions in accordance with § 382.717(e)? *

Yes

Supporting Documents

No documents have been uploaded

Response List

Add Response/Documentation

This allows you to add a response, a comment to include with your petition, or upload additional documentation (see following page).



When you are sure that all information is complete and accurate, click **Submit**.

Upload Document (optional):

1. Select file to upload: No file chosen

Allowable file size: 5MB

Allowable file types: DOC, DOCX, PDF, TIF, TIFF, TXT, XLS, XLSX, WPD, ZIP

Allowable image formats: GIF, JPEG, JPG

Allowable video formats: AVI, MKV, MP4, MPEG, MPG, WMV

2. Enter a brief title, or select a suggested title from the dropdown menu on the right:

 --Title Suggestion-- ▼

3. Click upload

4. Confirm document is listed in table below

5. Repeat steps 1-4 for each document or continue with submission of your response

To fax your documentation (optional):

1. Print the [Fax Cover Sheet](#) for request ID
2. Send fax to (202) 688-2675
3. Confirm fax was assigned to the request approximately 5 minutes after sending

WARNING:

Any intentionally false or misleading statement, representation or document that you provide in support of this DataQs Request may subject you to prosecution for violation of Federal law punishable by a fine of not more than \$10,000.00 or imprisonment of not more than 5 years, or both. (18U.S.C. 1001)

By clicking "Submit", you certify that the statements and information you are submitting in support of this Request are, to the best of your knowledge, true, accurate, and complete.

Cancel



YOUR REQUEST HAS BEEN SUCCESSFULLY SUBMITTED

Your petition has been assigned an ID number for reference. You will receive an email or letter from DataQs after initially submitting your request and once FMCSA has made its determination. If FMCSA determines that the record needs to be corrected in the Clearinghouse, you will receive a second notification from the Clearinghouse once that correction has been made.

You can review or revise your petition or monitor responses from FMCSA by clicking **Return to My DataQs**. You can also access this page at any time by clicking the **My DataQs** link in the toolbar.

Request Submitted

1 - Select Event 2 - Select Type 3 - Confirm Selection 4 - Enter Details 5 - Submit Docs 6 - Confirm Request

Your Request Was Successfully Submitted

ID Number: [Redacted]

Request Type: Drug and Alcohol Clearinghouse

Assigned To: FMCSA Drug & Alcohol Clearinghouse

What's Next?

You have submitted your request. To help expedite the review process, submit all of the documentation you may have to support your request. You may return to DataQs and upload or fax in documentation, or add a response with further details. The more information you provide now, the faster your request can be processed!

At this time, the request was assigned to the agency listed above. If the agency has further questions or requires any documentation, it will respond within DataQs and an email will be sent to you. If a response or documentation is requested, you can add that in DataQs by going to the request's details page.

If you do not hear from the agency within two weeks, you may want to contact the agency directly. The agency's contact information is located within the request's details page.

If a correction is made to the record, you will see on the next update of the respective system. For example, the Safety Measurement System (SMS) Website is updated monthly based on a snapshot of the data. To review crash and inspection records prior to the snapshot, visit the FMCSA Portal. The Pre-Employment Screening Program (PSP) report is updated monthly based on the same snapshot used on the SMS Website.

To fax your documentation:

1. Print the [Fax Cover Sheet](#) for request ID [Redacted]
2. Send fax to (202) 688-2675
3. Confirm fax was assigned to the request approximately 5 minutes after sending

[Add Another Request](#)

[View Your Request](#)

[Return to My DataQs](#)





EDITING A SAVED DRAFT

1

Select the Petition to Revise or Review

To complete your petition and/or submit additional documentation, navigate to your **My DataQs** page. Click the **Details** link next to the ID number to review or revise that petition. This allows you to finalize your request and submit your draft petition to FMCSA for review. You may also add documentation and driver responses to any previously-submitted petition until that petition is closed.

What would you like to do?

TAKE A TOUR

1 Request a Review

Add a Request ➔

Click "Add a Request" above to request a review of data issued by FMCSA or recorded in an FMCSA system. An "Advanced Form" link is available to users who have submitted at least five requests and provides a streamlined submission process.

Motor carriers may access their safety data in the following FMCSA systems:

- [Safety Measurement System \(SMS\)](#)
- [Safety and Fitness Electronic Records \(SAFER\) System](#)
- [Portal website](#)

Drivers may obtain their data through the following FMCSA systems:

- Purchase commercial driving history from the [Pre-Employment Screening Program \(PSP\)](#) website, or request it through a [Freedom of Information Act \(FOIA\)](#) request (learn more in the [Help Center](#)).
- Review drug and alcohol program violation information in the [Drug and Alcohol Clearinghouse](#).

2 Monitor Requests

To monitor the status of your request (or add/delete information), select "Details" in the List of Reviews Requested below. Note: Only the requests matching the search criteria above the List of Reviews Requested will be displayed. To Change or modify the search criteria, click on Advanced Search.

List of Reviews Requested

0 Open 0 Pending 0 Closed 0 Notifications

ID # SEARCH [Advanced Search](#)

SAVE LAYOUT

EXPORT

SEARCH CRITERIA:

1

Page 1 of 1, items 1 to 1 of 1.

ID #	DETAILS	EVENT STATE	STATUS	LAST UPDATED	TYPE
>	Details	Save Draft	03/31/2020	Drug and Alcohol Clearinghou	



DOT OFFICE OF DRUG AND ALCOHOL POLICY AND COMPLIANCE NOTICE



The Agricultural Improvement Act of 2018, Pub. L. 115-334, (Farm Bill) removed hemp from the definition of marijuana under the Controlled Substances Act. Under the Farm Bill, hemp-derived products containing a concentration of up to 0.3% tetrahydrocannabinol (THC) are not controlled substances. THC is the primary psychoactive component of marijuana. Any product, including “Cannabidiol” (CBD) products, with a concentration of more than 0.3% THC remains classified as marijuana, a Schedule I drug under the Controlled Substances Act.

We have had inquiries about whether the Department of Transportation-regulated safety-sensitive employees can use CBD products. Safety-sensitive employees who are subject to drug testing specified under 49 CFR part 40 (Part 40) include: pilots, school bus drivers, truck drivers, train engineers, transit vehicle operators, aircraft maintenance personnel, fire-armed transit security personnel, ship captains, and pipeline emergency response personnel, among others.

It is important for all employers and safety-sensitive employees to know:

1. The Department of Transportation requires testing for marijuana and not CBD.
2. The labeling of many CBD products may be misleading because the products could contain higher levels of THC than what the product label states. The Food and Drug Administration (FDA) does not currently certify the levels of THC in CBD products, so there is no Federal oversight to ensure that the labels are accurate. The FDA has cautioned the public that: “Consumers should beware purchasing and using any [CBD] products.” The FDA has stated: “It is currently illegal to market CBD by adding it to a food or labeling it as a dietary supplement.”* Also, the FDA has issued several warning letters to companies because their products contained more CBD than indicated on the product label. **i
3. The Department of Transportation’s Drug and Alcohol Testing Regulation, Part 40, does not authorize the use of Schedule I drugs, including marijuana, for any reason. Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, Medical Review Officers will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used a CBD product.

It remains unacceptable for any safety-sensitive employee subject to the Department of Transportation’s drug testing regulations to use marijuana. Since the use of CBD products could lead to a positive drug test result, Department of Transportation-regulated safety-sensitive employees should exercise caution when considering whether to use CBD products.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. This policy and compliance

notice is not legally binding in its own right and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with this policy and compliance notice is voluntary only and nonconformity will not affect rights and obligations under existing statutes and regulations. Safety-sensitive employees must continue to comply with the underlying regulatory requirements for drug testing, specified at 49 CFR part 40.

February 18, 2020

ⁱ* What You Need to Know (And What We're Working to Find Out) About Products Containing Cannabis or Cannabis-derived Compounds, Including CBD: *The FDA is working to answer questions about the science, safety, and quality of products containing cannabis and cannabis-derived compounds, particularly CBD.*" <https://www.fda.gov/consumers/consumer-updates/what-you-need-know-and-what-were-working-find-out-about-products-containing-cannabis-or-cannabis>

^{**} <https://www.fda.gov/news-events/public-health-focus/warning-letters-and-test-results-cannabidiol-related-products>

Federal Motor Carrier Safety Administration

DRUG & ALCOHOL CLEARINGHOUSE



Responding To Consent Requests

What is a consent request?

A consent request is how an employer asks for a CDL driver's permission to view his or her information in the Drug and Alcohol Clearinghouse. This would include access to information regarding any drug and alcohol program violations in your record.

I CONSENT

I DO NOT CONSENT

Per 49 C.F.R. § 382.703(a), no employer may query the Drug and Alcohol Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent.

How do employers request consent?

How an employer requests your consent depends on the type of query the employer is conducting.

- **For a limited query**, general consent is provided outside the Clearinghouse. This consent covers a period of time and the frequency of the limited query, which is specified in the employer's request form. You can view [a sample limited consent request form here](#).
- **For a full query**, specific consent is provided electronically in the Clearinghouse. This includes all pre-employment queries. See page 2 for details on this process.

For more information on the difference between limited and full queries, see the [Queries and Consent Requests Factsheet](#). You can also review the [frequently asked questions](#).

How will I receive a consent request?

CDL drivers will receive notification from FMCSA about employer requests for consent to full queries.

If you are registered for the Clearinghouse, the consent request notification will be sent via the method you selected as your preferred contact method, either email or U.S. Mail.

If you have not yet registered for the Clearinghouse, the consent request notification will be sent as a letter via U.S. Mail to the address of record associated with your commercial driver's license (CDL).

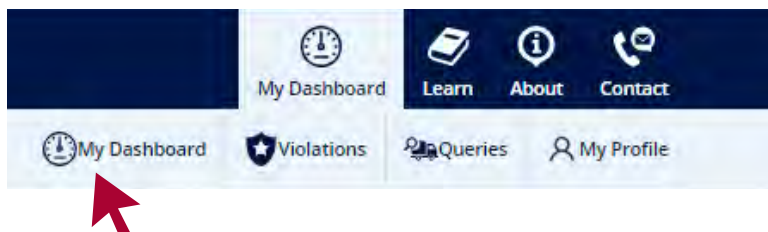
Note: Consent requests are time-sensitive. If you have selected U.S. Mail, or if you have not yet registered in the Clearinghouse, this may result in delays in receiving these notifications, which may impact your eligibility to perform safety-sensitive functions, including operating a commercial motor vehicle (CMV).



How do I respond to a consent request?

If an employer has requested your specific, electronic consent in the Clearinghouse, follow the instructions below.

- 1 Visit <https://clearinghouse.fmcsa.dot.gov/> and log in to the Clearinghouse. If you have not yet registered for the Clearinghouse, click **Register** to [create your Clearinghouse account](#).
- 2 Upon logging in, you will see your Driver Dashboard. (If you don't see it, click **My Dashboard**.)



- 3 Locate the box labeled **Query Consent Requests**. From this screen, you can either click **I consent** to provide your consent, or click **I do not consent** to refuse your consent.

WELCOME JOHN

This is your Driver Dashboard, an overview of action items you need to take in the Clearinghouse. This includes responding to consent requests from prospective and current employers. [Learn more about the consent request process.](#)

No drug and alcohol violations
The Clearinghouse contains no information that prohibits you from operating a CMV.

QUERY CONSENT REQUESTS [View All Queries](#)

MC of Boston
Pre-employment
2/20/2020 MC of Boston has requested to view your Clearinghouse record.

I CONSENT **I DO NOT CONSENT**

VIOLATION SUMMARY [View All](#)

You have no violations reported in the Clearinghouse

0 Violations

0 Open Violations **0 Resolved Violations**

If you believe information has been inaccurately reported, you can file a petition to initiate a data review.

Note: For pre-employment queries, such as in the example at left, employers will be notified if there is an update to your driver record within 30 days of the original query. The employer would need to send you a new consent request to view this updated information.



- 4 Depending on your selection, you will be prompted to either confirm your consent, or confirm that you are refusing your consent. Be sure to read this information carefully, as your selection may impact your eligibility to operate a commercial motor vehicle for the employer requesting your consent.

✓
I CONSENT

Confirm your consent for your employer to receive specific drug and alcohol violation information about you.

In accordance with 49 C.F.R. § 382.701(b), MC of Boston has requested access to any drug or alcohol violation information that exists about you in the Federal Motor Carrier Safety Administration (FMCSA) Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse). Your specific consent is required by 49 C.F.R. §§ 382.703(b), 40.321, and 103.5(a), in order for FMCSA to disclose to MC of Boston drug or alcohol violation information, as required by Federal regulations. [Learn more](#)

By confirming your specific consent below, you are authorizing FMCSA to disclose to MC of Boston any drug or violation information about you that exists in the Clearinghouse, as of 12/26/2019.

In accordance with 49 C.F.R. § 382.703(c), your consent below further authorizes FMCSA to notify MC of Boston if any additional drug or alcohol violation information about you is reported to the Clearinghouse within 30 days after MC of Boston's pre-employment query. MC of Boston must first obtain specific consent from you before FMCSA can disclose the additional violation information.

[View your driver record](#)

Do you recognize this employer?

If you receive a consent request from an employer for which you are not currently employed, or for which you are not currently applying for a position, you can report this to FMCSA using the National

Do you consent to FMCSA releasing this information to MC of Boston?

☒ **YES**
Disclose any information that exists about me in the Clearinghouse

☐ **NO**
Do not disclose any information that exists about me in the Clearinghouse

✗
I DO NOT CONSENT

You are refusing to provide your specific consent.

Failure to provide the specific consent requested by MC of Boston means that FMCSA will not disclose to MC of Boston any drug or alcohol violation information about you that exists in the Clearinghouse.

As a result of your refusal to provide specific consent, MC of Boston is prohibited from allowing you to perform safety-sensitive functions, such as driving a commercial motor vehicle, in accordance with 49 C.F.R. § 382.703(c).

Do you consent to FMCSA releasing this information to MC of Boston?

☐ **YES**
Disclose any information that exists about me in the Clearinghouse

☒ **NO**
Do not disclose any information that exists about me in the Clearinghouse

What will happen if I provide or refuse my consent for a full query?

Consult this table and find the information related to your situation.

	 If you have no drug and alcohol program violation(s) in your Clearinghouse record	 If you have drug and alcohol program violation(s) in your Clearinghouse record
✓ I CONSENT	The employer will be informed that you are not prohibited from performing safety-sensitive functions such as operating a CMV.	Your violation information, including return-to-duty status, will be disclosed to the employer. You will receive a confirmation of this disclosure.
✗ I DO NOT CONSENT	FMCSA will not disclose any information to the employer. As a result of your refusal to provide specific consent, the employer will be informed that you are prohibited from performing safety-sensitive functions, such as operating a CMV.	

Employers, or their designated consortia/third-party administrators (C/TPAs), and substance abuse professionals (SAPs) must now report select parts of the return-to-duty (RTD) process in the Clearinghouse, within specific time frames. This reported information will update the driver's view of their RTD status (see right).

RETURN-TO-DUTY STATUS



Information must be reported in the Clearinghouse within required time frames:



Employers (or their designated C/TPAs) must report violation information by the **close of the third business day** following the date on which they obtained the information.



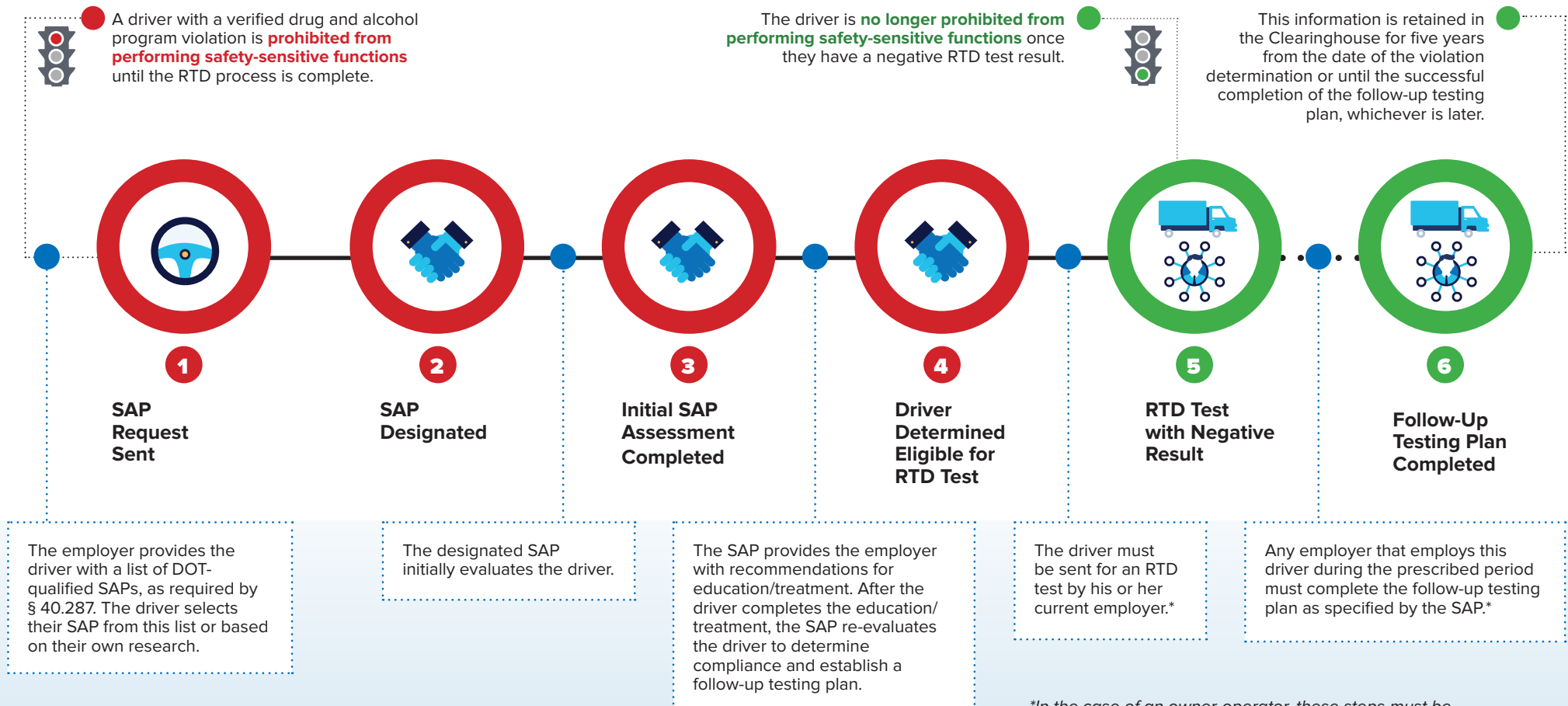
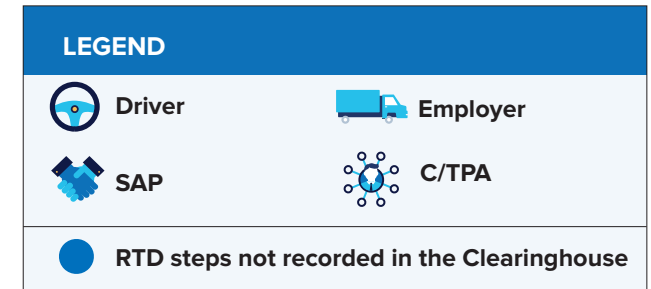
SAPs must report the date of completion of an initial SAP assessment and the date of determination of eligibility for RTD testing, by the **close of the business day** following the assessment or determination.



NOTE: The steps of the RTD process must be completed in the order listed above to be properly recorded in the Clearinghouse. Reporting this information within the mandated time frames is critical to ensuring that the driver's Clearinghouse status is kept up-to-date.

How does the Clearinghouse fit into the RTD process?

The return-to-duty (RTD) process outlined in Part 40 Subpart O has not changed. The graphic below illustrates how the reporting requirements detailed in § 382.705 fit into this process.



**In the case of an owner-operator, these steps must be completed by a designated C/TPA.*