Guidance for employers unable to perform a preemployment query due to intermittent Clearinghouse outages on January 6, 2020.

## Q&A

What actions should an employer take if unable to conduct required pre-employment queries?

## Guidance:

On January 6, 2020, FMCSA posted a notice on the Clearinghouse home page that the system was experiencing technical issues, which made it difficult for employers to conduct pre-employment queries. These technical issues have been addressed. For those drivers that were hired without a pre-employment query, employers must now access the Clearinghouse to conduct pre-employment queries as required by § 382.701(a). The driver may continue to perform a safety-sensitive function pending the result of that query. At this time, no new drivers may be used to perform safety-sensitive functions without a negative Department of Transportation (DOT) drug test result, and until te employer performs the requires preemployment query of the Clearinghouse.

If the Clearinghouse experiences a recurrence of this issue, a notification will be placed on the home page informing employers that you may hire a driver using solely the procedures set forth in 49 CFR 391.23(e). If no such notification is on the home page, the requirement to conduct pre-employment queries prior to engaging a driver in safety-sensitive functions are in effect.