

Legal Minute

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DOT CLEARINGHOUSE

Are You Prepared for the DOT Clearinghouse?

The Clearinghouse is a secure online database that will give employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs) and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations. It will contain records of violations of drug and alcohol prohibitions, including positive drug or alcohol test results and refusals.

Everyone who is involved with the DOT drug testing process is required to register with the Clearinghouse before January 6, 2020. This includes CDL Drivers, Employers, Consortia/Third Party Administrators and Medical Review Officers.

Employers will be impacted on the way they handle their drug and alcohol testing programs, pre-employment process, annual reviews, recordkeeping, training, background checks, and disclosure and authorization processes.

Employers of commercial drivers and commercial learner's permit holders will have to use the Clearinghouse to do the following:

- Conduct a full query of the Clearinghouse as part of each pre-employment driver investigation process;
- Conduct limited queries at least annually for every driver they employ;
- Request electronic consent from the driver for a full query, including pre-employment queries;
- Report drug and alcohol program violations;
- Record the negative return-to-duty test results and the date of successful completion of a follow-up testing plan for any driver they employ with unresolved drug and alcohol program violations.

Make sure to give your employment law attorney a call to get a better understanding of the administrative burden this may have on your business and to ensure you are complying with the new requirements.

THIS INFORMATION IS NOT PROVIDED WITH THE INTENT TO ESTABLISH AN ATTORNEY-CLIENT RELATIONSHIP OR TO PROVIDE SPECIFIC LEGAL ADVICE TO YOU. DUE TO THE RAPIDLY CHANGING NATURE OF THE LAW, INFORMATION CONTAINED IN THESE MATERIALS MAY BE OUTDATED. TO OBTAIN ACCURATE AND RELIABLE LEGAL ADVICE REGARDING YOUR SITUATION, CONTACT AN ATTORNEY.