



January 7, 2021

## **Reminder to Check the Driving Histories of Your Drivers**

The beginning of each year is a good time to review the driving histories of the agency's drivers. Public entities have many employees who operate employer-owned vehicles as part of their duties, or who may occasionally use their private vehicles to conduct official business. As part of a comprehensive risk management program, **public agencies must verify all employees who drive on the agency's behalf possess a valid driver's license and an acceptable driving record.** Employers are permitted to check motor vehicle records (MVR) on their employees under the Federal Driver's Privacy Act, and verification is **required** for holders of Commercial Drivers' Licenses (CDL) under Department of Transportation regulations.

This is also a good time to review the agency's driver policies. There have been several recent changes at the State and Federal level concerning employers of workers with Commercial Drivers' Licenses. The purpose of this Bulletin is to provide an annual to-do checklist for public employers of CDL drivers.

- Verify the agency's policy contains recent revisions to the CDL regulations
  - The contract with your CDL drug and alcohol testing agency specifies who will report refusals and positive test results to the Clearinghouse
  - The agency has named and trained two Designated Employer Representatives.
  - Verify the agency's drug and alcohol testing locations are available 24 / 7 / 365.
  - Verify the agency's policy requires CDL holders to disclose prescription drugs and medical conditions that may preclude them from safely operating vehicles.
- Conduct annual queries of the agency's CDL holders in the FMSCA Drug & Alcohol Clearinghouse
- Conduct required MVR checks of CDL-holders through the NJ CAIR system
- Conduct MVR checks of all other employees and volunteers who operate vehicles owned by the agency or their personal vehicles operated while on agency business.
  - Verify the agency's policy requires drivers of vehicles on official business to disclose if their license becomes suspended or revoked, and of all moving violations
- Provide education to the agency's drivers on the driver / fleet policies
  - New and existing drivers are provided with training and learning materials of their responsibilities under the agency's driver / fleet policies
  - All drivers should be advised yearly that the agency verifies acceptable MVR. The Safety Director recommends retaining a signed acknowledgement from the driver on file. The policy should define what an acceptable driving history is.
  - Newly promoted supervisors of CDL-holders receive Reasonable Suspicion training and know where to take employees for Reasonable Suspicion and Post-Accident Drug and Alcohol Testing.

The MEL, on its [Model Policy page](#), offers models, templates, and a toolkit for CDL and non-CDL policies. Review policies with the agency's attorney before implementing. Please contact the Office of the Safety Director if further information is needed.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, contact your Safety Director at 877.398.3046.