

November 05, 2024

Employers Must Follow Through for CDL Drivers





The U.S. Department of Transportation (DOT) Clearinghouse is the database that contains information pertaining to violations of the U.S. Department of Transportation (DOT) controlled substances (drug) and alcohol testing program for holders of CDLs. The Clearinghouse rule requires Federal Motor Carrier Safety Administration (FMCSA)-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the clearinghouse information related to violations of the drug and alcohol regulations in 49 Code of Federal Regulations, Parts 40 and 382 by current and prospective employees.

To prevent the hiring of drivers who have unresolved positive drug and/or alcohol tests, **all employers of CDL vehicle operators are required to:**

- Complete a full query of the clearinghouse for prospective employees. This requires approval of the prospective employee and must be completed within the clearinghouse. If no query is performed for whatever reason, that person may not perform any safety-sensitive functions. Note that safety-sensitive functions including maintaining or driving a commercial motor vehicle (CMV).



- Conduct a limited query for each current employee at least once a year, which requires the employee's permission. Failure of the employee to grant permission requires that the employee discontinue all safety-sensitive functions. If the partial query reveals a finding, a full query must be completed.
- Report employees' [negative return-to-duty \(RTD\)](#) test results (though this may be performed by the TPA if authorized by the employer as mentioned below).

Other requirements not related to the clearinghouse but which still apply to CMV operators include:

- Obtain the motor vehicle records of their CDL operator employees every year.
- Obtain the motor vehicle records of prospective CDL operator employees prior to hiring.
- In cases where a member employee tests positive for drug or alcohol use, the process is to refer the employee to a Substance Abuse Professional (SAP) for substance abuse assessment and/or treatment. The employee then proceeds through a prescribed course of treatment, as directed by the SAP. When the SAP determines that is completed, they will clear the employee for a return to duty (RTD) test and will provide a report to the clearinghouse that the employee is eligible for such testing. Once that testing is completed and a negative result is achieved, **the employer must log in to the DOT Clearinghouse and update the employee record to show that the RTD testing has been completed.**

Failure to do this can result in suspension of that employee's CDL.

PACIF provides members with DOT compliant drug and alcohol testing for CDL drivers through our partner DISA (a third-party administrator or TPA). **Members have**



the option within the clearinghouse to grant permission to the TPA to update the RTD testing results. There is no additional charge for this service. **We encourage all members to do this to eliminate the risk of them forgetting to do this important task.**

Refer to [this PDF for additional details on clearinghouse requirements](#).

You might also find useful information in the employer resource tab at <https://clearinghouse.fmcsa.dot.gov/Learn>.

Attachments

[Queries and Consent Requests from the Federal Motor Carrier Safety Administration \(FMCSA\) Drug & Alcohol Clearinghouse](#)

