How to Report a Violation: C/TPAs

Violation Reporting Requirements
A consortium/third-party administrator (C/TPA) may assist an employer in meeting their Clearinghouse requirements, including reporting violations of FMCSA's drug and alcohol testing program. C/TPAs must accept an employer's designation in the Clearinghouse before they can access the Clearinghouse on that employer's behalf. Even if they designate a C/TPA, the employer retains ultimate responsibility for compliance. (Employers may choose to report violations themselves; see the Reporting Violations for Employers Job Aid for instructions.)

Owner-operators—that is, employers who employ themselves as CDL drivers, typically a single-driver operation—are required to designate a C/TPA in the Clearinghouse. Owner-operators may choose to report drug and alcohol program violations for any other drivers they employ, however, the C/TPA has the responsibility to report any drug and alcohol program violation incurred by the owner-operator.

Which violations are employers responsible for reporting?
Both employers and medical review officers (MROs) are required to report drug and alcohol program violations in the Clearinghouse per § 382.705. The table below identifies who is responsible for reporting each type of violation.

Employers also have reporting requirements regarding any drivers they employ who are undergoing a return-to-duty (RTD) process. Learn more about the RTD process.

<table>
<thead>
<tr>
<th>Reporting Entity</th>
<th>Violations Reported to the Clearinghouse</th>
<th>Timeframe for Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prospective/Current</td>
<td>An alcohol confirmation test with a concentration of 0.04 or higher</td>
<td>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.</td>
</tr>
<tr>
<td>Employer of CDL Driver</td>
<td>Refusal to test (alcohol) as specified in 49 CFR § 40.261</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR § 40.191</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Actual knowledge of a drug or alcohol violation, as defined in 49 CFR § 382.107</td>
<td></td>
</tr>
<tr>
<td>MRO</td>
<td>Verified positive, adulterated, or substituted drug test result</td>
<td>MROs must report results within two business days of making a determination or verification of a Department of Transportation (DOT)-required drug test.</td>
</tr>
<tr>
<td></td>
<td>Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR § 40.191</td>
<td>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.</td>
</tr>
</tbody>
</table>
How to Report a Violation
The instructions below will walk through how to report a drug and alcohol program violation as a C/TPA.

If you are an employer, see the Reporting Violations for Employers Job Aid for instructions.
If you are an MRO, see the Reporting Violations for MROs Job Aid for instructions.

1. Log In and Access the Dashboard
   Visit https://clearinghouse.fmcsa.dot.gov. Click Log In and access the Clearinghouse using your login.gov username and password.

   Under My Dashboard, go to Violations and click Report a Violation.

2. Select the Employer
   Before you enter any violation information, you will need to select the employer on whose behalf you are reporting this violation. This employer will be able to access the violation information after it has been reported.

   Employer Information
   Select the employer who required the driver to take this drug test.

   Employer: [select employer]
Enter and Verify the Driver Information

Enter the information of the driver who incurred the violation and click Verify Driver Information.

You will need to provide the following driver information:

- Driver first and last name
- Driver date of birth
- Driver commercial driver’s license (CDL) number, and the country and state of issuance

If there is an issue verifying the driver CDL information, please check that you have entered all the information correctly. The information should match the information on the driver’s CDL.

If the CDL number has special characters (such as spaces or hyphens), try entering the number with or without those characters, as requirements vary by State.

If the driver CDL information cannot be verified, the Clearinghouse will flag the record for FMCSA's review. However, the violation will be recorded in the Clearinghouse and the driver information will be reconciled at a later date. You will still be able to continue reporting the violation.

Once a driver’s CDL information has been verified, you will not be able to edit it. If you entered the driver’s information in error, click Cancel and begin again with a new violation. When you are ready to continue, click Next.
Enter the Violation Information

Select the type of violation you are reporting and click Next. Each violation must be entered separately.

The amount of violation information you will need to enter will depend on the type of violation you select. See below for an overview of the types of information you will need to enter for each violation type. Prompts will also appear on the screen to guide you through each process.

REPORTING POSITIVES TEST RESULTS AND TEST REFUSALS

If you select alcohol concentration of 0.04 or greater, refusal to take an alcohol test, or refusal to take a drug test, you will be required to provide the following information:

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>Information to Enter</th>
<th>Additional Information to Enter</th>
</tr>
</thead>
</table>
| Alcohol concentration of 0.04 or greater | Reason for the test  
Date of test                                                                 | No additional information required                                    |
| Refusal to take an alcohol OR drug test | Reason for the test  
Type of test refusal  
Date of test (all refusals except “failed to appear for any test”) | Failed to cooperate with any of the testing process  
Remarks/Additional Information (optional) |

Note: See “Uploading Documentation” on the next page for instructions on using the file upload feature.

When the driver was notified to appear
The address and time at which they were directed to appear
Documentation that the driver was notified to appear for testing
Driver employment status and documentation of date of termination or resignation, if applicable
Evidence that the driver was provided with all documents submitted with the violation report
Enter the Violation Information (Continued)

**REPORTING ACTUAL KNOWLEDGE**

If you select actual knowledge of an alcohol violation or actual knowledge of a drug violation, you will be required to provide the following information (for a definition of actual knowledge, see § 382.107):

- Whether the use was on-duty, pre-duty, or post-duty (alcohol only)
- The type of actual knowledge
- Date you obtained actual knowledge of the violation
- Date the violation occurred, if known
- Detailed description of the violation
- Name and at least one form of contact information for each witness, if any
- Evidence supporting each fact alleged in the violation description
- Acceptable evidence includes, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than those admissions pursuant to § 382.121), correspondence, electronic copies of any enforcement citations, or other documentation.
- Evidence that the driver was provided with all documents submitted with this violation report

**UPLOADING DOCUMENTATION**

At certain points in the violation reporting process, you may be required to submit files to serve as evidence. To do so, you will use the Upload Documentation tool.

To begin, select **Upload Files** to open a file directory. Choose the file you need to upload and click **Open** (files may not exceed 50MB). This will start a list of files that will be uploaded with your report.

Select the **category type** (this is required). You also have the option to enter a description of the file.

Repeat this process to upload any additional files. Once all files have been uploaded, click **Next**.
**Review and Submit the Violation**

Review the information you have entered. The categories of information displayed will vary depending on the type of violation selected.

If the violation information needs corrections, click the **Previous** button until you reach the relevant screen. You can also click the edit icon (🔗) of the appropriate section to return to that screen. Once you have finished making corrections, click the **Next** button to navigate through the following screens until you return to the Review and Submit the Violation screen.

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**Note:** Once a driver’s CDL information is verified, you will not be able to edit it. If you entered the driver’s information in error, click **Cancel** and begin again with a new violation.

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Once all the information is accurate, check the box to accept the Clearinghouse certification statement and click **Submit Violation**.
Enter the Violation Information (Continued)

THE VIOLATION HAS BEEN REPORTED.

Once the violation has been reported, you will be given the option to enter another violation.

If you select Yes, you will be taken back to the Driver Information screen.
If you select No, you will be directed to your Violations History page.

How to Edit a Reported Violation

If you have entered a violation in error, you can submit a request to have the violation removed.

Under My Dashboard, go to Violations and access your Violation History.

Locate the violation and click View Violation Details.
Click Request to Remove Violation

In the pop up window, enter the reason the violation needs to be removed and click Request to Remove Violation.

FMCSA will review the request and, if approved, remove the violation from the Clearinghouse.