



THE SELECTION PROCESS

The cornerstone of an effective fleet loss control program is proper driver selection. It is the single most important control that management can exercise to reduce fleet accidents and crashes.

Consider that management is literally handing over the keys to the candidate selected. These are the keys to an expensive company vehicle as well as whatever cargo may be hauled. A single accident could result in loss of life, serious injury and/or serious property damage. While the medical costs and property damage costs from an accident may be covered by insurance, there are many uninsured losses that result from a serious accident as well: loss of use of the vehicle, delays in making shipments, loss of customers, increased management time in reporting and investigating the accident, increased maintenance costs, and possibly damage to the company's public image.

The purpose of driver selection is to identify and hire the most qualified candidate for the position available. The selection process is intended to be a series of screens through which only the most qualified candidates will pass. Items to be considered and evaluated should include driving skills and knowledge, and attitude toward defensive driving and company safety standards.

The driver selection process applies not only to fulltime drivers but also to incidental drivers, meaning those that drive occasionally or in addition to other job duties. Examples of this are the driver-salesperson or the maintenance employee who occasionally drives to pick up supplies. Candidates for these jobs also need to be screened for their driving ability and past performance. The best salesperson in the world cannot make up for the damages incurred in one single, serious vehicle accident.

Many interstate motor carriers are subject to the Federal Motor Carrier Safety Regulations (FMCSR) that requires pre-qualification of applicants. In addition, some states have adopted the FMCSR requirements for intrastate motor carriers. If your company falls under these regulations you will want to refer to Title 49 of the Code of Federal Regulations, Part 391, for the actual driver qualification requirements or to applicable state regulations.

The following areas are screens used by many businesses in selecting drivers. How many of these screens do you use? Are they effective? Can they be improved? Do you really know who you are handing the keys to?

JOB DESCRIPTIONS

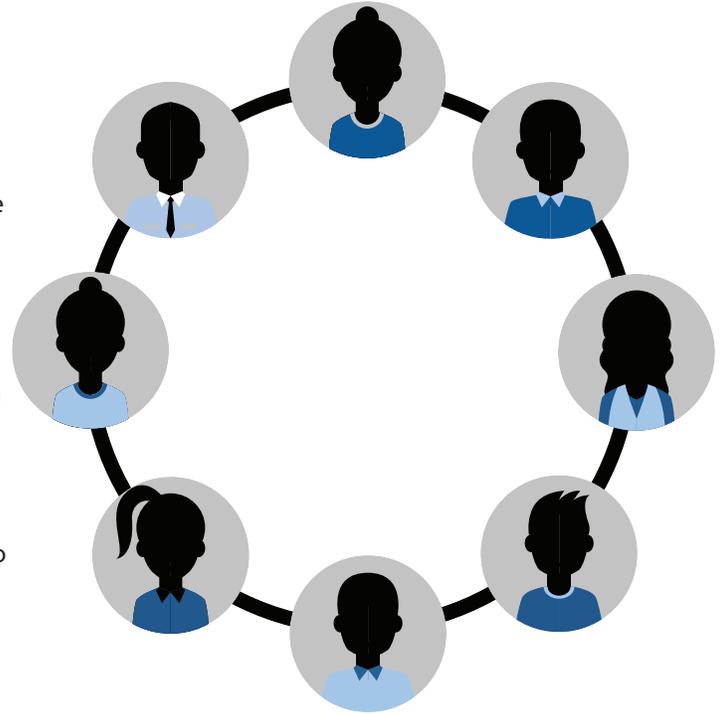
Written job descriptions are the first step in selecting candidates and the time to develop them is before a job opening develops.

Management will need to determine the essential job functions of each position as well as the experience, skill level and other qualifications needed.

The written job description documents the minimum requirements for each particular position against which all candidates can be easily and consistently evaluated. Once this is accomplished, the screening process begins.

EMPLOYMENT APPLICATION

Reviewing a completed job application is one of the first steps in the screening process. The application is a main source of information about the candidate and will help determine if the candidate has the minimum qualifications and background needed for the position. Legal counsel should determine that the application form does not violate anti-discrimination laws and can advise on the wording of a signed statement verifying the accuracy of the information.



MOTOR VEHICLE DRIVERS LICENSE CHECK

A visual check should be made of each candidate's driver's license. The license should be current, valid and of the correct type for the position being filled. This is also a FMCSR requirement for regulated fleets.

INTERVIEW

A face-to-face interview with the candidate is invaluable since it provides management the opportunity to further assess and verify the candidate's qualifications, experience, knowledge and attitudes. Examine the application prior to the interview and inquire about any gaps in employment. You may also compare the dates of employment with any fleet safety awards given by past employers. If the applicant drove for 10 years with the previous employer but only received a two- year safe-driving award, ask about it. The applicant may reveal more information about accidents and violations than they had originally stated.

Also during the interview, ask what accidents and violations they have had over the past three years. Compare this to their motor vehicle record and have the candidate explain any discrepancies.

Employers subject to the Americans with Disabilities ACT (ADA) are prohibited from asking any questions relating to the candidate's current physical condition or past medical history. According to the American Trucking Association, even the standard question, "Have you ever received a waiver from the U.S. Department of Transportation's physical qualification criteria?" is prohibited since it indirectly solicits information relating to the candidate's physical condition.

Employers can ask about a candidate's ability to perform essential job functions but cannot inquire whether that person has a disability.

Notes from the interview should be kept on file for reference.

REFERENCE CHECKS

These can be accomplished via phone conversations or written requests. The best contact is often the candidate's former supervisor, if available. Information to be checked includes dates of employment, reason for leaving, description of job duties, types of vehicles driven, evaluation of job performance and the former employer's opinion on whether or not they would rehire the candidate if they had the chance.

A written release authorizing the reference checks should be obtained from the candidate prior to contacting past employers. Written records of the results of these checks should also be kept on file.

MOTOR VEHICLE RECORD

The Motor Vehicle Record (MVR) is available from the state in which the candidate holds their driver's license. The MVR details the accident and traffic violation history of the candidate over the last three years.

The value of the MVR is that it provides an indication of the candidate's future driving performance based on past accidents and violations. Note that some individual states do not report all accident and violation information on the MVR's. Because of this, a clear MVR does not necessarily indicate that the driver has not experienced recent accidents or traffic violations. In spite of this, the use of the MVR as a screen is still important and worthwhile. An MVR detailing a history of small violations or just one major violation needs to be closely examined by management. It is strongly recommended that a written policy be developed and adhered to so that there is uniformity in determining what constitutes an acceptable MVR.

Check with your state on the MVR ordering procedure. Some states require a state form to be filled out; some states require a signed release from the candidate. All states will charge a small fee for each MVR ordered. There are also service companies that can obtain MVRs for you on a fee basis. A copy of the MVR should be kept on file.

IMPORTANCE OF MOTOR VEHICLE RECORDS

A driver's past record provides one of the best clues to his or her future performance as a safe, dependable driver. Drivers with a history of vehicle accidents and traffic violations are likely to continue that pattern. Statistics show that drivers with two or more accidents or convictions in a three-year period are at least 2 1/2 times more likely to have an accident than the driver with a clear record.

TYPES OF VIOLATIONS

Violations vary in significance and are of three types:

Statutory Violations reflect moral hazards and are generally licensing or registration offenses:

- Operating an unregistered vehicle
- Using false registration or license
- Driving while license is under suspension.

Major Violations are serious convictions which indicate a disregard to public safety:

- Driving under the influence of Alcohol or Drugs
- Reckless driving where bodily injury or property damage results
- Hit and run

Moving violations reflect improper attitudes and poor driving habits:

- Speeding
- Failure to yield right-of-way
- Driving too fast for conditions

There is a wide variation among the states in the percentage of accidents and traffic violations reflected on Motor Vehicle Records. On the average, 73% of all convictions and 72% of all accidents involving an injury or a death are found on MVRs.

The fact that MVRs may not identify all accidents or convictions does not diminish their importance. You may question a clear MVR, but a bad driving record is generally an indication of poor driving habits.

HOW TO USE MOTOR VEHICLE RECORDS

A check on an applicant's driving record should always be made.

Hiring only drivers that have clear three-year records is difficult. However, this should be the goal in any driver selection program.

If it is not possible to hire an employee with a clear driving record, then the number and types of violations, as well as the extent and type of driving involved, must be carefully evaluated to determine which applicants have the best driving records.

Compare the driving records of applicants with the records of current employees performing similar duties. If fleet accident experience is to be improved, only applicants with better histories than those of current employees should be hired.

An applicant with an MVR that reflects a major violation such as "Driving under the Influence" should be immediately disqualified. In evaluating other violations, recent history is more important than past history. The driver who had two or three convictions three year ago, but has no recent convictions, is generally a better risk than the driver that has had convictions within the last twelve months.

MVR EVALUATION GUIDELINES

Motor vehicle records can be evaluated for acceptability based on many different methodologies. Your company should establish a policy and method for evaluating prospective and current employee MVRs. The policy you establish should be reviewed by legal counsel. The evaluation method should be applied equally to each individual. The following sample evaluation guidelines can be modified to meet the needs of your company. They are for example only.

EXPLANATION OF EVALUATION EXAMPLES

The following material is provided for illustrative purposes only and is in no way intended as a substitute for your use of good and reasonable judgment. The examples merely show different methodologies for evaluating drivers. These are not the only methods available nor are they necessarily the best methods.

By providing this information to you, we are not recommending or endorsing any one method over another, nor are we advising you to use any of the methods provided. We hope the information provided will assist you in developing criteria that is meaningful and manageable for you and your business.

The information, principles, suggestions and examples contained in this client use bulletin are general in scope and have been developed from sources believed to be reliable. This is not legal advice, nor has any attempt been made to interpret any codes, standards or regulations. We accept no legal responsibility for the correctness or completeness of this material or its application to specific factual situations.

EXAMPLE 1: MOTOR VEHICLE RECORD/DRIVING RECORD EVALUATION

MVRs (Motor Vehicle Reports) should be obtained on all drivers on an annual basis and also used as the foundation for selecting employees who will be allowed to operate a company vehicle. The review of these reports is important when hiring a new driver, as their past driving records affords one of the best clues to his/her future performance as a safe, dependable driver. Past experience has shown there is a high correlation between poor driving records and accident frequency. A new employee should not be allowed to drive a company vehicle until his MVR is obtained and favorable results are noted. Annual review of the MVR should result the determination of whether an employee can continue to drive a company vehicle. One system of review follows:

Convicted of driving while intoxicated or under the influence of drugs; failing to stop and report when involved in an accident; driving while license is suspended or revoked; homicide, assault, or felony arising from the operation of a motor vehicle.

- 10 points for each instance during the past 36 months.

Motor violations:

- 6 points for each instance during the first 12 months shown on MVR.
- 3 points for each instance during second 12 months shown on MVR.
- 2 points for each instance during third 12 months shown on MVR.

Moving violation involving defective or faulty vehicle.

- 5 points for each instance during the past 36 months shown on the MVR.

Accident

- 5 points for each non-preventable accident during the past 36 months shown on the MVR.

Calculating Results:

If the total point count is 9 or less, the individual can operate a Company vehicle.

If the total point count is 10 – 19, a management review board makes the final decision on eligibility, including prospective employees. The review board may require the individual to attend a Defensive Driving Course in order to maintain his/her eligibility.

If the total point count is 20 or more, the individual is ineligible to operate a Company vehicle for twelve months. Prior to reinstatement, the management review board may require the individual to attend a Defensive Driving Course.

EXAMPLE 2: MOTOR VEHICLE RECORD/DRIVING RECORD EVALUATION

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Driver Eligibility

All type A violations (as defined below) will result in termination of driving privileges for employees and will disqualify any potential driver employees.

Any drivers (employees or applicants) showing any one of the following will be restricted from driving company vehicles:

- One (1) or more type "A" Violations in the past 3 years.
- Three (3) or more accidents (regardless) of fault in the last 3 years.
- Three (3) or more "B" violations in the past 3 years.
- Any combination of accidents and type "B" violations which equal four (4) or more in the last 3 years.

Type "A" Violations:

- Driving while intoxicated
- Driving while under the influence of drugs
- Negligent homicide arising out of the use of a motor vehicle (gross negligence)
- Operating during a period of suspension or revocation
- Using a motor vehicle for the commission of a felony
- Aggravated assault with a motor vehicle
- Operating a motor vehicle without the owners' authority (grand theft)
- Permitting an unlicensed person to drive
- Reckless driving
- Speed contest (racing)
- Hit and run (bodily injury or property damage)

Type "B" Violations:

- All moving violations not listed as type "A" violations.

EXAMPLE 3: MOTOR VEHICLE RECORD/DRIVING RECORD EVALUATION

VIOLATION		POINTS
1.	License Suspension	15
2.	Driving while intoxicated or under the influence of narcotics (DWI or DUI)	15
3.	Any serious violation: i.e. Reckless driving, racing, endangering the lives of others	15
4.	Driving in Excess of 5 MPH over posted speed limit	5
5.	Any standard violation: i.e. Careless driving, traffic light, stop sign, lane crossover, failure to signal, failure to yield, etc.	4
ACCIDENTS		POINTS
1.	Bodily injury	6
2.	Accidents of any other kind	5

Additional basic consideration should be applied in point system usage such as:

- Consider the preceding three years driving history when totaling the points from an individual MVR.
- Assume accidents fall into the “at fault” or preventable category unless otherwise supported by specific facts or documentation. It is recommended this determination be made accurately and fairly.
- An existing driver with 15 or more points should be placed in a non-driving capacity. New prospects with 15 or more points should not be considered. Require applicants who will be driving company vehicles to provide you with an MVR prior to hiring.
- An existing driver with 6 to 14 points, should be monitored by management. Consider defensive driver training, limited merit increases, additional consideration as to territory handled, temporary placement in non-driving capacity (if feasible). If at all possible, new prospective employees falling into this category should not be considered for driving positions.

EXAMPLE 4: MOTOR VEHICLE RECORD/DRIVING RECORD EVALUATION

NUMBER OF VIOLATIONS*	NUMBER OF PREVENTABLE** ACCIDENTS DURING THE LAST 3 YEARS			
	0	1	2	3
0	Good	Average	Borderline	Poor
1	Average	Average	Borderline	Poor
2	Borderline	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor

* Any Major Violation is a “poor” MVR.

** A preventable accident is an accident where any other reasonably safe driver would have been able to prevent the accident from occurring. In lieu of accurate determination of preventable, use any accident where driver was charged with ANY moving violation.

MAJOR VIOLATIONS:

- DWI (alcohol or drug)
- Driving while impaired
- Failure to stop for an accident
- Revocation for financial responsibility
- Revocation for manslaughter
- Revocation for all other
- Driving to endanger life
- Operating while license is suspended or revoked
- Misrepresentation to obtain a driver’s license
- Refusing alcohol test
- Violation resulting in death
- Evading arrest

- Revocation for being a habitual violator
- Revocation for false statement
- Reckless disregard
- Racing contest
- Operating after license denied
- Illegal possession
- Revocation for a major violation
- Misrepresentation to avoid arrest
- Revocation for homicide
- Revocation for felony
- Operating without care
- Driving 25 MPH or more over posted speed
- Vehicle used in connection with a felony

ROAD TESTS

A road test allows the candidates to demonstrate their skill and proficiency in handling the vehicle and associated equipment that will be assigned to them. A pre-established route should be used that simulates the driving conditions encountered on the job. The test can qualify or disqualify an applicant provided the qualification criteria are reasonable and consistent. A qualified person should conduct these tests in a controlled and uniform manner. A check sheet listing the maneuvers to be executed and the actual results is useful as it helps assure consistency in the test and provides a written record of the results which are to be kept on file.

A road test is required of regulated fleets.

WRITTEN TESTS

Motor carriers that fall under the Federal Motor Carrier Safety Regulations are required to administer a written examination designed to instruct candidates in the rules and regulations established by the Federal Highway Administration pertaining to commercial vehicle safety.

Aside from this exam, you may wish to test the candidate's knowledge of state traffic regulations to verify a working knowledge of these regulations. Each state has a booklet containing its traffic regulations with sample questions that can be used as a guide.

PHYSICAL EXAMS

For employers not regulated by the FMCSR but subject to ADA regulations, a physical exam may be administered after the candidate has been offered a job but prior to starting work. It is important that the doctor or clinic know the physical requirements and essential job functions of the position being filled to properly evaluate the candidate. The employer will need to determine if reasonable accommodations are needed for disabled candidates.

A physical exam is a FMCSR requirement for regulated fleets. Specific requirements can be found in Title 49 of the Code of Federal Regulations, Part 391, Subpart E.

DRUG TESTS

Tests can be administered to the candidate to detect the use of controlled substances as a further screen. The candidate needs to be advised as to what substances are being tested for and how the information will be used. A qualified lab or medical clinic needs to be used and various controls (such as a chain of custody) need to be in place to assure consistency and accuracy. Medical and legal counsel is strongly recommended prior to implementing this type of screen.

The FMCSR also requires drug testing per Title 49, Code of Federal Regulations, Parts 40 and 391. A listing of the controlled substances to be tested are contained in this code.

LEGAL REVIEW

It is important to obtain legal review of your company's screened procedure to assure compliance with applicable local, state and federal laws.

DRIVER SELECTION & ROAD TEST

DRIVER & VEHICLE INFORMATION

Driver Name (Last, First, MI)		Vehicle <input type="checkbox"/> Truck <input type="checkbox"/> Car	Test Date
Vehicle Number	Vehicle Make	Vehicle Type	CAP

ROAD TEST

PASSENGER CARS, VANS & PICK-UP TRUCKS

THE FOLLOWING MANEUVERS ARE TYPICAL OF THE DRIVING SKILLS YOU WILL WANT TO OBSERVE. INDIVIDUAL ITEMS SHOULD BE ADDED OR DELETED ACCORDING TO YOUR OWN FLEET NEEDS.

YES NO

- 1. Uses mirrors correctly and signals before pulling into traffic.
- 2. Drives in right lane except when passing.
- 3. Maintains safe stopping distance in front of vehicle.
- 4. Signals stops, turns, and passing movements well in advance of action.
- 5. Pulls gradually into proper lane well in advance of turn.
- 6. Approaches green traffic lights prepared to stop for signal change.
- 7. Strictly obeys all traffic signs, signals, and road markings.
- 8. Yields right-of-way whenever there is any question and otherwise drives courteously.
- 9. Railroad: Slows down, looks both ways.
- 10. Varies speed to meet conditions safely, especially when approaching schools, curves, and blind intersections.
- 11. Makes right hand turn correctly.
- 12. Stays in right lane on hills and curves.
- 13. Uses good judgment in deciding when to pass.
- 14. Trucks: Keeps vehicle in gear downhill, double-clutching to lower gear if necessary.
- 15. Picks safe place to turn around with clear view both ways, turns skillfully.
- 16. Avoids backing when possible, backs only when he/she knows everything is clear.
- 17. Stops off traveled portion of highway.
- 18. Turns wheels to curb and sets hand brake when parking on hills.
- 19. Follows vehicle in front at safe distance.
- 20. Rides the clutch or uses clutch roughly.
- 21. Stays in low gear(s)/high gear(s) too long.
- 22. Fails to obtain proper speed when shifting to higher gears.
- 23. Uses brakes roughly.
- 24. Uses brakes on curves.
- 25. Slips clutch to hold vehicle from rolling back while waiting at traffic signal.
- 26. Selects wrong gear – upgrade, downgrade, or on level.

ROAD TEST

ANY DRIVER SCREENING PROCESS SHOULD ENTAIL A ROAD TEST TO DETERMINE THE DRIVING HABITS OF THE CANDIDATE.

THE FOLLOWING INFORMATION WILL PROVE HELPFUL IN CONDUCTING SUCH A TEST.

A. SETTING UP THE COURSE

Road testing is one means of determining how a driver applicant will perform if employed by your firm. A standardized road test will involve more than a turn around the block. It should include exposure to routine road hazards, which the prospect will likely encounter on a day-to-day basis as a driver for your company. Therefore, you must first plan the course on a map to include streets, alleys, expressways, back roads, bridges, grades, overpasses, school zones, railroad crossings, controlled intersections, left turns, right turns, backing, and parking situations. An ideal test run will cover 10 to 20 miles.

B. ESTABLISHING PERFORMANCE STANDARDS

Measure the effectiveness of the road test by having several of your best drivers run the course. Use their average score to serve as a standard for qualification.

C. ADMINISTERING THE ROAD TEST

Check the applicant's driver's license to determine if he/she is licensed to drive the class of vehicle to be operated. Provide the driver applicant with a map of the course and give him/her instructions. Let applicant get the feel of the vehicle and become familiar with the controls by proceeding with the yard test of pre-tripping, hooking-up, backing, and parking before pulling onto the road.

Give directions for the route well in advance to avoid last minute maneuvers, but do not distract the applicant with unnecessary conversation en route.

D. EVALUATING THE DRIVER

The road test has three categories:

- **Qualified:** Meets company performance requirements.
- **Needs Improvement:** Marginal performance but can be improved with training.
- **Unqualified:** Does not meet company standards.

Since most drivers will not have a perfect score, you should use the road test results as a basis for future remedial training to upgrade their performance.

The test will assist in determining initial driving skills and habits; however, there are many driver traits that can only be discovered through use of a probationary period with a supervisory driver. Where possible, it is suggested that such a probationary period be instituted as part of your final selection process.

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