

NON-OWNED AUTO EXPOSURE

Many community-based healthcare organizations have a significant auto liability exposure due to the fact that their employees and volunteers spend a large amount of time traveling between home and patient residences, between office or business locations or running errands related to work in personal vehicles. These trips may be any day of the week, any time of the day, and in many different weather conditions, all of which are difficult to control given the nature of the business.

Proper risk management will help reduce the liability exposures present with employee and volunteer use of personal vehicles. This bulletin provides recommended strategies for verifying and monitoring driver status and acceptability.

Employee/Volunteer Screening

If driving is an essential function of the job or role of an employee or volunteer, obtain information related to their current license and driving history/record as part of the application process. Human Resource policies should state that driving records will be reviewed prior to hire (or prior to the first assignment for volunteers). This review is to help verify that new employees/volunteers have a current driver's license and an acceptable driving record. Define the criteria for an acceptable driving record.

The following is an example of criteria that could be included:

- No more than three moving violations
- No more than one at-fault accident in the past 36 months
- No major convictions (driving under the influence or alcohol or drugs) within the past seven years
- No license suspensions or revocations within the past seven years

In addition, consider obtaining and verifying the following items as part of the hiring process:

- Photocopy of a current, valid driver's license
- Evidence of current auto liability insurance that meets the state's minimum requirements



Relevant job descriptions typically outline the essential job functions for each position. Driving is often an essential function for employees who are required to drive a company or personal vehicle as part of their routine job responsibilities. One example would be a nurse who makes home visits to see patients. Additionally, keep in mind, a commercial driver's license (CDL) is required for any vehicle designed to transport 16 or more passengers, including the driver. If driving is an essential function, then it is important that the job description include maintaining a satisfactory driving record.



Share job descriptions with new employees during orientation and integrate them into the employee evaluation/performance appraisal process. Request that new employees/volunteers sign a statement indicating they have reviewed their job description and the driving policies/criteria in the employee handbook. Maintain this documentation in their personnel file as part of the orientation process.

It is important to document agreed upon guidelines and boundaries at the onset of employment to avoid confusion should a future accident occur. Objectively establish activities that are considered to be within the course and scope of job responsibilities before mishap occurs.

The criteria may include:

- Typical commuting activity
- Permitted or prohibited activities such as patient transport, errands, or social activities
- The established beginning and end of a normal work day

Implement a system to monitor adherence to these policies. If policies are not enforced, the organization may begin to see “policy drift,” where deviation from policy becomes the norm.

Scheduling

To the extent possible and enforceable, it is important for the organization to know where its employees and volunteers are during the course of their day/shift. As employees and volunteers are given patient assignments, consider developing schedules that will allow management to track their activities and movement from each location or from client to client. This is important from both a personal safety and a liability perspective.

If an employee or volunteer is allowed some flexibility in their schedule, define “windows” rather than indefinite schedules. If an emergency or other unscheduled visit or errand is necessary, document that change in the routine as a deviation from the norm.

Orientation and Training

Establishing a tailored driver safety program is another risk management tool that can help decrease an organization’s liability from a non-owned liability standpoint.

Such a program could cover operators of motor vehicles for company purposes and include:

- Annual driver orientation/awareness program
 - A driver safety education video is available from Glatfelter at glatfelterhealthcare.com/risk-management/content/drive-safe
- Verification of a valid driver’s license
- Verification of current auto insurance coverage
- An evaluation of employees/volunteers who have unsatisfactory motor vehicle records (MVR) reports regarding their ability to fill jobs where the job descriptions list driving as an essential function
- A mechanism for how to handle notification of a major driving violation (self-reported by employee/volunteer, second hand reports, or published in local newspaper) if MVR checks are not done on a regular basis post-hire
- Education for employees/volunteers regarding the need to perform periodic preventative maintenance per manufacturer suggested guidelines for their vehicles, and to follow safe driving practices such as the use of seatbelts, use of cell phones, and other distractions while the vehicle is in operation, etc.

Summary

Auto liability claims can have a significant impact on an employer’s bottom line. It is important to evaluate the risks associated with employees and volunteers who drive motor vehicles as a routine part of their job responsibilities. Implementing the strategies outlined above can help lead to a more effective risk management program.