

Safety Director 201

Safety Director 201 Navigating Pre-Employment, Driver Qualification and Drug & Alcohol Clearinghouse Queries



BUS industry
SAFETY council

Brought to you by **ABC Companies**

Speaker: Greg Hendricks
Vice President Compliance &
Operations
Salt Lake Express &
Northwestern



Big shout out to Women in Busses

Please please go to their website and learn more about Recruiting & Retaining Drivers.

<https://www.buses.org/about/drivingforce>



DETROIT
ABA 2023
MARKETPLACE

busworld.
NORTH AMERICA DETROIT

A little more about me

- I have 6 kids.
- I live in a pepto pink house.
- I drive a herbie knock off.
- I wear my birthday suit to work every year.
- My favorite hobby is taking the kids for a spin.





WHEN THE CALL COMES IN: The following must be assembled within 10 minutes:

- 1.) Assess Severity of Accident
 - a. Driver Questions & Directives. **Form 1**
 - b. Call 911
 - 2.) Call Crisis Manager - NAME
 - a. Salt Lake Express
 - i. Call Insurance – 111-111-1111
 - b. Northwestern
 - i. Call Insurance – 111-111-1111
 - c. Call Our Agent
 - i. NAME - AGENCY
 - ii. Cell 111-111-1111
 - d. Notify the Owner
 - i. NAME
 - ii. Cell 111-111-1111
 - 3.) Assemble Crisis Management Team
 - a. Crisis Manager – NAME
 - i. Coordinates efforts
 - ii. Communicates with Robert Chernin
 - iii. Communicates with Driver
 - iv. Communicates with authorities
 - b. Insurance Officer – Assigned by NAME
 - i. Prepare Initial Statement. **FORM 2**
 - ii. Complete CDA Incident Reporting Forms.
 - c. CSR Rep – NAME
 - i. Notify CSR's to takes info ONLY. Do not give info. **FORM 3**
 - ii. Refer all concerned parties to the Customer Care Manager.
 - d. Customer Care – NAME
 - i. Coordinates with Insurance Officer, gathering customer info. **FORM 3**
 - ii. Give insurance information to all concerned parties. **FORM 4**
 - e. Charters – NAME
 - i. Compile info. **FORM 3**
 - ii. Obtain a Statement from NAME. **FORM 2**
 - iii. Give insurance information to all concerned parties. **FORM 4**
 - f. Reception – NAME
 - i. Receives visitors to the office. Takes info ONLY. Do not give info. **FORM 3**
 - g. Safety Office
 - i. Gather all information on driver
 - ii. Secure personnel & training file
 - iii. Secure 6 months of Log's and 3 months of DVIR's
 - iv. Secure Trip details preceding accident
 - v. Secure maintenance records and annual Inspections
- **Stay Calm. It is understood that we will not have all of the answers right away. The most important step is to ensure medical care is readily available for all passengers and our driver. The responding officers will have information on were all injured are sent.**

Crisis Manager NAME CELL 111-111-1111 HOME 111-111-1111 Customer Care NAME Charters NAME 111-111-1111 CSR Rep NAME 111-111-1111 Reception NAME 111-111-1111	REGION 1 Dispatch 111-111-1111 REGION 1 Mechanic Tyler Fisher 111-111-1111 Customer Care NAME REGION 2 Dispatch 111-111-1111 REGION 2 MANAGER 111-111-1111 REGION 3 Dispatch 111-111-1111 NAME 111-111-1111 REGION 4 Dispatch NAME 111-111-1111 REGION 5 Dispatch NAME 111-111-1111
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DRIVER QUESTIONNAIRE & DIRECTIVES

FORM 1

- Are you okay?
- Did you call 911?
- Where are you?
- Is anyone hurt?
- Are the emergency triangles out?
- What happened?
- What vehicle are you in?
- Where are the passengers?
- Do you need to move the bus?
- Were there other vehicles involved?
 - Make/Model:
 - Color:
 - Plate:
- Were there passengers in the other vehicle?
 - How many?

- Have you taken photographs?

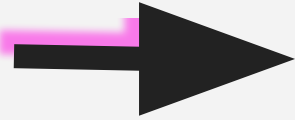
Assure the driver. Let him/her know that we care and will be there beside them throughout this. Remind them

- Stay Calm
- Make no statements.
- Leave his/her phone line open. Do not call anyone. Speak only to us.
- We will call their family.
- Have passengers call the company if they have questions.

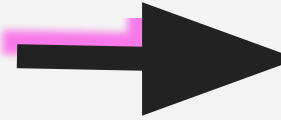
Director 201

Questions

*Pre
Employment*



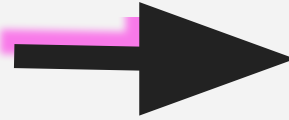
Onboarding



Training



*Maintaining
Compliance*



Clearinghouse



Navigating Pre-Employment

- Stay Calm!
- Stay Organized!
 - Make a habit of doing it the right way and the same way, every time.
- Talk to your insurance!
 - Do they have specific requirements on who you can hire?

Applicant Process

STEP 1 Hiring		
Hiring Manager	Interview	
Safety Office	Employment Application	
Safety Office	Application Signature	
Hiring Manager	Interview Notes	
Safety Office	DOT Past Employment	
Safety Office	New Hire E-documents	
Safety Office	Drug Test Introduction Letter	

STOP
CDL B with passenger & Air Brakes or Permit

STEP 2 Drug Test & Paperwork		
Safety Office	Pre employment Drug Test	
Safety Office	Chain of Custody	
Safety Office	New Hire E-documents	
Safety Office	Certificate of Compliance	
Safety Office	Certification of Violations	
Safety Office	Credit Card Policy	
Safety Office	Discipline Policy	
Safety Office	Insurance Request Form	
Safety Office	Driver General Policy	
Safety Office	Procedures Manual	
Safety Office	Drug & Alcohol Policy	
Safety Office	FMCSR Receipt	
Safety Office	I-9 Form	
Safety Office	PSP Release Form	
Safety Office	Background Check Form	
Safety Office	W-4 Form	
Safety Office	D&A Clearinghouse Consent	
Safety Office	D&A Clearinghouse	
Safety Office	E-Verify	
Safety Office	Residency Addendum	
Safety Office	Employment Addendum	
Safety Office	JJ Keller (name to Michelle)	
Safety Office	Hire Date (Day after drug test results)	
Hiring Manager	Rate/Sign on bonus	

STEP 3 Onboarding Training		
Safety Office	Distracted Driving	
Safety Office	Drug & Alcohol	
Safety Office	Back Safety	
Safety Office	Human Trafficking	
Safety Office	Electronic Logs	
Safety Office	Paper Log	

STOP
Wait for OK from Safety

Step 5 Back Office		
Safety Office	Motorcoach Manager	
Safety Office	Maverik, Manifest, etc	
Safety Office	^Flix Entry	
Safety Office	^Flix Training	

Step 5 Smith & CDL & Vehicle		
Vehicle certification needs to be completed for every vehicle type, MCI, Grech, ABC, Sprinter w/ Trailer; Wheelchair		
Training	Vehicle Certification	
Training	Record of Training	
Training	Smith System	
Training	Record & Certificate of Road	

Route Training

Route Training		
Training	Route Training	

* All forms are found on the Shared Drive
* Only use the most current forms

Pre Employment

Application

- Application must meet the following standards
 - Must ask social
 - Must ask were you subject to FMCSRs while employed?
 - Must ask was your job designated as a safety-sensitive function in any DOT-regulated mode subject to the drug and alcohol testing requirements of 49 CFR Part 40
 - Must be signed

TIPS

- Consider having a pre application-application!
 - Make it short. Ask name and contact information
 - Call each pre application and talk about the job
 - Always discuss wage and benefits
 - If the applicant is interested they will take the time to fill out the longer, official application

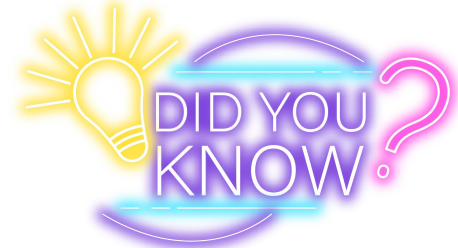
Compliant Posting

Protected Classes

- Race
- Color
- Religion
- Sex
- National origin
- Age
- Disability
- Genetics

Best Practices

- Be compliant for every state you receive funding from.
- Be prepared for audits.
- Be prepared for challenges.
- Be compliant for every state your wheels touch? Why not?



Know your State Laws:

[HTTPS://WWW.NCSL.ORG/LABOR-AND-EMPLOYMENT/DISCRIMINATION-AND-HARASSMENT-IN-THE-WORKPLACE](https://www.ncsl.org/labor-and-employment/discrimination-and-harassment-in-the-workplace)

Over twenty U.S. states and Washington, D.C., prohibit discrimination based on sexual orientation and gender identity. (1)

Bona Fide Occupational Qualifications

(BFOQ)

- An exception to equal opportunity law permits employers to discriminate against applicants and employees "on the basis of [their] religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."(2)
- To be eligible to use the BFOQ exception, an organization must prove that no member of the group they are discriminating against could perform the job.(3)
- For example, there is a mandatory retirement age of 65 for airline pilots, so it would be a BFOQ to advertise for candidates under the age limit.



State Differences

Hawaii

Employers can't discriminate based gender identity or expression, marital status, arrest and court records, or (effective July 2, 2019) reproductive health decisions.

Sex includes pregnancy, childbirth, or related medical conditions.

Employers also can't discriminate against employees and applicants based on their status as victims of domestic or sexual violence if they notify employers, or employers have actual knowledge, of this status.

MICHIGAN

Employers can't discriminate based on height, weight, or marital status, unless religion, national origin, age, height, weight, or sex is a bona fide occupational qualification (BFOQ) that is reasonably necessary to normal business operations.

Compliant Posting

Salt Lake Express provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or genetics. In addition to federal law requirements, Salt Lake Express complies with applicable State and local laws governing nondiscrimination in employment in every location in which the company has facilities. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

Screening Applicants

Do they have a medical card?

- Do you have a company dr?
- Think of redoing it with a dr you know?

What did they say on their application?

- Accidents, felonies, experience?
- Document all of it in the interview notes.

Do they meet your standards?

- Review against your hiring standards.
- Do your hiring staff know our standards?

Were they honest?

- Review the application against the background check.
- Document any discrepancies and the reason for.

Real Life Experience

Applicant had a Service Animal

- Not disclosed on application
- Medical condition needing accommodation mentioned in the notes

Hired and sent to our DOT dr

- Disclosed service animal to dr
- Our dr noted the applicant had an emotional support animal

Found out about service animal

through complaint

- The driver did not bring the animal during training.
- A guest complained of the driver carrying an animal while driving

Driver filled a lawsuit

- DOT does not have any regulation prohibiting service or emotional support animals.
- Had to convince labor board that we were justified in not accommodating the animal.

What we did wrong

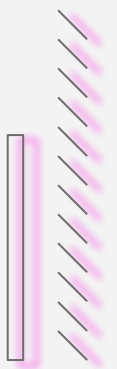
- Did not check the application
- Did not review long form physical



Pre Employment



Pre Interview

- 
- Read the application and be prepared.
 - Prepare a comfortable room for the interview.

Interview/Hiring

Interview

- In the interview review the application for gaps in employment and residency
- I always seek for overkill No Gaps 10 year employment and residency
 - Satisfies both FMCSA and FTA
- Fill out release paperwork (background)
- Keep interview notes
- Make a Copy of D.L. and medical certificate
- Send for drug test

TIPS

- Handle the clearinghouse in the interview. Have the driver give consent in the clearinghouse while in the interview.
- Have the driver fill out addendums regardless of need. It looks neater for an audit.

Back Office

- Run an MVR. Must check every licence held, back 3 yrs minimum.
- Medical Certificate with verification of provider
 - <https://nationalregistry.fmcsa.dot.gov/home>
 - Document
- Run background on criminal and PSP
- Verify drug test results
- Run clearinghouse full query

Onboarding

Onboarding

- Fill out company specific paperwork
- Federal Regulation Handbook Receipt
- Drug & Alcohol Acknowledgment

Tips

- Have a mentor on hand
- Training is only as good as documented
- Be consistent and document everything

Training

- Record of Road Test with Certification: older requirement, not always necessary but good practise
- Conduct company specific training

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Hired and Beyond

1st Day

- I-9 - Keep in a separate folder/binder. Do not keep with Qualifications or Personnel folder

Tips

- Keep all requests you receive from other employers. You never know when you will be audited for failure to turn over the information

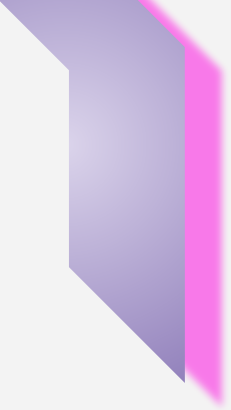
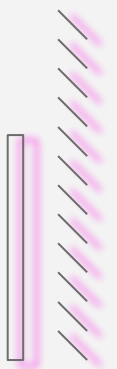
Within 30 Days

- Motor carriers must investigate, document, and retain all drivers' previous employment safety performance history for the three years immediately prior to the driver joining a new employer.
 - At least 3 attempts.
Documentation is key



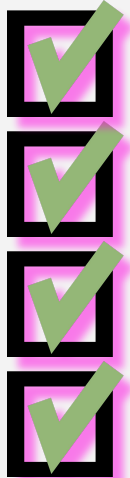
Hired & Beyond

Annually

- Certificate of Violations - No longer required
 - MVR Check is still required
 - Clearinghouse limited query
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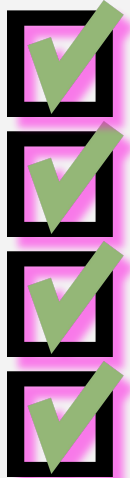
Drug & Alcohol Clearinghouse

- What is the Drug & Alcohol Clearinghouse?
 - It is a record of all FMCSA, State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.
 - The Clearinghouse contains records of violations of drug and alcohol prohibitions in 49 CFR Part 382, Subpart B, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.



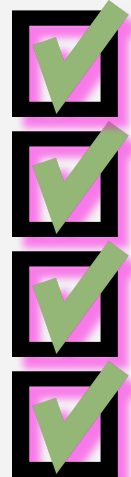
Drug & Alcohol Clearinghouse Queries

- Limited vs Full vs Annual vs Pre Employment
 - Pre Employment - Full Query. Driver must login under their account and give permission
 - Annual - Limited Query. Driver must give written approval.
 - If any limited Query comes back with hits, you are required to run a Full Query
- Should I do all Annual/Limited queries at the same time?
 - This is up to you. I like doing them annually when we do our company wide MVR check. It is easier to stay organized and not forget.



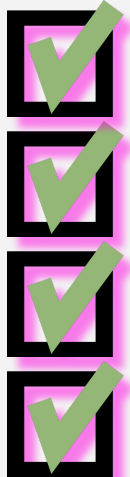
Drug & Alcohol Clearinghouse cont.

- Does the clearinghouse cover FTA?
 - It depends. Drivers who perform only FTA-regulated safety-sensitive functions are exempt from Part 382, including the Clearinghouse requirements, as are their employers. These drivers and employers are subject only to the alcohol and/or controlled substances testing requirements of Part 655. On the other hand, FTA-regulated entities that employ drivers who also perform FMCSA-regulated safety-sensitive functions must comply with the relevant alcohol and/or controlled substances testing requirements of Part 382. The following examples illustrate how employers subject to Part 655 also could be subject to Part 382.



Drug & Alcohol Clearinghouse Queries

- Do I need to hire a vendor to run queries?
 - No, you just need an account.
- Do the Queries cost?
 - Yes, all queries cost \$1.25. You must purchase queries prior to performing them.
- Do I report a violation to the Clearinghouse?
 - Employers are required to report driver drug and alcohol program violations in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. An employer may designate a consortium/third-party administrator (C/TPA) in the Clearinghouse to assist with meeting these reporting requirements; however, the employer retains ultimate responsibility for compliance
 - Must be reported by close of the third business day after receiving results





Questions

Handouts and Slides available on table

Greg's contact information

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