

Driver Qualification

A thorough driver qualification program is critical to the success of any business in which the operation of motor vehicles is a necessary function. While federal and state regulations mandate minimum requirements for some drivers, management must decide how to select drivers to meet their specific needs. This report provides information on establishing a driver qualification program.

Introduction

Establishing and maintaining a meaningful and realistic driver qualification program is vitally important to the successful operation of any fleet, whether it be a coast-to-coast interstate operation, or an incidental fleet where the primary operation is other than the transportation of freight. By placing sufficient emphasis on selecting the best available driver, a company helps to avoid future financial losses resulting from crashes and abuse of equipment.

The opportunity to select the right person for the position will largely depend on management's ability to develop job standards that reflect the prerequisites and skills necessary for satisfactory job performance. In order to achieve a program that is effective and still practical for its operation, management should decide the degree of emphasis needed in each area, as well as understand the regulations with which the business must comply. This report provides information on establishing a driver qualification program.

Regulations

There are, effectively, three levels of driver qualification regulations to be considered,

depending on the type of operation and size of the vehicle:

- States regulate the licensing requirements of all drivers, and many states have adopted the Federal Motor Carrier Safety Regulations' (FMCSR) driver qualification requirements for specific classes of drivers, which were developed by the Department of Transportation's (DOT) Federal Motor Carrier Safety Administration.
- Drivers of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more, vehicles designed to transport 16 or more passengers (including the driver), vehicles used to transport more than 8 passengers (including the driver) for compensation, or vehicles used in the transportation of hazardous materials in a quantity requiring placarding under the DOT Hazardous Materials Regulations (HMR) must have a single, state-issued Commercial Driver's License (CDL) meeting minimum federal requirements.
- Drivers involved in interstate or foreign commerce in vehicles with a GVWR of 10,001 pounds or more, vehicles designed to transport 16 or more passengers (including the driver), or vehicles used in the transportation of hazardous materials in a quantity requiring placarding under the DOT HMR are subject to the requirements of the DOT FMCSR.

For additional information on non-trucking operations, such as sales, service, and local delivery operations, see *Driver Qualification for Drivers of Automobiles, Vans, and Light Trucks* on our Risk Solutions website.

Driver Qualification Files

Driver selection is a one-time process; assuring that the driver remains qualified should be an ongoing process. A qualification file should be maintained, for each person hired, to facilitate review of the driver's record, and to provide future reference to the driver's qualifications. Information that should be kept in the file include:

- A copy of the driver's application form
- Notations regarding information developed during the driver's interview
- The most recent motor vehicle record
- Results of reference checks with previous employers
- Information indicating the successful completion of a road test
- Information indicating the successful completion of a physical examination, if applicable
- Results of background checks for drivers of passengers or high-value cargo
- Any information which will give management insight to a driver's qualifications, such as additional training (including dates of completion)

Job Analysis

The first task in any employee selection process is to determine the specific requirements for each job category. The employer must determine exactly what the employee must do, how it must be accomplished, and what skills are required. Once these facts are known, management can establish standards that will reflect the specific nature of the position and make it possible to recognize the best applicant and avoid discrimination on the basis of disability. Employers should also determine the "essential functions" necessary to complete the job, in order to determine whether an individual with a disability would be qualified, with or without "reasonable accommodation."

Standards can be physical (e.g., ability to climb in and out of a cab-over tractor up to 10 times per day and to frequently lift cartons weighing up to 50 pounds), degrees of experience, or specific skills required. It is imperative that these standards be for essential functions necessary to perform the job, and be applied equally to all applicants for the position.

Recruiting

Having a firm idea of what standards must be met by an employee will make recruiting much easier. Sources of applicants include present employees, walk-ins, advertisements, recommendations from other employees, driver training schools, and union halls. Providing a brief job description, which highlights minimum requirements, in an advertisement or notice should help to screen out many unqualified applicants.

Application Form

The application form should only contain questions that pertain to the applicant's ability to satisfactorily perform the job. Information about the applicant that should be requested on the form includes:

- Driver's license(s).
- Driving experience
- Accident record, traffic violation convictions, and forfeitures for the past three years
- Past employment (previous three years; ten years for drivers required to have a CDL)
- Education
- Ability to perform job-related functions
- Criminal history
- Special training related to transportation
- Authorization to investigate the applicant's background

Motor carriers subject to the Federal Motor Carrier Safety Regulations are required to obtain specific information on the application form.

Attaching a job description to the application form, which details the functions required to adequately perform the duties of the position, can help the applicant determine if any accommodation will be necessary to perform the job. The applicant's ability to perform these functions can be discussed later during the interview.

The form should be completed in the applicant's own handwriting to determine the legibility of the handwriting, if necessary to perform the job, and it should be signed and dated by the applicant. The signature on the application form should be compared with the applicant's driver's license as an identification check.

For additional information about employment application for non-trucking operations, see *Sample Application Addendum for Drivers of Automobiles, Vans, and Light Trucks* on our Risk Solutions website.

Interview

The purpose of the interview is to develop more detailed information regarding the applicant's qualifications and experience, as well as his or her general suitability as an employee. A standard interview pattern should be followed for a given job classification in order to obtain all desired information and to afford a means of comparison between applicants. Questions must focus on the applicant's ability to perform the tasks required of the position, not on any disability.

The interview should be used to resolve any questions regarding the information obtained or omitted on the application form. A visual check of the driver's license should be made to ascertain that the driver has the proper class of license, whether there are any restrictions, and if the license is current.

Reference Checks

A check should be made with previous employers to develop information about the driver's general character and professional ability. Factors, such as length of employment, job(s) performed (including operation of vehicles), accident record, and whether the previous employer would re-hire the individual, should be included. This check can be accomplished by a telephone interview, a letter, or a personal visit.

The driver's qualification file should verify that these checks were made and should record the responses received. Motor

carriers subject to the FMCSR are required to investigate the driver's employment record for the preceding three years (ten years for drivers required to have a CDL). Previous DOT-regulated employers must respond to the safety performance history information requests within 30 days after the request is received. If there is no safety performance history information to report, the previous motor carrier is required to send a response confirming the non-existence of data, and identification information and dates of employment of the driver. When a previous employer cannot be contacted, a certified letter should be sent to that employer's last known address to help verify that an effort was made to complete the reference check.

For additional information on obtaining reference information for non-trucking operations, see *Reference Check Addendum for Drivers of Automobiles, Vans, and Light Trucks* on our Risk Solutions website.

Motor Vehicle Record

A copy of the driver's state Motor Vehicle Record (MVR) should be obtained from each state where a driver holds a license, to ascertain that the applicant has a valid license and to review the driver's past record. While a driver required to have a CDL can only be licensed in one state, non-CDL holders may be licensed in multiple states to spread violations. A history of accidents and moving traffic violations could indicate a major problem with the applicant.

An MVR also should be obtained periodically for each driver and reviewed to determine whether remedial training is necessary. The MVR should be reviewed with the driver and made part of the driver's file. This review may give the supervisor insight as to the driver's attitude regarding traffic rules and regulations.

Companies should establish criteria for what constitutes an acceptable MVR and the penalties involved in not meeting such criteria. However, caution should be exercised to assure that all applicant's/employees are being evaluated under the same criteria. If a company's policy is to dismiss an employee convicted of driving under the influence, it may require that they dismiss, for example, its top sales person. However, a requirement that the employee complete treatment prescribed through an employee assistance program might better serve the company's needs.

Motor carriers subject to the FMCSR are required to obtain a driver's MVR for the previous three years from each state in which the driver held a license or permit when the driver is hired. At least once every 12 months, motor carriers must obtain a copy of the driver's MVR from each state where the driver held a CDL. The motor carrier must review the MVR to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle. For further information, see *Commercial Driver's License* on our Risk Solutions website.

Note: Research has proven that accurate MVRs can help predict future accident involvement. Unfortunately, research conducted by the insurance industry has indicated that many reportable accidents never appear on a driver's MVR. Traffic violations may also slip off the record in states that allow a convicted driver to attend a driver improvement course and have a record purged of the offense. In some states, the driver may never have the offense included on the MVR, if the driver remains conviction-free for a specified period of time.

Physical Qualifications

The physical fitness of the driver should be considered before hiring, but only after the driver has been offered a job. The motor carrier should arrange for physical examinations with individual physicians or industrial clinics. The medical examiner should be aware of the physical and emotional demands placed on the driver and should be aware of the requirements of the job, so that it can be determined whether the applicant is qualified for the position. In addition to checking a driver's physical condition before hiring, periodic physical examinations should be required and arranged for by the motor carrier. Reexaminations may indicate the onset of a problem and therefore allow appropriate corrective measures to be taken.

Motor carriers subject to the FMCSR are required to have their drivers successfully complete a required medical examination initially, and at least every 24 months thereafter; drivers must also submit to testing for the use of certain controlled substances. For further information, see *Physical Qualifications for Drivers*, and *Controlled Substances and Alcohol Use and Testing* on our Risk Solutions website.

Physical qualifications should be carefully considered to avoid discriminating against a qualified disabled applicant under the Americans With Disabilities Act (ADA). The employer must determine if the applicant will pose a direct threat to health or safety as a result of a physical condition, and must also consider if the physical problem could be eliminated or reduced below the level of a direct threat by reasonable accommodation.

While federally mandated physical standards do not appear to be preempted by the ADA

regulations, state (even when adopting the federal requirements) and individual company requirements might be subject to close scrutiny, to assure that they do not discriminate against the disabled.

Road Test

Giving a driver a road test will allow the employer to ascertain deficiencies in driving skills and provide needed training prior to assigning a driving task. The same type of equipment that will be assigned to the driver should be used in the test, and the test should be sufficiently long to cover a variety of situations. This test should be designed to help identify the driver's competent areas and weak points.

Motor carriers subject to the FMCSR are required to verify that each driver has been given a road test. The person who has successfully completed the road test should be given a certificate of completion.

While businesses that operate automobiles, vans, and light trucks usually do not consider giving an applicant a road test, assuming that the employee is a capable driver because they possess a driver's license puts the company at risk. All vehicles are not the same and assuring that the applicant/employee knows how to care for the vehicle and drives defensively to avoid crashes can only benefit the business. The road test can be combined with other job training and therefore be conducted with little additional cost.

For further information, see *Road Testing*. For additional information on road tests for non-trucking operations, see *Road Testing for Drivers of Automobiles, Vans, and Light Trucks* on our Risk Solutions website.

Written Tests

Some fleets make use of commercially available intelligence and psychological tests, or company-developed tests, on such areas as driving rules and regulations. Extreme care must be taken to assure that the tests are nondiscriminatory and clearly associated with the knowledge and skills necessary to successfully fill the position.

Additional Background Information

Additional background information may be generated through checks with credit bureaus and police departments (where permissible), and through the use of professional investigative agencies. Again, standards must be non-discriminatory, pertaining equally to all applicants. For further information, see *Pre-Employment Screening: Criminal Background Checks* on our Risk Solutions website.

References

1. U.S. Department of Transportation, Federal Motor Carrier Safety Administration, Federal Motor Carrier Safety Regulations, 49 CFR 390-396 <http://www.fmcsa.dot.gov/regulations/title49/b/5/3>

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