



michigan municipal league

# Liability & Property Pool Workers' Compensation Fund

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## RISK CONTROL SOLUTIONS

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A Service of the Michigan Municipal League Liability and Property Pool and  
the Michigan Municipal League Workers' Compensation Fund

### REDUCING THE RISK OF MOTOR VEHICLE OPERATIONS

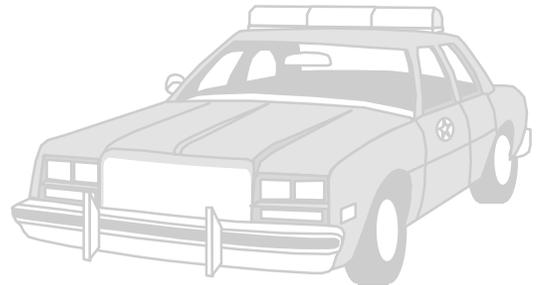
#### Hiring and Training to Reduce Losses

Selecting and retaining good drivers is essential to reducing the risks of motor vehicle operations. Managers and supervisors need to establish performance standards that reflect the skills and prerequisites for satisfactory performance. These standards should address operating motor vehicles where relevant to employees' job responsibilities. Having these standards in place makes the job of selecting employees easier and can reduce the need to deal with performance problems later.

We recommend that all public agencies develop and implement a comprehensive motor vehicle operations policy and program. Hiring and training are important components of such a program.

#### SCREENING, HIRING, AND RETAINING SAFE DRIVERS:

Investing time in the selection process can help managers and supervisors to hire good employees. One of the best ways to avoid performance problems is not hiring "problem" employees.



✓ **Establish a procedure for hiring safe drivers that managers and supervisors follow consistently.**

- Use an application form that provides sufficient information about the applicant for pre-screening purposes.
- Interview to determine an applicant's general suitability as an employee and to uncover any information about the applicant's ability to operate motor vehicles safely and responsibly.
- Perform reference checks on all candidates. Talk to previous employers to obtain information about the candidate's abilities and character.
- Examine applicants' driving records carefully and consistently as a routine part of the screening, background investigation, and hiring process.
- Reject applicants with poor driving records for positions that require vehicle operation. The following is a partial list of conditions or convictions that should cause immediate concern:
  - Two at fault accidents in the past 3 years, or
  - Two minor traffic convictions in the past 3 years, or
  - A combination of 1 at fault accident and 1 minor traffic conviction in the past 3 years, or
  - Operating under the influence of liquor or drugs, or

- Operating with an unlawful blood alcohol content, or
- Failure to stop or report an accident, or
- Negligent homicide, manslaughter, assaults involving the operation of a motor vehicle, or
- Driving on a suspended or revoked license.
- Verify that applicants possess, or are eligible to obtain, any special license endorsements the law requires for the type or types of vehicle they will operate in performing their duties. Here we speak primarily of the Commercial Driver's License (CDL) requirements.
- Determine the candidate's physical and mental fitness to operate motor vehicles **after you extend a job offer.**

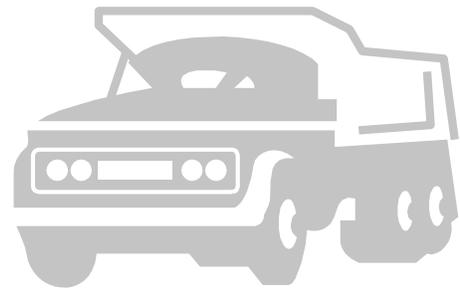
✓ **Develop and consistently use a procedure for checking employees' driving records.**

- Check all employees' driving records at least annually.
- Consider reassigning current employees with unacceptable records to non-driving related positions.
- Assign a specific individual to oversee the license review and screening process. This individual should also manage the entity's compliance with Commercial Driver's License, federal random drug testing and other legal requirements. The review should conform to the guidelines in your motor vehicle operations policy.

Remember that the legal system generally views a violation of the law as *prima facie* evidence of negligence. Under Michigan law, the negligent operation of motor vehicles is one of the few exceptions to governmental immunity. You cannot afford to be found negligent during the defense of litigation. Compliance is a crucial component of an effective risk control program.

✓ **Provide Initial and Ongoing Training to Make Sure that All Employees Have the Skills and Knowledge Necessary to Operate Motor Vehicles Safely and Responsibly.**

The lack of sound training can seriously reduce the benefits that you can otherwise expect from a concerted risk control effort. This is especially true since the United States Supreme Court's 1989 landmark ruling in the *City of Canton, Ohio v. Harris*. This ruling established that municipalities can be held liable for civil rights violations if they fail to provide their employees with adequate and appropriate training. Training in all areas or activities that are obvious, expected, or routinely associated with employees' specific job assignments or responsibilities is now necessary to defend successfully against claims of this type.



Equally important, inappropriate or insufficient training has a negative impact on employee safety. Ignorance of safety practices and policies, improper use of safety equipment, and unsafe equipment handling are leading and frequent contributors to employee injuries.

Therefore, we recommend that you:

- Train new employees at hire and before assigning them to operate a motor vehicle. Training should include testing for both knowledge and skills to verify that employees can perform acceptably on the job. **Training should also address the unique characteristics of the particular vehicles that employees may be expected to operate. For example, 15-passenger vans have been found to be prone to rollover when involved in motor vehicle crashes. The requisite skills necessary to lessen this risk should be covered by an employer's driver training program.**
- Train existing employees at least biannually. Annual training is more desirable.

- Provide all employees with routine, formal training on your organization's written vehicle operations policy.
- Provide supervisors with specialized training. This training should clearly define their responsibilities for program and policy implementation, monitoring, oversight, and line level conformance.
- Provide all employees with continuous in-service training in psychomotor or physical skills training. Training should:
  - Be prioritized by department or individual need, based on assignment.
  - Be sufficiently systematic in order to reach all employees.
  - Be relevant to employees' job assignments.
  - Involve hands-on instruction and practice.
  - Be conducted by qualified or certified instructors.
  - Be conducted at a minimum of once every 3 years, preferably every 2 years; and, ideally, annually;
  - Include training or updates in applicable, relevant legal considerations or requirements.
  - Satisfy any applicable or prevailing training mandates for the driving classification being addressed (i.e., Commercial Driver's License requirements, Fire Fighter Training Council driver training guidelines, etc.); and
  - Address any special needs or circumstances identified by the municipality, risk control-safety committee, or department heads and supervisors.
- Consider using one of the many Defensive Driving Courses developed and approved by the *National Safety Council* (NSC),
  - If you cannot obtain specific psychomotor skill training for a particular job assignment.
  - To supplement skills training for personnel in the off years of their training cycle.
  - As an interim measure until you can identify sources of training and obtain funds.

Use the NSC's department specific program (i.e., Police, Fire, EMS, Dump Trucks, etc.). Many of these programs are available for your use, free of charge, by contacting the MML Risk Management Services staff or your Loss Control Consultant.
- Document all training appropriately and carefully. Such documentation can be very beneficial in defending a claim. At a minimum, individual training records should include:
  - The instructor's name, rank or title, and affiliation,
  - The date, time and location of training,
  - The trainee's name, rank, or title,
  - A copy of the course syllabus, lesson plan or training outline,
  - Actual copies of (preferred), or reference to, any handout materials, video training tapes, or other instructional aids used in the training presentation; and
  - The student's performance during training: pass/fail, areas needing improvement, remedial actions, referred for additional training, etc.
- We highly recommend using written tests. The tests should be
  - Pass or fail. Set achievable and realistic standards. Because of the seriousness of the exposures, you should establish stringent requirements for passing test questions on critical areas such as pursuit operations, emergency response operations, and compliance with statutes and ordinances.
  - Specific to the job assignment.

This is one of four **Risk Control Solutions** that address Motor Vehicle Operations. Other titles are:

***Reducing Your Risk of Motor Vehicle Operations: A Management Brief  
Developing a Motor Vehicle Operations Policy,  
Inspection and Maintenance***

If you need more information as you begin work on this project, contact the MML Risk Management Services Staff or the League's Loss Control Services.



### **Important Telephone Numbers**

MML Risk Management Services 734/662-3246 or 800/653-2483  
Loss Control Services 800/482-2726

**Note:** This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public agencies are encouraged to review their procedures with an expert or a competent attorney who is knowledgeable about the topic.