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January 8, 2020 Special update: FMCSA notifications

### **1) Technical difficulty with pre-employment queries:**

We have received notice from the Ohio Division administrator for FMCSA that they are experiencing difficulties with the Clearinghouse. Here is the message FMCSA is sharing:

**If you are an employer currently experiencing technical difficulties accessing the Clearinghouse and are unable to conduct required pre-employment queries, you may hire a driver using solely the procedures set forth in 49 CFR 391.23(e) [manual inquiry into safety performance / D&A history].**

**Once FMCSA has determined and announced that users are able to access the Clearinghouse, pre-employment queries must also be conducted as required by Section 382.701(a).**

If districts submit IT support requests to FMCSA, they should be documented and stored for future reference.

FMCSA staff also advise that they are unable to assist with technical problems because they do not have admin access to a district's records. All callers with inquiries along this line should be directed to call (800) 832-5660 or submit a request for support to <https://ask.fmcsa.dot.gov/app/ask> and use the online form to open a support ticket which will be answered in the order of receipt.

### **2) Random controlled substance testing change:**

The following notification was published in the Federal Register on Friday, December 27, 2019:

The FMCSA announces that it is increasing the minimum annual percentage rate for random controlled substances testing for drivers of commercial motor vehicles (CMVs) requiring a commercial driver's license (CDL) from the current rate of 25 percent of the average number of driver positions to 50 percent of the average number of driver positions, effective in calendar year 2020. The FMCSA Administrator must increase the minimum annual random testing percentage rate when the data received under the reporting requirements for any calendar year indicate that the reported positive rate is equal to or greater than 1.0 percent. Based on the results of the 2018 FMCSA Drug and Alcohol Testing Survey, the positive rate for controlled substances random testing increased to 1.0 percent. Therefore, the Agency will increase the controlled substances minimum annual percentage rate for random controlled substances testing

to 50 percent of the average number of driver positions.

These changes will be in effect January 1, 2020.

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