

Reporting to the Clearinghouse

§ 382.705 Reporting to the Clearinghouse.

(B) Employers

(1) Employers must report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

- An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A negative return-to-duty test result;
- A refusal to take an alcohol test pursuant to *49 CFR 40.261*;
- A refusal to test determination made in accordance with *49 CFR 40.191(a)*
 - 1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the **employer**, consistent with applicable DOT agency regulations, after being directed to do so by the **employer**.
 - 2) Fail to remain at the testing site until the testing process is complete except for a pre-employment test.
 - 3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; *Provided*, That an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see [§ 40.63](#) (c)) for a pre-employment test is not deemed to have refused to test.
 - 4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen.
- A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title.

(2) The information required to be reported under paragraph (B)(1) of this section must include, as applicable:

- Reason for the test;
- Driver's name, date of birth, and CDL number and State of issuance;
- Employer name, address, and USDOT number;
- Date of the test;
- Date the result was reported; and
- Test result. The test result must be one of the following:
 - 1) Negative (only required for RTD tests administered in accordance with § 382.309);
 - 2) Positive; or
 - 3) Refusal to take a test.

(3) For each report of a violation of 49 CFR 40.261(a)(1) or 40.191(a)(1), the employer must report the following information:

- Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification.
- Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable).
- Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, showing that the C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a driver pursuant to paragraph (b)(6) of this section when the reported refusal occurred (if applicable).
- Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported under paragraph (b)(3) of this section.

(4) Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at § 382.107, of:

- On-duty alcohol use pursuant to § 382.205;
- Pre-duty alcohol use pursuant to § 382.207;
- Alcohol use following an accident pursuant to § 382.209; and
- Controlled substance uses pursuant to § 382.213.

(5) For each violation in paragraph (B)(4) of this section, the employer must report the following information:

- Driver's name, date of birth, CDL number and State of issuance;
- Employer name, address, and USDOT number, if applicable;
- Date the employer obtained actual knowledge of the violation;
- Witnesses to the violation, if any, including contact information;
- Description of the violation;
- Evidence supporting each fact alleged in the description of the violation required under paragraph (b)(4) of this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation; and
- A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph (b)(4) of this section.

Reporting Entity	Violations Reported to the Clearinghouse	Timeframe for Reporting
Prospective/Current Employer of CDL Driver	An alcohol confirmation test with a concentration of 0.04 or higher	Employers must report any drug and alcohol program violation information by the close of the third business day following the date on which the employer obtained the information.
	Refusal to test (alcohol) as specified in 49 CFR § 40.261	
	Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR § 40.191	
	Actual knowledge of a drug or alcohol violation, as defined in 49 CFR § 382.107	
MRO	Verified positive, adulterated, or substituted drug test result	MROs must report results within two business days of making a determination or verification of a Department of Transportation (DOT)- required drug test.
	Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR § 40.191	Any changes to the results report of a verified drug test must be reported to the Clearinghouse within one business day of making the changes.