

Auto Dealer Cost Control Program

The Essentials of Driver Management

Key Steps to Ensuring that Every Employee Drives Safely



The Problem:

As an employer, you are responsible for the driving skills of every employee who drives while “in the course and scope of employment.” You can be held accountable if one of your employees causes an accident while working for you, even if they are driving their own vehicles!

Example: You may have a wonderful salesperson or technician who happens to be a bad driver, with a driving record that includes numerous violations. The employee drives his own vehicle. If this individual, who may otherwise be an exemplary employee, causes injuries or property damage, you can be sued for negligence, *for knowingly and wilfully allowing this individual to operate a motor vehicle while working for you.*

In other words, simply by allowing your employees to drive while they work, you have explicitly endorsed the driving skills of every employee who drives for you.

Any serious accident involving your employees will expose your management approach to key questions:

What *did* you know about your employee’s poor driving record?

What *should* you have known?

What did you *do* about it?

NOTE: Ignorance of an employee’s driving record is not a defense.

In order to protect your business from crippling liability, you must implement an *explicit program on safe driving* for all employees who operate motor vehicles.

IN ADDITION, IF YOU FAIL TO TAKE ACTION WHEN YOU LEARN THAT ONE OF YOUR EMPLOYEES HAS A DRIVING PROBLEM, YOU ARE AT VERY HIGH RISK FOR BEING SUED FOR NEGLIGENCE.



The Solution

To protect your interests and help ensure an accident free fleet, you must take concrete steps to keep bad drivers from getting behind the wheel:

Only employees with good driving records are allowed to drive.

Employees with poor driving records or employees who violate company policies on safe driving must be subject to discipline, ranging from safe driver training and (temporary) prohibition on driving all the way to termination.

Any employee who must drive while working but whose driving record is unacceptable should be moved into another position which does not require driving. If this is not possible, it may be necessary to terminate the employee based upon the inability to perform the job safely.

STEPS

There are five basic elements in a safe driver program:

- 1) Establishing a clear policy that safe driving is an essential job function.
- 2) Having every employee who drives sign a safe driver certification (the form is part of this packet).
- 3) Performing an annual check of driving records for all employees who drive while working.
- 4) Requiring employees to report any on or off the job moving violations or accidents within specific time frames.
- 5) Taking prompt disciplinary action – with appropriate documentation – on any employees with poor driving records or accidents.

You should have a written policy on safe driving that contains the following language:

Safe driving is an essential part of your job. Management will periodically review driving records of all employees who drive in the course of their work and will take appropriate corrective action for any employee with a history of poor driving, whether on or off the job. Employees with a pattern of poor driving will not be allowed to drive in the performance of their jobs. Employees who fail to comply with this policy will be subject to discipline, up to and including termination.



Setting Up Your Program

This kit contains all the information needed to implement a comprehensive driver tracking program. Steps to be taken include:

1. Orient all employees to the importance of safe driving:

Each driver should read and sign a "Safe Driver Certification" form

Each driver should be instructed on the process for securing a copy of his/her driving record (see page Appendix 2)

Each employee should be made aware of new company policies, including the need to report any accidents or moving violations (as outlined in the "Safe Driver Certification" form).

2. Track the submission of individual driving records:

NOTE: Information on how your employees can secure their driving records is found in Appendix 1.

Give drivers a deadline of about 2 weeks for submitting the records

Follow up with any individuals who fail to meet the deadline

3. Review the records as they are submitted:

Guidelines for reviewing records are found in Appendix 3

Schedule follow up reviews as needed (at least annually for drivers with clean records; more frequently for drivers with poor records).

4. Take action:

Inform each driver of his/her status

Drivers with serious violations or multiple offenses should be put on probationary status with limited or no driving. Any subsequent problems with these drivers *must* result in loss of driving privileges.

5. Schedule periodic reviews:

Keep good records. If problems/litigation arise, you will need to prove that your safe driver program is credible.

New employees must be required to submit driving records as above.

For employees who drive extensively in the course of their jobs, safe driving should be an important aspect of performance reviews, including grounds for achieving goals/bonuses.

All employees who drive while working should sign this form.

Make two copies:

- 1) Have the employee sign both copies.
- 2) Keep the original in the employee's file.
- 3) Give a copy to the employee.

The process of signing this form should be done annually. In addition, make sure that all new employees who may drive as part of their jobs sign the form during new employee orientation.

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Safe Driving Commitment

Name		Date	
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I recognize that safe driving is an essential part of my job. I will abide by the following safe driving standards:

- 1) I am committed to safe, defensive driving at all times and will maintain a valid drivers license.
- 2) I will use a seat-belt at all times and will advise customers that State law requires all passengers to wear them as well.
- 3) I will never drive while under the influence of drugs or alcohol.
- 4) I will inspect company vehicles prior to driving and will report any mechanical problems or body damage immediately.
- 5) I will report any on-the-job accidents or moving violations to management **immediately** and will cooperate fully with the insurance claims investigation.
- 6) I will report any and all moving violations or at-fault accidents that occur **off-the-job** within seven days.
- 7) I will report any medical conditions and/or doctor prescribed medications that may impact my ability to operate a vehicle.
- 8) I will provide copies of my driving records to management on an annual basis.

My signature indicates that I am fully aware of and will abide by company safety policies related to driving.

FAILURE TO COMPLY WITH THE ABOVE DESCRIBED SAFETY POLICIES MAY RESULT IN EMPLOYEE DISCIPLINE UP TO AND INCLUDING TRANSFER TO A NON-DRIVING POSITION OR TERMINATION.

Employee

Date

Manager

Date

[Keep original in file. Give a copy to the employee. This form should be renewed annually.]



Appendix 2: Accessing Employee Driving Records

A State-by-State Summary

NOTE: In most states, employees will have to access their own records. We recommend reimbursing them for any expenses incurred.

Connecticut

Connecticut Department of Motor Vehicles
Registry Records/Copy Record Unit
60 State Street
Wethersfield, CT 06161-0503
(860) 263-5154
Fee: \$10.00
Automated Employer Alert: No
Web Site: <http://dmvct.org/suscopy.htm>

Maine

Maine Secretary of State
Motor Vehicle Division
Attn: Driving Records Section
State House Station 29
Child Street
August, ME 04333-0029
(207) 287-2733
Fee: \$5.00
Automated Employer Alert: No
Web Site: None

Massachusetts

Massachusetts Registry of Motor Vehicles
Driver Control Unit
Attn: Court Records
P.O. Box 199150
Boston, MA 02119
(617) 351-9207 (NOTE: Records can be requested via phone with a credit card)
Fee: \$10.00
Automated Employer Alert: No
Web Site: <http://www.state.ma.us/rmv/forms/>

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New Hampshire

New Hampshire Division of Motor Vehicles
Attn: Records
James H. Hayes Safety Building
10 Hazen Drive
Concord, NH 03305
(603) 271-2322
Fee: \$7.00
Automated Employer Alert: No
Web Site: None

New York

NYS Department of Motor Vehicles
Data Services
6 Empire State Plaza, Rm. 430
Albany, NY 12228
(518) 474-0710
Fee: \$5.00
Automated Employer Alert: Yes
Web Site: www.nysdmv.com/abstract.htm

Rhode Island

Rhode Island Administrative Adjudication Courts
Operator Control
Room 212
345 Harris Avenue
Providence, RI 02909
(401) 222-2994
Fee: \$16.00
Automated Employer Alert: No
Web Site: None

Vermont

Vermont Department of Motor Vehicles
Driver Improvement Unit
120 State Street
Montpelier, VT 05603-0001
(802) 828-2050
Fee: \$4.00
Automated Employer Alert: No
Web Site: www.aot.state.vt.us/dmv/dmvhp.htm

Appendix 3 Analyzing Driving Records

While the format of driving records varies somewhat from state to state, the essential information is the same. Key information includes:

- w The nature of violations/accidents
- w The total number of violations/accidents

Please note that employer discretion is evident in any interpretation of data. You may well find that essential employees are in the high risk category. There are few hard and fast cut-off points in this analysis. But keep in mind that by allowing people to drive while they work for you, you are explicitly endorsing their driving skills and experience.

IMPORTANT: These standards apply to ordinary driving only. For drivers with commercial licenses, the standards are much stricter. The ability to drive with a CDL license is governed by federal statute.

Red Zone: Highest Risk Drivers

These individuals generally should not operate motor vehicles as part of their employment.

- w One or more serious violations (DUI, license suspension, hit and run, etc.)
- w One or more serious accidents (at fault)
- w One serious accident or violation plus several minor infractions

If you choose to allow a driver in the “Red Zone” to drive for your company, you must set very tight, explicit parameters.

For example, driving limited to daylight hours. Driving limited to certain specific functions. Essential driving only.

These individuals should be aware that *any* additional accidents or violations will result in immediate loss of driving privileges and may result in termination.

NOTE: You must carefully document the parameters under which these individuals are driving for you. If you do not, you have created a very open-ended liability for their driving actions.

Yellow Zone: Moderate Risk Drivers

These individuals may drive while working, provided they maintain clean records.

Their records reveal:



W One or 2 minor violations over a three year period

W One minor accident

If these drivers report any additional violations or accidents, you will need to sit down with them and review their driving status. Corrective actions may include short-term suspension of driving privileges, limited driving for a set period of time, essential driving only. You may choose not to impose sanctions, but merely to reiterate safe driving policies.

Once again, document actions taken.

Green Zone: Low Risk Drivers

These individuals have clean driving records for at least three years.

If these drivers report minor violations or accidents, you may choose to continue their current unlimited driving status. If they are involved in more serious accidents or violations, you should take corrective action, ranging from “yellow” to “red” zone sanctions, depending upon the severity of the incident.

One final note:

You may have older individuals who have driven without incident for many years. If these people develop age-related symptoms of impaired driving (slower reflexes, difficulty with night vision), work with the individuals and their doctors to ensure that they can still drive safely.
