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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

### VEHICLE OPERATIONS – REDUCING THE RISK

#### HIRING AND TRAINING

##### OVERVIEW

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

Organizations need to establish performance standards reflecting expectations for satisfactory performance. These standards should address operating motor vehicles relevant to employees' job responsibilities. These standards make selecting employees easier and can reduce the need to deal with performance problems later.

##### RECOMMENDATIONS

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

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

- 1) Use an application form that provides sufficient information about the applicant for pre-screening purposes.
- 2) 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.
- 3) Perform reference checks on all candidates. Contact previous employers to obtain information about the candidate's skills and character.
- 4) Examine applicants' driving Motor Vehicle Records (available through the Michigan Secretary of State office) carefully and consistently as a routine part of the screening, background investigation, and hiring process.

- 5) 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 three years, or two minor traffic convictions in the past three years;
  - A combination of one at-fault accident and one minor traffic conviction in the past three years;
  - Operating under the influence of liquor or drugs;
  - Operating with an unlawful blood alcohol content;
  - Failure to stop or report an accident;
  - Negligent homicide, manslaughter, assaults involving the operation of a motor vehicle;
  - Driving on a suspended or revoked license.
- 6) Verify that applicants possess, or are eligible to obtain, any special license endorsements the law requires for the type(s) of vehicles they will operate in performing their duties. Most frequently, this will be requirements for a Commercial Driver's License (CDL).
- 7) Determine the candidate's physical and mental fitness to operate motor vehicles after you extend a job offer.

B. Develop and consistently use a procedure for checking current employees' driving records.

- 1) Check all employees' driving records at least annually. Subscribe to the Michigan Secretary of State service that automatically notifies you when there's been activity, such as citations, on an employee's driving record.
- 2) 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 your motor vehicle operations policy guidelines and applicable labor agreements.
- 3) Consider reassigning current employees with unacceptable records to non-driving-related positions.

C. Provide initial and ongoing training to make sure that all employees have the skills and knowledge necessary to operate motor vehicles safely, responsibly, and within the law.

The lack of proper training can seriously reduce any benefits you might achieve through your other risk control measures. The United States Supreme Court's 1989 landmark ruling in the *City of Canton, Ohio v. Harris* established that municipalities can be held liable for civil rights violations if they failed to provide their employees with adequate and appropriate training. This means that, to successfully defend against claims of this type, you must have documented training in all areas or activities that are expected, obviously, or routinely associated with employees' specific job assignments or responsibilities.

Additionally, remember that the legal system generally views a violation of the law as *prima facie* evidence of negligence. This means, if an incident leads to litigation and your employee's driving was in violation of the law, it is likely to be found negligent. Under Michigan law, negligent operation of a motor vehicle is one of the few exceptions to governmental immunity. Safe driving and compliance the laws are a crucial component of an effective risk control program.

Equally important, inappropriate or insufficient training increases risk to 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:

- 1) Train new employees at hire and before assigning them to operate a motor vehicle. Training should include testing for knowledge and skills to verify that employees can perform acceptably on the job.
- 2) Train existing employees at least bi-annually. Annual training is more desirable.
- 3) Provide all employees with routine, formal training on your organization's written vehicle operations policy.
- 4) Provide supervisors with specialized training. This training should clearly define their program and policy implementation responsibilities, monitoring, oversight, and line-level conformance.
- 5) 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 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 three years, preferably every two 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, Firefighter 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.

- 6) Consider using one of the many Defensive Driving Courses developed and approved by the National Safety Council (NSC):
- if you cannot obtain specific psycho-motor skill training for a particular job assignment;
  - to supplement skills training for personnel in the off years of their training cycle; or
  - as an interim measure until you can identify sources of training and obtain funds.
  - use the NSC’s department-specific programs where appropriate (i.e., Police, Fire, EMS, Dump Trucks, etc.).
- 7) 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 following;
- the instructor’s name, rank or title, and affiliation;
  - the date, time, and location of training;
  - the trainee’s name, position, 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;
  - the employee’s performance during training: pass/fail, areas needing improvement, remedial actions, referred for additional training, etc.
- 8) We highly recommend using written tests. The tests should be a pass or fail format. Set achievable and realistic standards. However, 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.

This Risk Control Solution is one of a 4-part series that addresses ways to reduce the risks of municipal vehicle operations. The entire set consists of:

*Vehicle Operations – Reducing the Risks*

- *Vehicle Operations – A Management Brief*
- *Vehicle Operations – Developing a Vehicle Operations Policy*
- *Vehicle Operations – Hiring and Training*
- *Vehicle Operations – Vehicle Inspections & Maintenance*

This series is available online at: <https://mml.org/programs-services/risk-management/risk-management-resources/risk-control-solutions/>

***Contact MML Risk Management Services Staff/  
or your Loss Control Consultant for more information.***



**Important Phone Numbers**

MML Risk Management Services	734.662.3246 or 800.653.2483
Loss Control Services	800.482.0626

***Note:***

***This document is not intended to be legal advice.  
It only identifies some of the issues surrounding this topic.  
Public agencies are encouraged to review their procedures with an expert  
or a competent attorney who is knowledgeable about the subject.***