

INSTRUCTIONS FOR COMPLETION OF FORMS

ALCOHOL & DRUG RECORDS:

1. PREVIOUS PRE-EMPLOYMENT EMPLOYEE ALCOHOL AND DRUG TEST STATEMENT:

(40.25(j)) Motor carriers must ask employees whether they have tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he/she had a positive test or a refusal to test, the motor carrier must not use the employee to perform safety-sensitive functions until and unless the employee documents successful completion of the return-to-duty process. Though not required, the Previous Pre-Employment Employee Alcohol and Drug Test Statement may be used to document compliance with 40.25(j). (Form No. 6801)

2. DRUG AND ALCOHOL RECORDS REQUEST:

(40.329)(40.331(a))(382.405(b) and (f)) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. An employer that receives such a written request shall promptly provide the records requested by the driver. Though not required, the Drug and Alcohol Records Request is provided for drivers who wish to request their drug and/or alcohol records. (Form No. 6826)

3. ALCOHOL AND DRUG EMPLOYEE'S CERTIFIED RECEIPT:

(382.601(d)) Each employer must ensure that each driver signs a statement certifying that he or she has received a copy of the materials described in Section 382.601. Each employer must maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (Form No. 6793)

4. ALCOHOL AND/OR DRUG TEST NOTIFICATION:

(382.113) Before performing each alcohol or controlled substances test under Part 382, each employer must notify the driver that the alcohol or controlled substances test is required by Part 382. No employer may falsely represent that a test is administered under Part 382. Though not required, the Alcohol and/or Drug Test Notification form may be used to satisfy this notification requirement. (Form No. 3048)

DRIVER INVESTIGATION HISTORY RECORDS:

1. SAFETY PERFORMANCE HISTORY RECORDS REQUEST:

(40.25)(391.23) Each motor carrier must investigate each driver's safety performance history with each of the driver's DOT-regulated employers during the preceding three years. The investigation may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate. A written record must be kept with respect to each previous employer contacted, or good faith efforts to do so, and must include the previous employer's name and address, date of contact or the attempts made, and the information received about the driver. The record must be placed in the driver investigation history file within 30 days of the date the driver's employment begins. The record must be maintained pursuant to Section 391.53. (Form No. 9652 or 9620)

5. DRUG TEST RESULTS:

(40.163) The medical review officer (MRO) is required to report all drug test results to the employer. The report must contain the information listed in Section 40.163(c). The report may be forwarded to the employer by a consortium/third party administrator (C/TPA) acting as an intermediary. (Form No. 6794)

6. OBSERVED BEHAVIOR REASONABLE SUSPICION RECORD:

(382.307) A written record must be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier. (Form No. 7218)

7. U.S. DOT ALCOHOL TESTING FORM:

(40.225) The DOT Alcohol Testing Form (ATF) must be used for every DOT alcohol test. The ATF must be a three-part carbonless manifold form. Motor carriers are not permitted to modify or revise the ATF except as allowed in Section 40.225. (Form No. 6849 or 6362)

8. FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM:

(40.45) The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program. The CCF must be a five-part carbonless manifold form. You must not use a non-Federal form or an expired Federal form to conduct a DOT urine collection. Motor carriers are not permitted to modify or revise the CCF except as allowed in Section 40.45. (Form No. 6520)

2. PREVIOUS EMPLOYEE SAFETY PERFORMANCE HISTORY:

(391.23) Each motor carrier must investigate each driver's safety performance history with each of the driver's DOT-regulated employers during the preceding three years. The Previous Employee Safety Performance History form allows a driver's previous employer to document the driver's safety performance history upon termination of employment. The completed form can then be forwarded to the driver's prospective employer(s) upon request. The information must be forwarded within 30 days of the request. The information on this form must be kept on file until three years after termination date. (Form No. 9619)

NOTE: The Previous Employee Safety Performance History is not required for DOT compliance.

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Driver Qualification • Alcohol & Drug Testing and Driver Investigation History File

For Department of Transportation Compliance

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- Federal Drug Testing Custody and Control Form
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- Previous Employee Safety Performance History

DRIVER'S NAME

DATE OF HIRE

This file includes information required to be maintained in a secure location with controlled access in accordance with the Federal Department of Transportation, Code of Federal Regulations, Sections 382.401, 40.333, and 391.53.

RECORD RETENTION

Driver Qualification Records:

1. Driver's Application for Employment (Section 391.21). Retain for 3 years after driver's employment with motor carrier ceases.
2. State agencies' responses concerning the driver's 3-year driving record pursuant to Section 391.23. Retain for 3 years after driver's employment with motor carrier ceases.
3. The Record of Road Test form and Certification of Road Test (Section 391.31(g)). NOTE: In lieu of the road test and certification, a copy of the commercial driver's license or certificate may be acceptable as equivalent to the driver's road test (Section 391.33). Retain for 3 years after driver's employment with motor carrier ceases.
4. Driver's Medical Examiner's Certificate (Section 391.43(h)). May be removed after 3 years from execution date for non-CDL drivers, or after 15 days for CDL drivers pursuant to Section 391.51(b)(7)(ii).
5. State agencies' responses concerning the driver's annual driving record pursuant to Section 391.25, or pursuant to Section 391.51(b)(7)(ii) as proof of a CDL driver's medical certification. May be removed after 3 years from execution date.
6. Certification of Violations/Annual Review of Driving Record (Sections 391.25 and 391.27). May be removed after 3 years from execution date.
7. Documentation of any state or federal medical variance (if applicable) (Section 391.49). May be removed after 3 years from execution date.
8. Medical Examiner's National Registry Verification pursuant to Section 391.23(m). May be removed 3 years from execution date.

Alcohol & Drug Testing Records:

1. Previous Pre-Employment Employee Alcohol and Drug Test Statement (Section 40.25(j)). Retain per company policy.
2. Drug and Alcohol Records Request (Sections 40.329, 40.331). Retain per company policy.
3. Alcohol and Drug Employee's Certified Receipt (Section 382.601(d)). Retain until 2 years after driver ceases to perform regulated function.
4. Alcohol and/or Drug Test Notification (Section 382.113). Retain per company policy.
5. Drug Test Results (Section 40.163). Retain for 5 years if result indicates a violation, or 1 year if negative or canceled.
6. Observed Behavior Reasonable Suspicion Record (Section 382.307). Retain for 2 years.
7. U.S. DOT Alcohol Testing Form (Section 40.225). Retain for 5 years if result indicates a violation, or 1 year if negative or canceled.
8. Federal Drug Testing Custody and Control Form (Section 40.45). Retain for 5 years if result indicates a violation, or 1 year if negative or canceled.

Driver Investigation History Records:

1. Safety Performance History Records Request (Section 391.23). Retain for 3 years after driver's employment with motor carrier ceases.
2. Previous Employee Safety Performance History (Section 391.23). Retain for 3 years after driver's employment with motor carrier ceases.



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INSTRUCTIONS FOR COMPLETION OF FORMS

1. CHECKLIST FOR QUALIFICATION OF NEW DRIVERS:

This form is a handy checklist for orderly recording of completion of documents. Complete the driver information, name, identification number, and address. Enter the dates the requests were sent and then completed for the driver's qualification file. The supervisor's signature completes each entry. List any other company documents added. Alcohol and controlled substance program documents may be recorded, but must be retained in a separate file if this driver qualification file is not handled in a confidential manner. (Form No. 865 or 506541)

NOTE: This Checklist for Qualification of New Drivers is not required for DOT compliance.

2. DRIVER'S APPLICATION FOR EMPLOYMENT:

(391.21) An employment application must be completed by every applicant seeking to drive a commercial motor vehicle. The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed and signed by the applicant, and must contain the information as outlined in Section 391.21. Before an application is submitted, the motor carrier shall inform the applicant that the information he/she provides may be used and the applicant's prior employers may be contacted, for the purpose of investigating the applicant's background. (Form No. 691)

3. REQUEST FOR CHECK OF DRIVING RECORD:

(391.23)(391.25) Each motor carrier is required to investigate the driving record, for the preceding 3 years, of each driver-applicant. The appropriate agency of every state in which the driver held a motor vehicle operator's license or permit during those 3 years must be contacted. A copy of the response by each state agency showing the driver's driving record or certifying that no driving record exists for that driver, must be placed in the driver's qualification file within 30 days of the date employment begins.

The regulations also require a motor carrier to obtain a driving record on each driver each following year. (Form No. 506540 or 732)

A motor carrier must also request a driving record showing a CDL driver's medical status within 15 days of the medical examination.

NOTE: A number of states require their specific form be used in making such inquiries.

4. DRIVER'S PHYSICAL EXAMINATION:

(391.45) Each driver of a commercial motor vehicle is required to obtain a physical examination at least every 24 months. The examination must be made by a qualified medical examiner and shall be recorded on the prescribed form per Section 391.43. The completed medical exam form shall be retained on file at the office of the medical examiner. A copy of the certificate is given to the driver. (Form No. 47375)

NOTE: Only the medical examiner's certificate is required to be maintained in this file.

5. MEDICAL EXAMINER'S NATIONAL REGISTRY VERIFICATION:

(391.23(m)(1)) Motor carriers must, for each driver's physical exam, verify and document that the medical examiner was listed on the registry on the date the Medical Examiner's Certificate (commonly known as the fed med card) was issued. This is done by verifying the medical examiner's certification on FMCSA's National Registry website (Form No. 27034 or 27033)

6. RECORD AND CERTIFICATION OF ROAD TEST:

(391.31) A person who gives a road test shall rate the performance of the driver-applicant for each operation or activity that is part of the test. After the person completes the form, he/she shall sign it. The original of the road test is retained in the driver qualification file.

Upon successful completion of the road test, the person who gave it shall complete a Certification of Road Test. The original shall be retained in the qualification file and the duplicate or card given to the driver who was examined. (Form No. 652, Card No. 6-BC)

7. CERTIFICATION OF COMPLIANCE WITH DRIVER LICENSE REQUIREMENTS:

(383.21, 391.11(b)(5)) No person who operates a commercial motor vehicle shall at any time have more than one driver's license. The "Certification of Compliance with Driver License Requirements" form asks the driver to certify that he/she meets the single driver's license requirement. (Form No. 1617 or 1619)

NOTE: The Certification of Compliance with Driver License Requirements form is not required for DOT compliance.

8. DRIVER'S STATEMENT OF ON-DUTY HOURS - FOR NEWLY HIRED DRIVERS:

(395.8(j)(2)) Motor carriers, when using a driver for the first time, shall obtain from the driver a signed statement giving the total time on duty (including all compensated work for any employer) during the immediately preceding 7 days and the time at which such driver was last relieved from duty prior to beginning work for such carrier. The Driver Statement of On-Duty Hours is not a required driver qualification form, but is needed for hours-of-service compliance. (Form No. 3687 or 3688)

9. CERTIFICATION OF VIOLATIONS/ ANNUAL REVIEW OF DRIVING RECORD:

(391.25; 391.27) At least every 12 months a motor carrier shall require each driver it employs to prepare and furnish it with a list of all violations of motor traffic laws and ordinances (other than violations involving only parking) of which the driver has been convicted or on account of which he has forfeited bond or collateral during the preceding 12 months. If the driver has not been convicted of, or forfeited bond or collateral on account of, any violation which must be listed, he/she shall so certify. The motor carrier shall retain the list or certificate or a copy of it in its files as part of the driver's qualification file.

Each motor carrier shall at least once every 12 months review the driving record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive pursuant to Section 391.15. The review shall be signed and dated by the reviewer and the form placed in the driver qualification file. A company card may then be issued to the driver stating the driver's file has been reviewed and that he/she meets the requirements of Part 391. The card may also be used in accordance with Section

391.65, if applicable. (Form No. 3685 or 3686, Card No. 7-BC)

10. EMPLOYMENT ELIGIBILITY VERIFICATION I-9:

The Immigration Reform and Control Act of 1986 requires every American employer to hire only American citizens and aliens who are authorized to work in the United States. The Employment Eligibility Verification (Form I-9) must be completed. Examine documentation presented by new employees, record information about the documents on the verification form, and sign the form. (Form No. 30129)

11. POCKET CARDS:

To be completed for items 6 and 9 and given to driver. (Card Nos. 6-BC and 7-BC)

12. MEDICAL EXAMINER'S CERTIFICATE:

The completed physical exam certificate needs to be given to the driver by the medical examiner. (Use Form No. 47379)

CAUTION: When using a third party to request background information on applicants or existing employees – such as motor vehicle records, information from previous employers, criminal records, or credit history – you are subject to the Fair Credit Reporting Act (FCRA) and State consumer reporting laws. Under FCRA, the third-party vendor is considered a consumer reporting agency (CRA) and the employee background information is a consumer report. Before you can obtain a consumer report from a CRA, you must provide applicants and employees with a disclosure stating that your company may obtain such a report for employment purposes, and you must have authorization from the applicant or employee to conduct the check. You must also provide a copy of the Federal Trade Commission's notice called "A Summary of Your Rights Under the Fair Credit Reporting Act." The notice, disclosure, and authorization are not included in this file, and some state laws have additional requirements. Consult with your CRA on the need and use of such documents.

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