

**REQUEST/CONSENT FOR INFORMATION FROM PREVIOUS EMPLOYER ON
ALCOHOL & CONTROLLED SUBSTANCES TESTING**

Print Name of Applicant: _____

Social Security No.: _____

I authorize my Previous Employer,

_____ at Address:

_____ and Phone Number: _____ to release and forward information requested under 49 CFR section

382.405(f) and (h) concerning my alcohol and controlled substances testing records to:

Contact Person: _____, representing my Prospective Employer,

_____ at Address:

_____ and Phone Number: _____.

Applicant's Signature: _____ Date: _____

Request for information from the Previous Employer to the following questions are made under authority of 49 CFR 382.413:

(1) Has the above named individual had an alcohol test with a result of 0.04 alcohol concentration or greater within the past two years? Yes () or No ()

(2) Has the above named individual had a controlled substances test with a verified positive controlled substances test result within the past two years? Yes () or No ()

(3) Has the above named individual refused to be tested for alcohol or controlled substances within the past two years? Yes () or No ()

If "yes" is the answer to any of the questions, please give the name and address of the Substance Abuser Professional:

_____ Address:

City _____ State _____ Zip _____ Phone # _____

: _____

This section completed by (Signature): _____ Date: _____

Information verified by: _____ Title: _____

Date: _____ Method of receiving information:

Personal Interview() Telephone Interview() Letter() _____

REGULATORY AUTHORITY:

49 CFR 382.405 (f): Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by that subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

49 CFR 382.405 (h): An employer shall release information regarding the driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

49 CFR 382.413: Employers shall request alcohol and controlled substances information from previous employers in accordance with the requirements of §40.25 of this title.

§ 40.25 Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?

(a) Yes, as an employer, you must, after obtaining an employee's written consent, request the information about the employee listed in paragraph (b) of this section. This requirement applies only to employees seeking to begin performing safety-sensitive duties for you for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, you must not permit the employee to perform safety-sensitive functions.

(b) You must request the information listed in this paragraph (b) from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:

- (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- (2) Verified positive drug tests;
- (3) Refusals to be tested (including verified adulterated or substituted drug test results);
- (4) Other violations of DOT agency drug and alcohol testing regulations; and
- (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee.

(c) The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.

(d) If feasible, you must obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, you must obtain and review the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain this information.

(e) If you obtain information that the employee has violated a DOT agency drug and alcohol regulation, you must not use the employee to perform safety-sensitive functions unless you also obtain information that the employee has subsequently complied with the return-to-duty requirements of Subpart O of this part and DOT agency drug and alcohol regulations.

(f) You must provide to each of the employers from whom you request information under paragraph (b) of this section written consent for the release of the information cited in paragraph (a) of this section.

(g) The release of information under this section must be in any written form (e.g., fax, e-mail, letter) that ensures confidentiality. As the previous employer, you must maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

(h) If you are an employer from whom information is requested under paragraph (b) of this section, you must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

(i) As the employer requesting the information required under this section, you must maintain a written, confidential record of the information you obtain or of the good faith efforts you made to obtain the information. You must retain this information for three years from the date of the employee's first performance of safety-sensitive duties for you.

(j) As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section).