Maine Motor Transport Association Presents

Drug and Alcohol Clearinghouse

December 2019





Goals of Webinar

- To inform MMTA members of the regulation, its intent, and use of the Clearinghouse as required by regulation.
- To define responsibilities of motor carriers and drivers.
- To assist members in signing up for FMCSA portal and registering with the Clearinghouse.



Clearinghouse

- Directed by Congress.
- Secure online database.
- Allows employers, FMCSA, SDLA'S, and law enforcement real-time information about CDL drug and alcohol violations.
- Enhances highway safety.



Clearinghouse Implementation

- Motor Carriers that employ CDL drivers must register with Clearinghouse by 1/6/20.
- Employers must perform electronic and traditional queries with previous employers for three years.
- First query due before 1/6/21.
- After 1/6/23 employers will not be required to perform traditional manual query (Part 391.23(e)) with previous employer...as Clearinghouse will contain three year's violation data.



Query

- A query is a check of the Clearinghouse by those authorized, including employers, drivers, C/TPA's and authorities.
- There are two types of queries:
 - 1. Limited query requires "wet signature" consent by driver, on printed form.
 - 2. Full query requires drivers to register and file consent with Clearinghouse each time full query is performed.



Limited Query

- Driver is not required to register with Clearinghouse.
- Consent may be for tenure of employment.
- Consent form filed in DQ file.
- Must be conducted at least once annually.
- If Clearinghouse indicates violation, must be converted to full query within 24 hours or driver must be removed from driving.
- May not use limited query for pre-employment inquiry.



Limited Query – Wet Signature Consent

FMCSA does not require that motor carrier employers subject to the Agency's drug and alcohol use and testing regulations in 49 CFR Part 382 use this sample format to obtain an employee's consent to conduct a limited query of the Drug and Alcohol Clearinghouse. Employers may, however, use or adapt the content as they see fit.

Sample Format: General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

I, (Driver Name), hereby provide consent to (Company Name) to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse. [Employers and employees may also wish to include the terms of the consent. For example, is the driver consenting to a single limited query or multiple limited queries? If the driver consents to multiple limited queries, will those queries be conducted over a fixed period of time or for the duration of employment? Is the number of limited queries specific or unlimited? The scope of this consent would be determined by the employer and the employee.].

I understand that if the limited query conducted by (Company Name) indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to (Company Name) without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for (Company Name) to conduct a limited query of the Clearinghouse, (Company Name) must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.





Full Query

- Requires driver to register and give electronic consent within Clearinghouse.
- Must be done at pre-employment.
- Must be done within 24 hours if limited query reveals violation data.
- If driver does not give consent, the driver may not be hired to drive.



Violations Required to be Reported to Clearinghouse

Per § 382.705(b), employers must report the following information to the Clearinghouse:

- An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A CDL driver's refusal to submit to a Department of Transportation (DOT) test for drug or alcohol use;
- Actual knowledge, as defined in § 382.107;
- The negative RTD test results;
- The date the driver successfully completed all follow-up tests as ordered by the substance abuse professional (SAP).



How Will Clearinghouse Be Used?

- Employers will report drug and alcohol violations and check that no current or prospective employee is prohibited from driving a CMV due to a drug and alcohol violation for which the driver has not completed the RTD process.
- CDL drivers may view their own record, provide consent to current or prospective employers to access details about any drug and alcohol program violations and select an SAP if needed.
- MRO's will report verified prospective drug test results and test refusals.



How Will Clearinghouse Be Used?

- SAPS will report RTD initial assessment and eligibility status for RTD testing.
- C/TPA's on behalf of employers will report drug and alcohol program violations and perform driver queries as required.
- State Driver License Agencies will query the Clearinghouse prior to completing licensing transactions. (implementation of this part currently delayed)



Who must comply with Clearinghouse?

- All drivers who operate CMV's requiring a CDL on the public highways and their employers. This list includes but is not limited to;
 - a. Interstate and intrastate motor carriers, including passenger carriers.
 - b. School bus drivers
 - c. Construction equipment operators
 - d. Limousine drivers
 - e. Municipal and state vehicle drivers
 - f. Federal and other organizations who operate CMV's subject to D&A testing.



What is a Portal Account?

- Online access and management of your USDOT information.
- Each motor carrier identifies its portal manager once portal is open. May have assistants with designated roles.
- Portal manager assigns roles and may limit assistants.

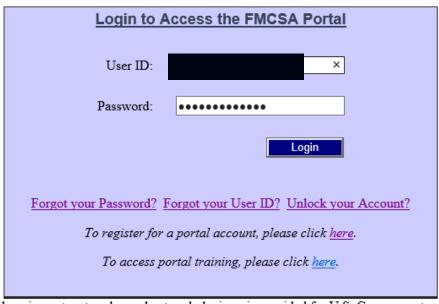


Opening a Portal Account

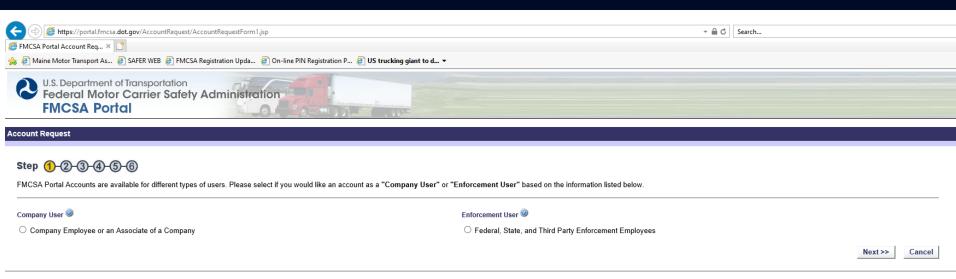
https://portal.fmcsa.dot.gov/login







his information system, including all related equipment, networks, and network devices, is provided for U.S. Government-authorized use only. Unauthorized or improper use of the communications and data stored or transiting this system may be, for any lawful Government purpose, monitored, recorded, and subject to audit or investigation. By using this services for details on how we use your information, please see our Privacy Policy.



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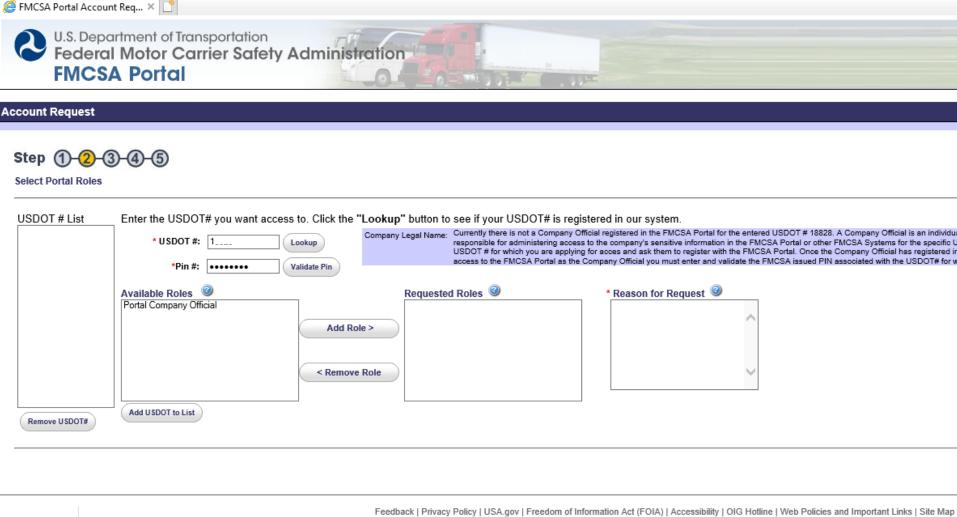












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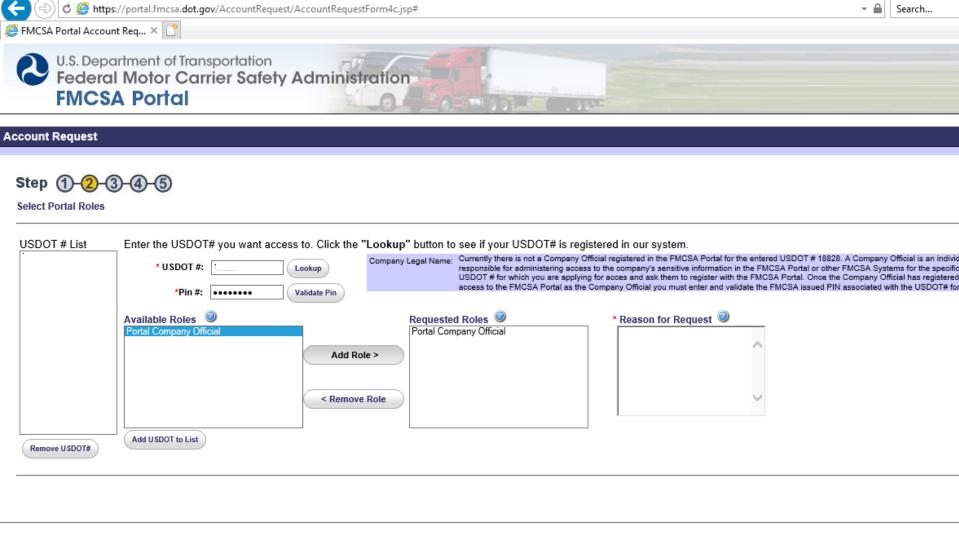












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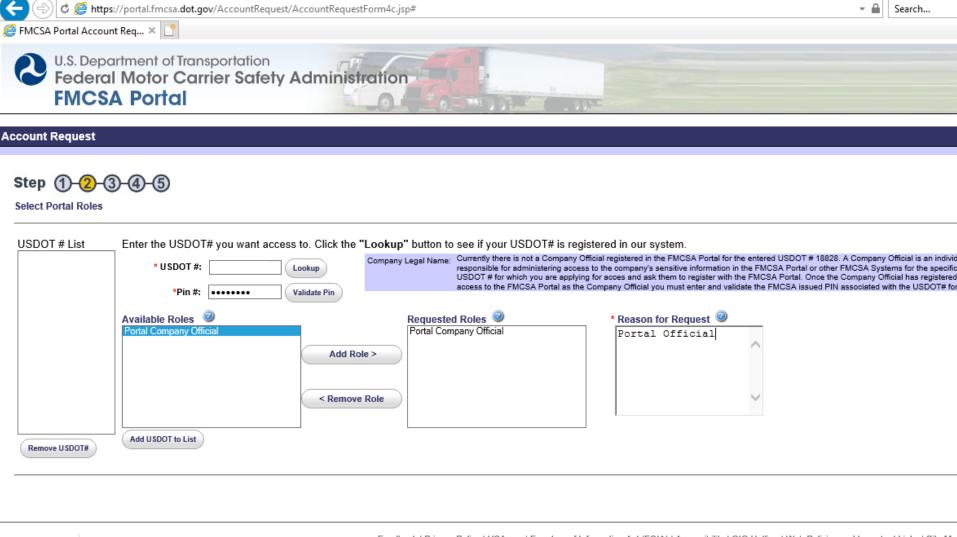












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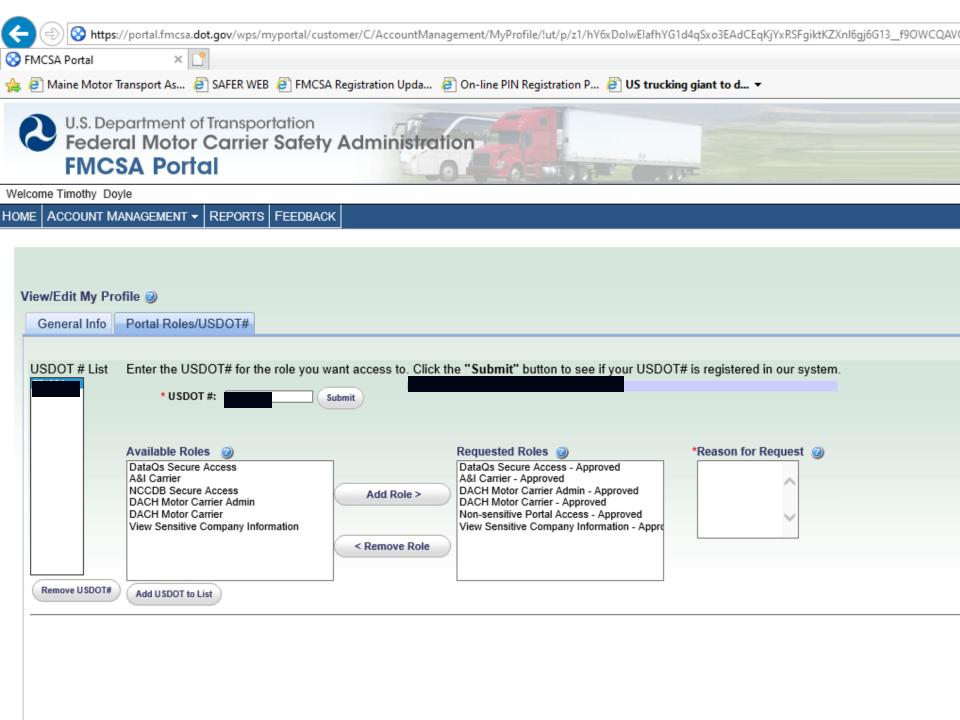


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What are the Steps to Register with Clearinghouse?

1. REGISTRATION

Registration must be done online. Email address is required.

2. OPEN PORTAL ACCOUNT

- If not already done, open a portal account for your USDOT #: https://portal.fmcsa.dot.gov/login make sure to select DACH Admin as one of the allowable roles. Also make sure that portal administrator for motor carrier approves the role change.
- Note: Employers such as schools and municipalities do not require a USDOT # and therefore do not need a Portal Account. Clearinghouse registration is required.



What are the Steps to Register with Clearinghouse?

3. CREATE CLEARINGHOUSE ACCOUNT

- Create an account with the Clearinghouse and link the portal account and clearinghouse account: https://clearinghouse.fmcsa.dot.gov/
- Designate C/TPA roles. Mandatory if an owner/operator.
- Purchase bundled query plan from the clearinghouse that suits your business model.

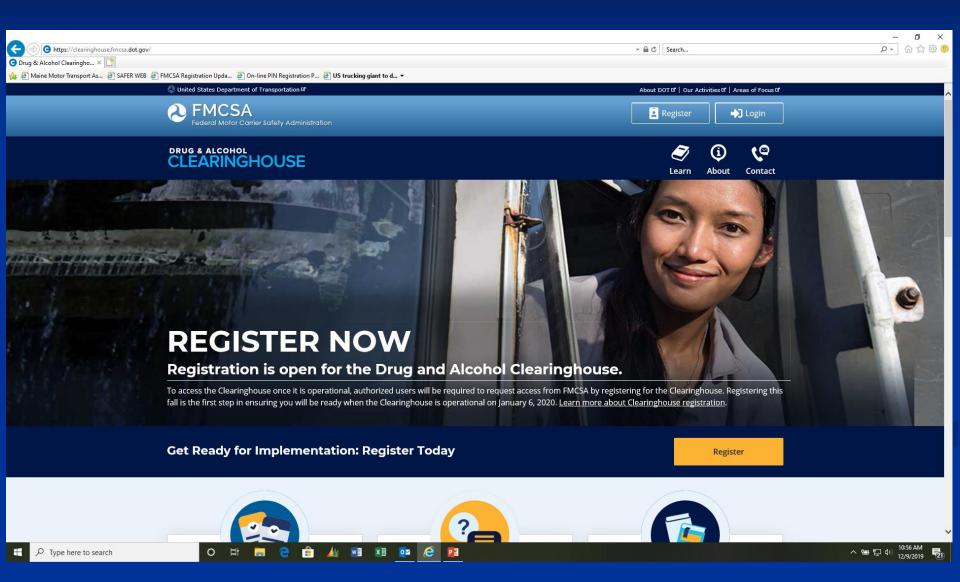


Opening a Clearinghouse Account

https://clearinghouse.fmcsa.dot.gov/



Registration Screen





The FMCSA Drug & Alcohol Clearinghouse is using login.gov to allow you to sign in to your account safely and securely.

• Are you FMCSA or State Driver Licensing Agency personnel?

FMCSA enforcement and SDLA staff do not need to create a login.gov account to access the Clearinghouse. This includes staff from Departments of Motor Vehicles.

Visit the Government User login

Email address

assword	☐ Show password
Sig	gn In

STEP 1 OF 4

Enter your email address

Email address

Submit

Cancel

Security Practices and Privacy Act Statement

STEP 1 OF 4



Check your email

with a link We sent an email to to confirm your email address. Follow the link to continue creating your account.

Didn't receive an email? Resend

Or, use a different email address

You can close this window if you're done.

to one.

Select an option to secure your account:

Phone

Get your security code via text message (SMS) or phone call

Authentication application

Set up an authentication application to get your security code without providing a phone number

Security key

Use a security key to secure your account

Government employees

Use your PIV/CAC card to secure your account

I don't have any of the above

You can use backup codes as your only authentication method. We'll give you 10 codes that you'll have to keep in a safe place.

Continue

Cancel account creation

cure.iogin.gov/prione_setup



STEP 3 OF 4

Send your security code via text message (SMS) or phone call

We'll send you a security code **each time you sign in**.

Message and data rates may apply.

Phone number

example: (201) 555-0123



How should we send you a code?

You can change this selection the next time you sign in. If you entered a landline, please select "Phone call" below.



Send code

Choose another option

An official website of the United States government



CLEARINGHOUSE

Enter your sec	urity code
We sent a security code to 10 minutes.	This code will expire in
One-time security code	_
	Submit
⊘ Get another code	☐ Remember this browser
Entered the wrong phone	number? <u>Use another phone number</u>



CLEARINGHOUSE



You successfully set up Phone as your first authentication method.

Next, you'll set up another method.

Continue

« Cancel account creation



CLEARINGHOUSE

STEP 4 OF 4

Second authentication method setup (2 of 2)

Adding a second authentication method makes sure you can sign in to you account even if you lose or don't have the other.

Select an additional method to secure your account:

Second phone

Get a security code by text message (SMS) or phone call to a secondary phone number (one that is not ***-***

Authentication application

Set up an authentication application to get your security code without providing a phone number

Security key

Use a security key to secure your account

Government employees

Use your PIV/CAC card to secure your account









CLEARINGHOUSE









About Contact



Thank you! You are now logged into your login.gov account.

Follow the steps below to complete your Clearinghouse registration.



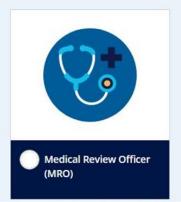
2. Select Your Role

Use the menu below to select the type of user account you will need in the Clearinghouse.



















Do you need help? Download step-by-step instructions for driver registration.

¿Necesita ayuda? Descargue las instrucciones para el registro de conductores.



3. Contact Information

Email Address (Login gov Username)

Enter your contact information below. All fields are required unless otherwise noted.

Name/Phone/Email	Addr	Address (Physical)				
First Name		Street			City	
Middle Name (Optional)		Country	y	State Select a state	-	ZIP Code
Last Name		Addr	ess (Mailing)			Same as Physical Address
Phone Number	Туре	•				
Alternate Phone Number (Optional)	Туре	•				









Do you need help? Download step-by-step instructions for driver registration.

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4. Commercial Driver's License Information

Enter your **current** commercial driver's license (CDL) information below. This information will be verified against your information in the Commercial Driver's License Information System (CDLIS) **6**.

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Do you need help? Download step-by-step instructions for driver registration.

¿Necesita ayuda? Descargue las instrucciones para el registro de conductores.



5. Terms and Conditions

FMCSA IT Rules of Behavior

As a user of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse, I understand that I am personally responsible for the use and any misuse of my system account and password. I also understand that by accessing a U.S. Government information system, I must comply with the following requirements:

- 1. The Drug and Alcohol Clearinghouse is authorized for official use only.
- 2. The Drug and Alcohol Clearinghouse may not be used (i) for a purpose that violates any Federal law; (ii) for mass mailings of personal messages/statements; (iii) for commercial purposes, financial gain, or to support "for profit" non-Government activities; or (iv) to engage in any DOT or FMCSA-discrediting activities (e.g., gambling; viewing of adult content). "FMCSA-discrediting activities" also include seeking, transmitting, collecting, or storing defamatory, discriminatory, obscene, harassing, or intimidating messages or materials.
- 3. FMCSA reserves the right to monitor the activity of any machine connected to its infrastructure.
- 4. Drug and Alcohol Clearinghouse is the property of the Federal Government and FMCSA owns the data stored in this system.
- 5. Non-public Information that was obtained via the Drug and Alcohol Clearinghouse may not be divulged outside of authorized channels without the express permission of the owner of that information.
- 6. Any activity that violates Federal laws for information protection (e.g., hacking, spamming) is prohibited.
- 7. Users must lock the computer if they are away from the desk and use a password-protected screensaver to automatically lock the computer.
- 8. Drug and Alcohol Clearinghouse accounts are linked to your login.gov profile solely for the use of the individual for whom they were created. Your login.gov passwords or any other authentication mechanisms **must never** be shared or stored in **printed form** in any place accessible. If stored **digitally**, a password must not be stored in a clear-text or a readable format. You may store your login.gov "just in case" information in printed or digital form.
- 9. The Drug and Alcohol Clearinghouse uses login.gov to authenticate you. Login.gov has password format requirements and a password expiration policy that must

Drug and Alcohol Clearinghouse Terms of Use

I am capable and willing to comply with the requirements under of 49 CFR 382 Subpart G, Requirements and Procedures for Implementation of the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse).

I agree to accept any written communication from FMCSA relating to the Clearinghouse by electronic mail at the email address(es) I provide to FMCSA or by physical letters sent via United States Postal Service, including any notice of proposed removal from the Clearinghouse and any information addressing my obligations as an authorized user of the Clearinghouse. Such communication shall be considered complete upon its transmission by FMCSA.

I understand that by utilizing the Clearinghouse, I am participating in covered transactions and am required to comply with the suspension and debarment regulations at 2 C.F.R. part 180 and that I am required to comply with the regulations at 49 CFR part 382. I certify that I will comply with the information use and disclosure requirements set forth in 49 C.F.R. part 382. I agree that I will not access information in the Clearinghouse without authorization; share, distribute, publish, or otherwise release information unless specifically authorized by law; and I will not report inaccurate or misleading information to the Clearinghouse. I understand that by submitting information to the Clearinghouse I am participating in covered transactions and that submitting false or misleading statements may subject me to administrative, civil, or criminal penalties, including prosecution under 18 U.S.C. § 1001 or government-wide suspension and debarment under 2 C.F.R. part 180. I understand that failure to comply with the Clearinghouse Rules of Behavior and Terms of Use may result in revocation of my Clearinghouse registration under 49 C.F.R. § 382.713.

I accept the FMCSA Privacy Policy (see https://www.transportation.gov/dot-website-privacy-policy).

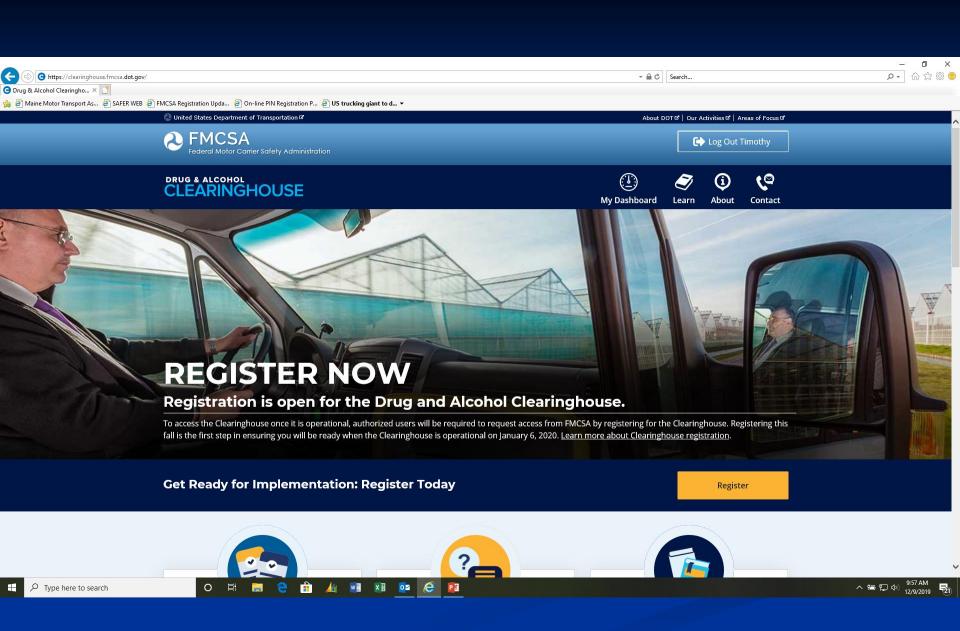


I affirm that all the information provided is true and accept all of the terms above.

Previous

I Agree

Cancel





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DRUG & ALCOHOL CLEARINGHOUSE

FMCSA







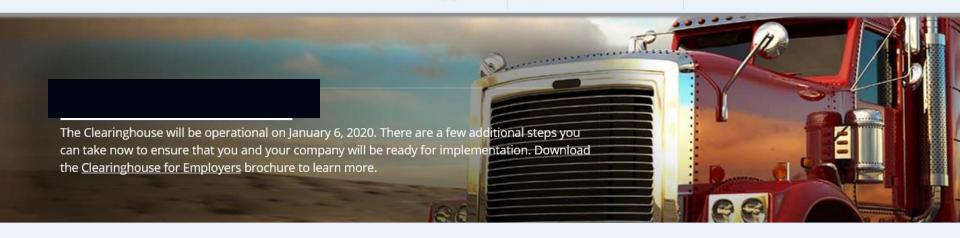






Query Plan Buy History

Manage C/TPAs Users My Profile





Purchase a Query Plan

An employer must have purchased a query plan before you, or your C/TPA, can conduct queries in the Clearinghouse. Purchase your plan today and be ready for January 6, 2020.

Purchase a Query Plan



Designate a C/TPA

Be sure to designate all consortia/third-party administrators (C/TPAs) that manage your drug and alcohol testing program. This enables them to conduct queries and/or report violations on your behalf.

Designate a C/TPA



Invite an Assistant

Will other employees conduct queries or report violations in the Clearinghouse on behalf of your company? You will need to send them an invitation to register for the Clearinghouse in an Assistant role.

Invite an Assistant





















DRUG & ALCOHOL CLEARINGHOUSE





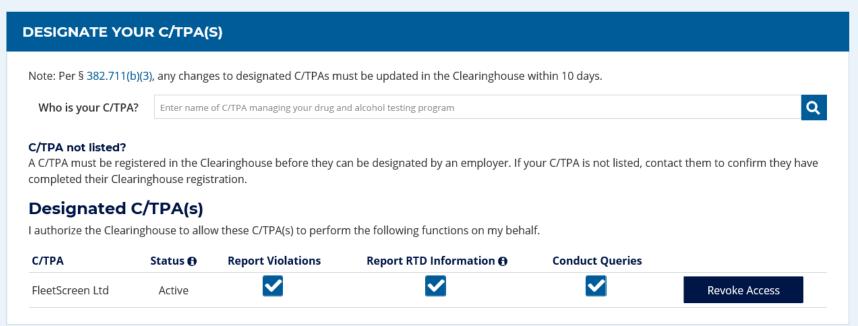




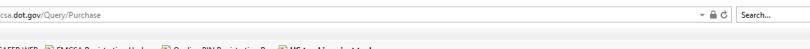


Designate Your Consortium/Third-Party Administrator

As an employer, you may use one or more consortia/third-party administrators (C/TPAs) (1) to manage your drug and alcohol testing program. If you do choose to work with one or more C/TPAs, you must identify them in the Clearinghouse by designating them below. This enables them to act on your behalf in the Clearinghouse, as defined in § 382.705(c).



Click "Save" to save your changes. C/TPAs you have selected will receive a request to confirm your designation.









CLEARINGHOUSE







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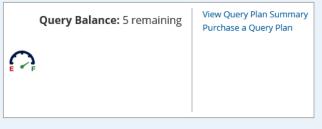
My Dashboard

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About

Contact

Purchase a Query Plan





You are currently on the official FMCSA Clearinghouse website. Query plans must be purchased from the FMCSA Clearinghouse only.

You must purchase a query plan before you, or your designated C/TPA, can conduct limited or full queries in the Clearinghouse. C/TPAs may not purchase query plans on behalf of employers.

INDIVIDUAL QUERY PLAN

\$1.25

Flat per query rate (limited or full)

- ✓ Flat per query rate (\$1.25), for limited and full queries
- ✓ Bundles customized to meet your business needs
- ✓ Queries never expire
- ✓ Purchase additional query plans, as needed

Select Plan Size

Plan Size	Plan Cost
1	\$1.25
2	\$2.50
3	\$3.75
4	\$5.00
5	\$6.25
10	\$12.50
20	\$25.00
50	\$62.50
100	\$125.00
150	\$187.50
200	\$250.00
300	\$375.00



















Drivers only required to register if:

- They want to view their own data
- They are applying for work and require preemployment test...need to consent.
- They have a violation and need to search for SAP.



How will the C/TPA process work?

- Owner-Operators (defined as a owner that also drives) must designate C/TPA to report violations.
- Motor Carriers may designate C/TPA to conduct other responsibilities for them, including queries.



The following is a checklist of the necessary steps to be ready for 1/6/2020:

- If not already done, open a portal account for your USDOT #: https://portal.fmcsa.dot.gov/login make sure to select DACH Admin as one of the allowable roles. Also make sure that portal administrator for motor carrier approves the role change.
- If not required to have a USDOT # (schools and municipalities) skip portal registration and proceed to Clearinghouse registration.
- Create an account with the Clearinghouse and link the portal account and clearinghouse account: https://clearinghouse.fmcsa.dot.gov/



The following is a checklist of the necessary steps to be ready for 1/6/2020:

- Issue updated company policy to all drivers. Drivers should sign model policy and receive printed educational material. Model policy is available on MMTA's website.
- Purchase bundled query plan from the clearinghouse that suits your business model.
- Consider driver training regarding the clearinghouse to make all aware of the reporting requirements and annual query. Done as part of issuance of policy.



QUESTIONS?

- FMCSA has a very good FAQ section for the clearinghouse on their website.
- Call Randy or Tim at MMTA with any questions or assistance needed.
- Send us your Questions at <u>www.mmta.com/clearinghousequestions</u>
- We will post updates on FAQ's as we gather new information and answer member's questions.



QUESTIONS?

