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### Thank You for Joining Us!

- This webcast will cover ...
  - A regulatory overview
  - Best practices in compliance
  - A case study in implementation
  - Question & Answer session
- You will be muted during the event.
- Please use the Q&A feature to send in questions. We'll try to answer them during the Q&A period if they are not covered in the presentation.
- The slides and recording will be posted within 7 days at: [www.jjkeller.com/nptcinfo](http://www.jjkeller.com/nptcinfo)



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## FMCSA Drug & Alcohol Clearinghouse

Tom Bray  
J. J. Keller & Associates, Inc.



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### What is the Clearinghouse?

- Database of:
  - Drivers that have failed a test, refused a test, or committed another prohibited activity
  - The progress made by drivers that are listed as prohibited in the return to duty process
- Designed to close a loophole created by SPH DA process
  - SPH DA process requires carrier to contact the driver's previous employers to discover past positives and refusals
    - If driver "failed to mention" a previous employer, carrier would not know to contact that previous carrier and ask SPH DA questions
    - If previous carrier refused to answer, carrier would not know



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### Who Does it Apply To?

- Drivers covered by Part 382
  - Drivers with CDLs
- Carriers that operate CDL-required vehicles
  - Carriers that operate CDL-required vehicles
  - Carriers that hire drivers with CDLs
- Other entities involved in the Part 40 and art 382 drug and alcohol regulations (MROs, C/TPAs, SAPs)



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## Registering

- Go to <https://clearinghouse.fmcsa.dot.gov/>
- Select Register
- Follow instructions
- Will require securing login.gov account (complicates registration)
  - Requires two means of contact



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## Who Puts Information In (§382.705)?

- Carriers
  - Positive alcohol test results (0.04 or more)
  - Refusal involving the carrier
  - Negative return-to-duty test
  - Completion of all follow-up tests
- Actual knowledge situations
  - Admission
  - Observed drug use, or pre-duty or on-duty use of alcohol
  - Post-accident alcohol use
  - DUI in CMV
  - See §382.107 and §382.705



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## Reporting Violations

- Must be registered (if not registered, start there)
- Log into your Clearinghouse account
- Under "My Dashboard," go to "Violations" and click "Report a Violation"
- Enter and verify the driver information
- Select the violation type (drug or alcohol) and the specific situation (alcohol concentration over 0.04, refusal, actual knowledge, etc.)
- Enter the requested violation details
- Upload supporting documentation



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### Who Puts Information In (§382.705)?

- Carriers are not the only ones reporting
  - Medical Review Officers
    - Positive drug tests
    - Refusals they are involved in (including adulterated or substituted specimens)
  - Substance Abuse Professionals (SAPs)
    - Completion of evaluation and treatment
- Driver involved is notified whenever an entry is made (§382.707)
  - §382.717 provides a rebuttal mechanism
    - Can challenge administrative errors
      - Test results and properly documented refusals and actual knowledge situations will not be overturned

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### Who Uses the Information

- Carriers
  - Pre-employment queries
  - Annual queries
- Roadside inspection officers
  - Only see if the driver is Prohibited or Not Prohibited
    - Prohibited means driver will be placed out of service with one exception
- State licensing agencies
  - Implementing now (*full implementation by November of 2024*)
  - State will downgrade driver's CDL within 60 days
  - State will not issue or renew a CDL or CLP to a driver listed as prohibited

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### Required Queries (§382.701)

- Pre-employment query
  - Required before operating a CDL-required vehicle
  - Must be a "Full" query
    - Carrier initiates
    - Driver authorizes release
    - Carrier receives complete Clearinghouse record
    - Requires both the carrier and driver be registered in the Clearinghouse
    - If driver is "Prohibited," carrier cannot allow the driver to operate CMVs
  - Unique to pre-employment queries
    - Carrier will be notified if driver has an entry made about them within the next 30 days

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### Required Queries (\$382.701)

- Annual query
  - Required within 12 months of the last query
- Can be a “Limited” query
  - Driver signs a written release
  - Carrier initiates
  - Carrier receives summary indicating if there is any information in the Clearinghouse
    - No information: Query complete
    - Information: Carrier must run a Full query within 24 hours
      - If not completed in 24 hours, driver must be removed from service until it is complete

J. J. Keller’s DOT Drug & Alcohol Program Management Service will keep you compliant with the CLEARINGHOUSE RULE by reporting drivers’ alcohol & drug violations on your behalf!



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**Complimentary CLEARINGHOUSE COMPLIANCE Kit**  
when you ask about  
J. J. Keller® DRUG & ALCOHOL SERVICES



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**How Carriers are Raising the Bar**  
  
Tom Moore, CTP  
*National Private Truck Council*



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### Reason to Do Queries

- Currently (as of April Clearinghouse report):
  - 124,154 drivers committed 135,152 violations that were reported to the Clearinghouse
    - Positive drug tests accounted for 82 percent of the violations
    - Marijuana/THC accounts for the vast majority of positive drug test results (70+ percent)
- Of the 124,154 drivers
  - 31,375 have completed a return-to-duty test and are no longer prohibited
  - 92,779 are still prohibited
    - What are the odds that all 92,779 drivers have hung up the keys?
    - Since the Clearinghouse went into effect, 5,520 prohibited drivers have been placed out of service following a roadside inspection (tip of the iceberg)

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### Reason to Do Queries

- FMCSA now issuing penalties for Clearinghouse violations, including not doing queries (and not doing required reporting)
  - Found during compliance reviews or supplemental drug and alcohol investigations
- Liability involved in hiring a prohibited driver

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### How Fleets are Raising the Bar

- Most carriers are registered
  - Do not link to the portal account – often gets jammed up as most of the portal accounts are not current
- Motor carriers need to update their drug- and alcohol-testing policies to include the clearinghouse requirements
- Don't take hiring shortcuts
- Thoroughly screen all candidates
- Encourage drivers to register for the Clearinghouse
- Educate and train

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### Raising the Bar (Continued)

- Random testing at percentages higher than the required rate
- Expanding the pool of candidates
- Zero tolerance
- Alternative testing methodologies

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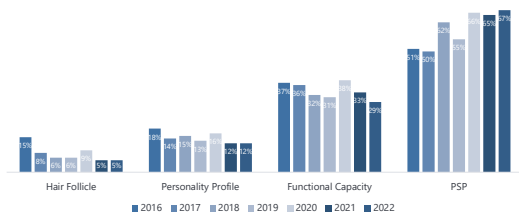


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### DOT Drug or Alcohol Tests



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### Understanding and Overcoming Barriers

- Problems with carrier entries
  - Failing to make entries due to uncertainty, lack of knowledge, or not being registered
  - Lack of supporting documentation
  - Unable to defend when challenged by driver

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### Army and Air Force Exchange Services



**Cheryl Foster-Silvis**  
Fleet Safety Specialist



**Rick Young**  
Regional HR Manager



**Billy Shirley**  
Fleet Manager



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### Army and Air Force Exchange Service

- Army & Air Force Exchange Service
  - Our Mission
  - Our Customers
  - Our Organization
  - Our US Fleet



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### Hiring/Pre-Screening

- Position is posted internally and outside recruitment boards (Indeed, Craigslist, etc.)
- Once a qualified candidate has been identified, HR forwards their name and contact information to hiring manager who conducts interview (and administers written/physical driving test)
- Once the hiring manager has made their selection, they will let HR know and send copies of the driving tests to HR.
- HR will contact the associate and schedule physical and urinalysis and will initiate criminal background check (usually 1- 2 weeks to complete)



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### Hiring/Pre-Screening (continued)

- Once background check has been received and associate is eligible to hire, HR will proceed with next step which is to ask for a copy of driver's license, SSC, medical certification (DOT physical)
- HR will send applicant DQF (Driver Qualification File) paperwork (10-year work history, employment verification, etc.)
- HR will upload completed DQF file (MVO background) to our 3rd party vendor system to initiate clearinghouse procedures and email them to confirm and manually upload data to 3rd party site (usually takes 1 to 2 weeks)
- Once we receive DQF/MVO background back (1 to 2 weeks) we will start the onboarding process.



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### Onboarding

- For onboarding, we will send In Processing Worksheet (IPW) and I-9 information to associate and schedule for physical onboarding at local location (6 to 8-hour class)
- Associate will be presented TDP letter (Testing Designated Position) letting them know they will be subject to random drug tests



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### How AAFES Implemented the Drug and Alcohol Clearinghouse

- Timeline
- Early communication and preparation – saw the writing on the wall well before the Clearinghouse was mandated (NPTC, FMCSA and trucking newsletters, etc.)
- Between 1st and 2nd quarter of 2019 – Began initiating internal discussions



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## Results of the Clearinghouse

- 4th quarter 2019 – involved services of our 3rd party vendor
- 1st quarter 2020 – established comms between 3rd party, HRM and Terminal management
  - Planning and training began
  - Conducted bi-monthly calls between our 3rd party, HRM and Terminals – still continues to this day
- 3rd quarter 2020 – FMCSA Clearinghouse Implemented into our pre-screening process
- Began 1st round of queries on 3rd quarter of 2020

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## Challenges

- Unions – 3 different unions
- Training – maintaining accuracy and consistency of the Clearinghouse Rule across the boards
- Data entry
- Staff changes

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## Results

- 1st query – 2020 - 100% queried with no violations returned
- 2nd query – 2021 - 100% queried with no violations returned
- 3rd query – 2022 - pending

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**Send Your Questions**



Tom Bray



Tom Moore, CTP



Cheryl Foster-Silvis



Rick Young



Billy Shirley

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**More Questions?**



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**Please Join Us Next Month!**  
Attracting, Screening and Retaining Drivers  
August 31, 2022 – 10:00 AM Central  
Visit [www.jkkeller.com/nptcinfo](http://www.jkkeller.com/nptcinfo) to register





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