



# DOT Critical Driver Compliance

Presented by:

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# DOT FINES

- FMCSA Record Keeping Violation
- aka DOT Driver File Violation
- \$1,100.00 per day
- To a maximum of \$11,000.00

# Today's Topics

- Pre-Employment Screening
- Drug Testing Programs DOT
- FMCSA Clearinghouse
- DOT Supervisor Training
- DOT Certified Medical Examinations (CME)
- Driver Qualification Files
- CSA Scores & Review
- Motor Vehicle Records
- MVR Monitoring

# DOT Required Pre-employment Screening

- MVR - Motor Vehicle Record
- Verification of Prior Employment (3 Years Prior)
- FMCSA Clearinghouse Query (As of 1/6/2020)

# Other Types of Searches

- Address & Social Security Number Verification
- Credit Reports
- Pre-Employment Screening Program (PSP)
- Education / Degree Verification
- Professional License Check
- Professional Reference
- I-9 Compliance Service E-Verify
- Multi-Jurisdictional Criminal Database + Sex Offender Registry Search
- Statewide Criminal
- County Criminal
- Federal Criminal
- Workers Compensation Search
- Consent Based Social Security Validation (CBSV)

# Legal Requirements - FCRA

## Requirements and Forms

- Agreement between CRA and Employer
- Authorization and Disclosure
- Pre-Adverse Action Notice
- Final Adverse Action Notice
- Federal Consumer Financial Protection Bureau  
Summary of Rights
- Additional State Notices and Disclosures

# Recommendations

- ❑ Finish Screening Before Hiring
- ❑ Decide Level Of Screening For Each Job
- ❑ Review All Job Application Info Carefully
- ❑ Get Written Authorization To Check All Application Data
- ❑ Check All Application Data
- ❑ Establish Disqualification Criteria To Fit The Position
- ❑ Always Consult Employment Counsel

# Drug and Alcohol Testing

- Pre-Employment
- Random
- Post Accident
- Reasonable Suspicion






# DOT Regulations

- Rule, 49 CFR Part 40
- (50/10) The US DOT (FMCSA) requires that:
  - At least 50% of your Drivers are selected for Random Drug Testing
  - At least 10% of your drivers are selected for Alcohol each year.
- Higher Rates = Safer Employees = Less Problems

# Drug & Alcohol Record Keeping


Welcome
[ Log Out ]

## TESTING ACTIVITY

**VIEW DATA FOR DIFFERENT COMPANY**

**SUBMIT SELECTION CHANGES**

**Customer:** Concorde, Inc

**Reason for test:** All

**Test results:** Any

**Period:** Collected from 1/1/2013 to 2/28/2013

In an effort to speed up end-of-year data review, the display of the list of all tests has been disabled. To re-enable, check the "Show Test Results" check box and click the "Submit Selection Changes" button.

Reason for Test	Totals	Negatives	Negative Dilute	Positives	Refusals	Cancelled	Recollection Required
ALL	13	10		3			
Random	13	10		3			

Location: **CONCORDE BLIND ACCOUNT - ATN**

Collection Date	Reported Date	Chain of Custody	Donor Name	SSN/ID	Test Result	Specimen Type	Reason for Test	Testing Authority	Request Change	LOV COC
02/01/2013	02/12/2013	116525320	SPECIMEN, BLIND	****4111	Positive	Urine	Random	FMCSA	Submit	Forms
02/01/2013	02/06/2013	116525319	SPECIMEN, BLIND	****2030	Positive	Urine	Random	FMCSA	Submit	Forms
02/01/2013	02/19/2013	116525318	SPECIMEN, BLIND	****2030	Positive	Urine	Random	FMCSA	Submit	Forms
02/01/2013	02/04/2013	116525321	SPECIMEN, BLIND	****2100	Negative	Urine	Random	FMCSA	Submit	Forms
02/01/2013	02/04/2013	116525322	SPECIMEN, BLIND	****2011	Negative	Urine	Random	FMCSA	Submit	Forms
02/01/2013	02/04/2013	116525323	SPECIMEN, BLIND	****1010	Negative	Urine	Random	FMCSA	Submit	Forms
02/01/2013	02/04/2013	116525325	SPECIMEN, BLIND	****1111	Negative	Urine	Random	FMCSA	Submit	Forms
02/01/2013	02/04/2013	116525327	SPECIMEN, BLIND	****2000	Negative	Urine	Random	FMCSA	Submit	Forms
02/01/2013	02/04/2013	116525328	SPECIMEN, BLIND	****0012	Negative	Urine	Random	FMCSA	Submit	Forms

Actions: To Excel | To PDF | Defaults

Date Range: Period: Year to date

Test Results:  Show Test Results

DOT Numbers:  Show All (uncheck to list all numbers)

Testing Authority:  Show All (uncheck to select below)

Non Regulated  
 FMCSA  
 FAA  
 FRA

PHMSA  
 USCG  
 DHHHS  
 NRC

# FMCSA Clearinghouse

## FMCSA DRIVER CLEARINGHOUSE Annual Reoccurring Requirements

- Annual Query \*
- Administration of Annual Query on current drivers as required by 49 CFR part 382
- Notification to client if Full Query is required
- Creation of documentation to evidence query and result, to be placed in DQ file
- Monitor clearinghouse account bank however, upon notification client must ensure funds are available in their account
- Client is responsible for ensuring all driver information is provided and accurate before requesting a query.

By signing below, client is certifying that it will attain and maintain all necessary consents before requesting queries to be run.

# FMCSA Clearinghouse

## FMCSA DRIVER CLEARINGHOUSE

### Annual Reoccurring Requirements – Continued

#### Employer's Reporting Mandate 49 CFR 382.705\*

- Reporting of the following violations to the FMCSA Clearinghouse in partnership with the Client:
- 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) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the [employer](#) may report only those admissions made to the specimen collector;
- 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; and
- Upload all documentation for every event as provided by customer and determined by 49 CFR Part 382.705.
- Client ability to document violations easily in DQ file
- Electronic storage of source documents provided by the Employer
- *\*Concorde can only report on violations of which it has been made aware. Concorde is not responsible for inaccuracy of information reported in DQ file as Concorde will upload information as reported by employer. Employers should create protocols to notify Concorde of any Employer reportable events.*

# DOT Supervisor Training: Regulation

- 382.603 is the applicable regulation requiring supervisors of commercial motor vehicle drivers who operate vehicles that require a commercial driver license to take 60 minutes of training on the symptoms of alcohol abuse and another 60 minutes of training on the symptoms of controlled substances use (120 minutes in total).



# DOT Supervisor Training

## □ Session Topics and Issues

- Determining reasonable suspicion.
- Recognizing warning signs of substance abuse.
- Understanding of DOT requirements.
- Techniques for handling confrontation.
- Defense against grievances.
- Learning how to avoid the "traps" that could get a supervisor in trouble.
- Interactive Supervisor/Employee Role Play

# DOT Medical Exams – CME Regulation

- Drivers/ employers must use: **CERTIFIED** physicians, physician assistants, and/or nurse practitioners to complete Medical Examinations
- See 49 CFR Parts 350, 390, and 391

# Medical Card Obligations

## Carrier Must:

- ❑ send driver to a Certified Medical Examiner
- ❑ confirm no paperwork or exam errors on CME Long Form (presents HIPAA issues)
- ❑ confirm for every exam that the examiner was a CME. Note support documentation in Driver File.
- ❑ store Med Card in Driver File
- ❑ submit Med Car to the State.
- ❑ run CME – MVR to confirm state received and accepted the Med Card





# Medical Card Issues

## Lessons Learned:

- ❑ CMEs are shrinking cards making the unreadable.
- ❑ Info on card often does not match the self-certification.
- ❑ Cards are not completed properly.
- ❑ CMEs are not cooperative in fixing errors.
- ❑ Multiple CME-MVRs are starting to be the norm.
- ❑ States are free to comply as they like.
  - ❑ Causing delays with certain states
- ❑ Carriers are procrastinating.

# Driver Qualification Files: Regulation

- 391.51 (a) Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his/her personnel file.

# Driver Qualification File

## □ Required Documents

### □ Driver History Investigation

- Fair Credit Reporting Act Authorization form (FCRA)
- Investigation of Prior Employment

### □ Driver Qualification File 391.5

- Application for employment
- Certificate of Road Test
- Driver's Annual Certificate of Violations
- Supervisor's Annual Review
- Driver's License
- Initial Motor Vehicle Record
- Medical Examiner's Certificate
- Motor Vehicle Record

# Driver Qualification File

- **Other Commonly Stored Files**
  - **Drug & Alcohol**
    - Drug & Alcohol Policy Receipt
    - Pre-Employment Drug Test Result
  - **Other Documents**
    - Certificate of Compliance with single Driver's License
    - Initial Statement of On-Duty Hours
    - Receipt of FMCSR

# Electronic DQ File Storage

Search

License Number Search

Search

Filter:

Site 1


- » All Personnel
- » Employees
- » Applicants
- » Inactive
- » Terminated
- » CSA Hit-List

Jump List:


- » Benny Boarderline
- » Nick Notsomuch
- » Sam Slam dunk

Summary
Action Items
CSA Scores

← BACK
**DRIVER FILE**



**BENNY BOARDERLINE**  
Employee  
000-11-0026  
Site 1  
5 Chestnut St  
Philadelphia, PA 80809  
Phone: (408) 555-5555

 [Order MVR](#)


**DRIVER INFORMATION**


- Personal
- Employment
- License
- Update Status
- Print File
- Transfer Employee


[Get Temporary Login](#)


[>>Show Historical Docs](#)

You can easily submit driver document updates by scanning the documents to Adobe PDF files and uploading them directly to the driver's profile. If you cannot submit PDF files, you can print automatic Fax Cover Sheets and send us the pages via your fax machine. If this is a new driver submission choose that option. Please select which option applies to the documents you have.

  
[Upload It](#)  
Click Here

  
[Email It](#)  
Click Here

  
[Fax It](#)  
Click Here

  
[New Driver](#)  
Click Here

CSA HISTORY

**EXPIRED ITEMS**

Drivers Annual Certificate of Violations

Overdue: 483 days / Expires: 1 Sep 2011

Medical Examiners Certificate

Overdue: 195 days / Expires: 15 Jun 2012

Motor Vehicle Record

Overdue: 134 days / Expires: 15 Aug 2012

Supervisors Annual Review

Overdue: 483 days / Expires: 1 Sep 2011

**MISSING & PROBLEM DOCUMENTS**

Certificate of Road Test

Missing Item

Initial MVR

Missing Item

Drug & Alcohol Policy Acknow.


Missing Item

DRIVER HISTORY INVESTIGATION

**DQ-it** IS NOW MOBILE  
**MOB.DQ-IT.COM**

DQ-It requires Adobe Reader.

**DQ-it** + **CSA** Driver Qualification File Management

 **National Waste & Recycling Association**  
Collect. Recycle. Innovate.™

Member Savings Program Participant

**SAFETY MATTERS**



# Audit Preparation



# What is CSA?

- CSA is an FMCSA safety program to improve large truck and bus safety and ultimately prevent crashes, injuries, and fatalities
- New enforcement and compliance model that allows FMCSA and its State Partners to contact more carriers earlier in order to address safety deficiencies before crashes occur.
- The program establishes a new nationwide system for making the roads safer for motor carriers
- CSA affects carriers subject to the Federal Motor Carrier Safety Regulations (FMCSRs), carriers transporting passengers or cargo in interstate commerce, and carriers of hazardous materials in intrastate commerce, but may also include carriers whose State requires that they obtain a U.S. DOT Number.

# Let's Get Down to the BASICS

- **Unsafe Driving:** Operation of commercial motor vehicles (CMVs) by drivers in a dangerous or careless manner. Example: Speeding and improper lane change.
- **Hours-of-Service:** Operation by CMVs who are ill, fatigued, or in noncompliance with HOS regulations. View FMCSR PARTS 392 and 395.
- **Driver Fitness:** Operation of CMVs by drivers who are unfit to operate due to lack of training, experience, or medical qualifications. Example: Failure to have a valid and appropriate Driver's License.
- **Controlled Substances/ Alcohol:** Operation of CMVs by drivers who are impaired due to alcohol, illegal drugs, and misuse of prescription or over-the-counter medications. Further information view FMCSR Parts 382 and 392)



# BASICS continued

- **Vehicle Maintenance:** Failure to properly maintain a CMV and prevent shifting loads. Example: brakes, lights, and other mechanicals defect's. View FMSCR Parts 392, 393, and 396.
- **Hazardous Materials (HM) Compliance:** Unsafe handling of hazardous materials (HM) Example: leaking containers, improper placarding, improperly packed HM. FMCSR Part 397 and U.S. DOT HM Regulations Parts 171, 172, 173, 177, 178, 179 & 180.
- **Crash Indicator:** Histories or patterns of high crash involvement, including frequency and severity. It is based on information from State-reported crashes.

# MVR Regulation

- Initial MVR: 391.23(a)(1)
  - Motor carriers must obtain and review a new driver's MVR within 30 days of the beginning of the driver's employment. This MVR must be maintained in the DQF for the entire length of the driver's employment plus 3 years. Unlike the annual MVR discussed below, the initial MVR may not be removed after three years. Motor carriers will normally order this MVR as part of the pre-employment background checks.
- Annual MVR: 391.25(a)
  - Motor carriers must obtain and review an employed driver's MVR not less than annually. Concorde's DQ-it system allows for easy ordering of MVRs for drivers with DQFs.
- 15 days after medical re-cert MVR: 391.23(C)(ii)
  - Motor carriers may use a medical card as proof of medical certification for up to 15 days after date of issuance. At which time, an MVR must be run that reflects the new medical information.

# MVR Monitoring Program

- Concorde's MVR Driver Monitoring Program provides alerts regarding violations, changes in license status - including suspensions and expiry as well as medical certification status on a daily, weekly or monthly basis\*.
  
- **Highlights of the program**
  - The program is fully integrated with Concorde's DQ-it system
  - It provides a current motor vehicle record
  - An e-mail notification is sent about any moving violations, suspensions, or revocations for the client's convenience\*

\*some limitations may apply (not every state offers moving violations or daily/weekly updates.)

# Questions and Answers

# THANK YOU

**Further Questions or Inquiries Please reach me at:**

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