Guidance on reporting actual knowledge violations to the Clearinghouse before January 6, 2020

## Question

If a driver violated the drug and alcohol program prior to January 6, 2020, but the employer did not obtain actual knowledge (as defined in § 382.107) of the violation until January 6, 2020 or later, is the employer required to report the violation to the Clearinghouse?

## Guidance

No. The Clearinghouse serves as a repository for records of drug and alcohol program violations occurring on or after January 6, 2020; therefore, employers may report only actual knowledge of violations occurring on or after that date.