

ALERT!

Department of Transportation Drug and Alcohol Clearinghouse Deadline January 5, 2021

The deadline for conducting annual limited queries for DOT employees, as required by FMCSA through the [Department of Transportation \(DOT\) Drug and Alcohol Clearinghouse](#), is midnight January 5, 2021. The clearinghouse is a national database pertaining to violations of the DOT drug and alcohol testing program for holders of CDLs. Beginning January 6, 2020, cities employing CDL drivers were required to query the clearinghouse for current and prospective employees for drug and alcohol violations before permitting them to operate a commercial motor vehicle. During the first three years, employers have to complete both the manual inquiries with prior employers to meet the three-year timeframe as well as the new electronic clearinghouse query. Once three years of violation data are stored in the clearinghouse, employers will only be required to perform an electronic inquiry through the clearinghouse.

Under the regulation, the city must create an employer account and designate a clearinghouse administrator. The administrator can designate assistants to help with input of clearinghouse requirements, including reporting violations and running required inquiries. The city can also choose to utilize a third-party administrator to maintain reporting and inquiry compliance but there is no requirement to do so. Regardless of whether the city decides to keep the responsibility in house or use a third-party administrator, the clearinghouse administrator must ensure all required reports and inquiries are completed. The FMCSA steps are listed below:

- Prior to January 6, 2020, if you have not already done so:
 - Set up the employer clearinghouse account [here](#). For information and a step-by-step guide about registration by employers, click [here](#).
 - Once the clearinghouse account is set up, perform an electronic inquiry of all current employees through the clearinghouse. A sample [General Consent for Limited Queries of the Federal Motor Carriers Safety Administration \(FMCSA\) Drug and Alcohol Clearinghouse Form](#) is available on the FMCSA website.
 - Also, ensure you have up-to-date drug and alcohol testing information on all employees for the last three years. If they have been employed with the city less than three years, ensure you have the required information from prior employers to satisfy the three-year requirements under 49 CFR Part 391.23(e).
 - If any record indicates the employee has an unresolved drug and alcohol violation, contact your city attorney. An unresolved drug or alcohol violation may require the city to prohibit the employee from driving commercial motor vehicles, but no adverse employment action should be taken without the advice of your city attorney.
- From January 6, 2020 through January 6, 2023:
 - Perform annual checks of current city DOT employees through both the clearinghouse and traditional manual inquiries for the three-year time-frame.
 - Perform checks through both the clearinghouse and traditional manual inquiries for the three-year time-frame for prospective employees following an offer of employment conditioned on the results of the background check.

- If any record indicates the employee has an unresolved drug and alcohol violation, contact your city attorney.
- Report drug and alcohol violations to the clearinghouse.
- On or after January 6, 2023:
 - Manual inquiries will no longer be required for current or prospective employees.
 - Perform annual checks of current city DOT employees through the clearinghouse.
 - Perform checks through the clearinghouse for the three-year timeframe for prospective employees following an offer of employment conditioned on the results of the background check.
 - If any record indicates the employee has an unresolved drug and alcohol violation, contact your city attorney.
 - Report drug and alcohol violations to the clearinghouse.

The DOT has compiled a thorough [frequently asked questions page](#) to assist with compliance. If additional assistance is needed the FMCSA has also set up a [contact page](#) to provide assistance based on the specific issue. However, KLC is also here to help. Please contact Andrea Shindlebower Main, KLC personnel services manager, or Justin Hocking, personnel services attorney, with any questions.