

INSTRUCTIONS FOR COMPLETION OF FORMS

1. SAFETY PERFORMANCE HISTORY RECORDS REQUEST:

(40.25)(391.23) Each motor carrier must investigate each driver's safety performance history with each of the driver's DOT-regulated employers during the preceding three years. The investigation may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate. A written record must be kept with respect to each previous employer contacted, or good faith efforts to do so, and must include the previous employer's name and address, date of contact or the attempts made, and the information received about the driver. The record must be placed in the driver investigation history file within 30 days of the date the driver's employment begins. The record must be maintained pursuant to Section 391.53. (Form No. 850-F or 850-FS-C3)

2. PREVIOUS EMPLOYEE SAFETY PERFORMANCE HISTORY:

(391.23) Each motor carrier must investigate each driver's safety performance history with each of the driver's DOT-regulated employers during the preceding three years. The Previous Employee Safety Performance History form allows a driver's previous employer to document the driver's safety performance history upon termination of employment. The completed form can then be forwarded to the driver's prospective employer(s) upon request. The information must be forwarded within 30 days of the request. Previous employers must keep a record of each request and the response for one year, including the date, the party to whom it was released, and a summary identifying what was provided. The information on this form must be kept on file until three years after termination date. (Form No. 854-F)

NOTE: The Previous Employee Safety Performance History is not required for DOT compliance.

The employer and its agents and insurers must take all precautions reasonably necessary to protect the driver safety performance history records from disclosure to any person not directly involved in the hiring decision or in forwarding the records. The employer's insurer may also access the records, except any alcohol or controlled substances information. (§§391.23(h) and 391.53(a)(1))

Pre-Employment Safety Performance History Documents

Applicant informed that previous employers will be contacted (§391.21(d)): _____
(date completed)

Applicant notified in writing of his/her due process rights (§391.21(d)): _____
(date completed)

Company received applicant's written authorization to seek information about his/her alcohol and drug history (§391.53(b)(1)): _____
(date completed)

Previous employer information (Use Form #850-FS-C3)

Requested From	Date Requested	Date Rec'd.	Reviewed By

Comments: _____

The company has found that this applicant/employee has, within the last three years:

- Violated the drug/alcohol rules of Parts 40 or 382: yes no
 Failed to complete a SAP-prescribed rehab program: yes no

If yes to either of the above, the company has retained the following documentation regarding the employee's completion of the return-to-duty process: _____

Post-Employment Safety Performance History Documents

Termination date: _____ Retain file until: _____
(3 years after termination)

Previous employee information (Use Form #854-F)

Requested By (prospective employers)	Date Requested	Date Provided

Comments: _____

Requests to correct information (§391.23(j)(1))

Date Rec'd.	Agree to Correct Data	If No, Date Driver Notified	If Yes, Date Sent to Prospective Employer(s)	Sent to
	<input type="checkbox"/> yes <input type="checkbox"/> no			
	<input type="checkbox"/> yes <input type="checkbox"/> no			
	<input type="checkbox"/> yes <input type="checkbox"/> no			
	<input type="checkbox"/> yes <input type="checkbox"/> no			
	<input type="checkbox"/> yes <input type="checkbox"/> no			

Rebuttals (§391.23(j)(3))

Date Rec'd.	Date Sent	Sent to

§391.53 Driver Investigation History File.

(a) After October 29, 2004, each motor carrier must maintain records relating to the investigation into the safety performance history of a new or prospective driver pursuant to paragraphs (d) and (e) of §391.23. This file must be maintained in a secure location with controlled access.

(1) The motor carrier must ensure that access to this data is limited to those who are involved in the hiring decision or who control access to the data. In addition, the motor carrier's insurer may have access to the data, except the alcohol and controlled substances data.

(2) This data must only be used for the hiring decision.

(b) The file must include:

(1) A copy of the driver's written authorization for the motor carrier to seek information about a driver's alcohol and controlled substances history as required under §391.23(d).

(2) A copy of the response(s) received for investigations required by paragraphs (d) and (e) of §391.23 from each previous employer, or documentation of good faith efforts to contact them. The record must include the previous employer's name and address, the date the previous employer was contacted, and the information received about the driver from the previous employer. Failures to contact a previous employer, or of them to provide the required safety performance history information, must be documented.

(c) The safety performance histories received from previous employers for a driver who is hired must be retained for as long as the driver is employed by that motor carrier and for three years thereafter.

(d) A motor carrier must make all records and information in this file available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative, or an authorized third party, upon request or as part of any inquiry within the time period specified by the requesting representative.