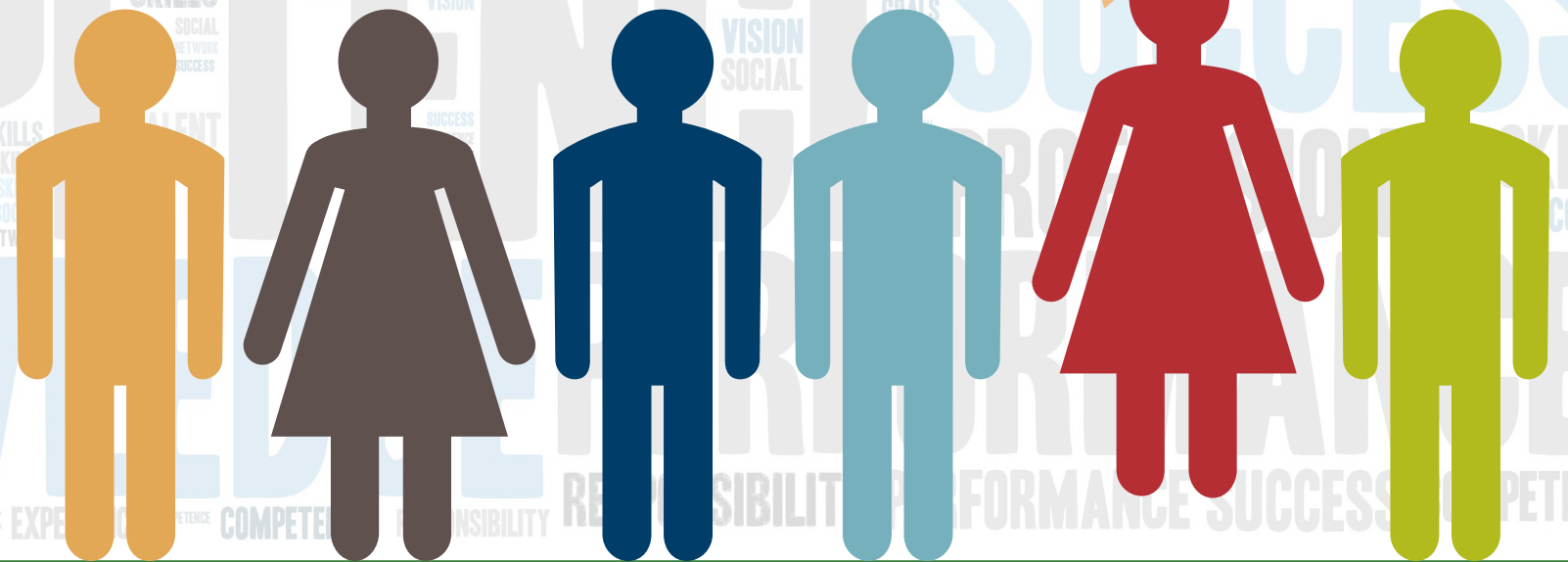


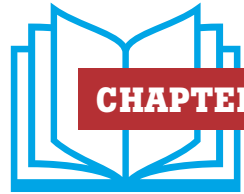
# Leveraging Technology to Attract, Hire, and Manage Drivers in the Digital Age



**CHAPTER 3:**  
**Developing a Compliant Screening  
Program through Staged Screening**

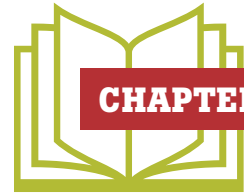
 **HireRight**<sup>®</sup>  
DAC Trucking

# Continuation of a Four-part eBook Series



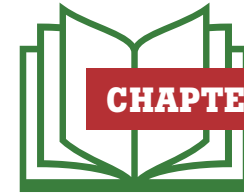
## CHAPTER ONE

***Technology Based Sourcing Strategies for Attracting Drivers***, explored how the challenging driver labor market has motivated employers to adopt new technology-based sourcing strategies. [Read more >>](#)



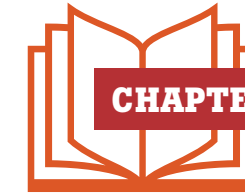
## CHAPTER TWO

***Advanced Conversational Recruiting Techniques*** examined why today's recruiting process is fundamentally broken and practical steps you can take to qualify candidates more effectively. [Read more >>](#)



## CHAPTER THREE

***Developing a Compliant Screening Program Through Staged Screening*** focuses on industry best practices for pre-employment and ongoing screening to help organizations foster a safer working environment.

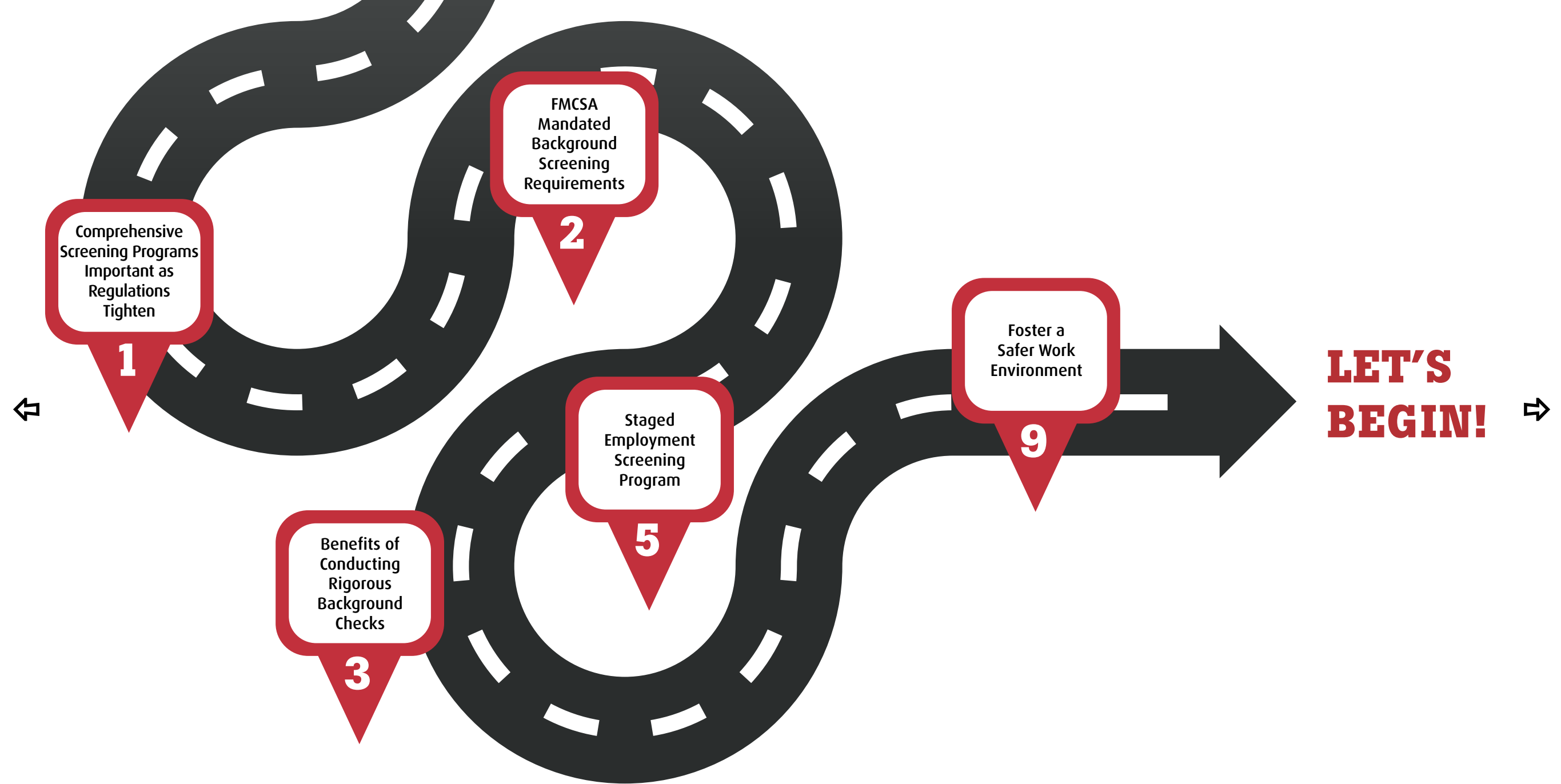


## CHAPTER FOUR

***Integrated Solutions for Driver Workflow Management*** reviews the new intelligence incorporated into candidate tracking systems.



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**eBOOK THREE:**

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# Comprehensive Screening Programs Important as Regulations Tighten

The transportation industry provides critically important services to businesses throughout the United States, and in this highly regulated industry, safety is paramount. As new regulatory initiatives are launched, employers need a comprehensive approach to ensuring workers meet regulatory qualification standards while also attracting and retaining a well-qualified workforce.

A rigorous, consistent and effective background screening program can help employers comply with regulatory requirements and provide protection from non-compliance penalties; reduce the risk of accidents; prevent theft and other criminal behaviors associated with negligent hiring and retention; and improve the hiring process to quickly onboard qualified candidates. There are several best practice guidelines that transportation companies can follow in their screening programs to address these needs, improve time-to-hire turnaround, satisfy compliance requirements, and help ensure a safer workplace.



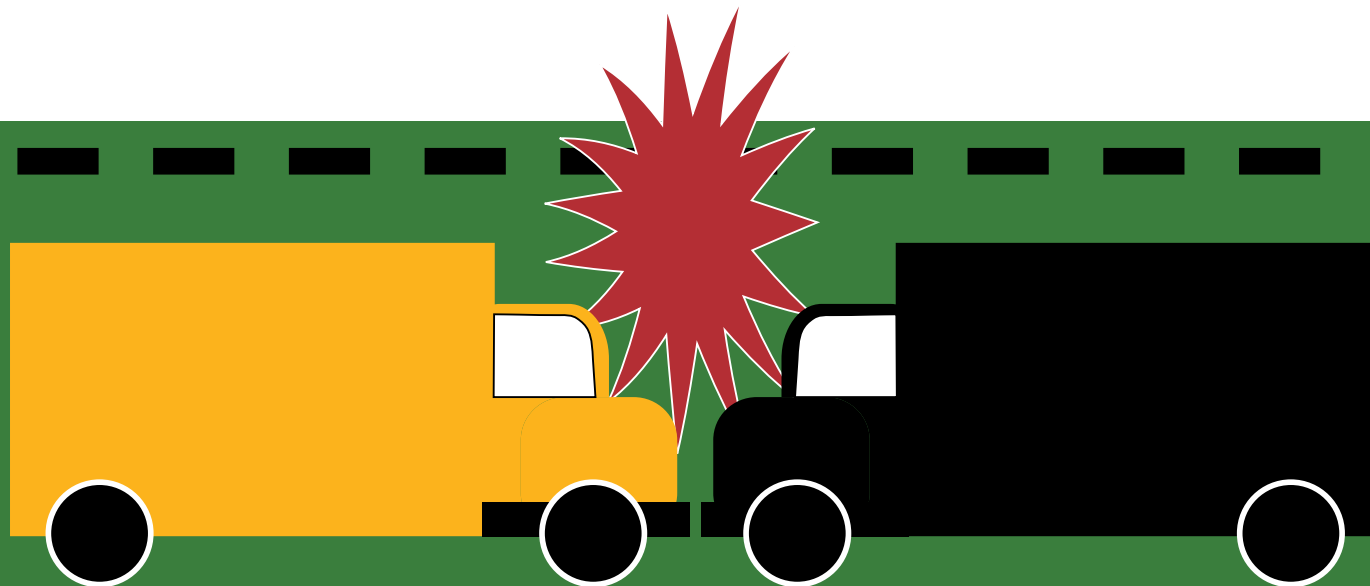
Safety is  
**paramount.**

# FMCSA Mandated Background Screening Requirements

The Federal Motor Carrier Safety Administration (FMCSA) has adopted rules and regulations (49 CFR Parts 382 and 391) **mandating certain background investigation requirements** on businesses that employ drivers to operate commercial motor vehicles (both passenger and property-carrying vehicles).

- ✦ Obtain the motor vehicle record from each state where the candidate held a motor vehicle operator's license during the previous three years.
- ✦ Investigate the candidate's safety performance history for the prior three years by inquiring about the following from each DOT regulated employer:
  - General driver identification and employment verification information
  - History of driver's drug and alcohol testing results including any violations
  - Details regarding accidents involving the driver.
- ✦ Obtain the medical examiner's certificate and any medical variances.
- ✦ Conduct a pre-employment drug test (must be a negative result before the driver can begin performing any regulated work).

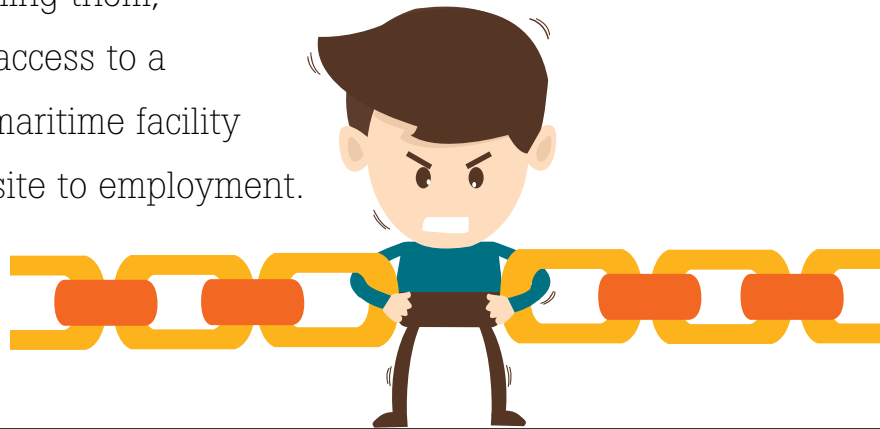
All transportation employers must ensure that regulated drivers, whether performing services as employees or as contract workers, participate in a regulatory compliant drug and alcohol testing program that includes **pre-employment drug testing, reasonable suspicion, post-accident, random, return-to-duty, and follow-up** drug and/or alcohol testing throughout employment. Entities that use transportation workers must report their participation in these programs to the DOT annually and maintain appropriate records in accordance with applicable regulations in the event of an audit. Employers who fail to meet these requirements or to produce records when asked (within 48 hours) by the DOT are considered non-compliant and may be subject to penalty fines or even out-of-service orders.



# Benefits of Conducting Rigorous Background Checks

## IDENTIFY THE STRONGEST CANDIDATES

Motor carriers focused on hiring drivers with solid safety performance histories can help improve their CSA "BASIC" scores by according preference to drivers with a demonstrated record of safe behavior (see <https://csa.fmcsa.dot.gov/about/basics.aspx>). Employers will also want their new hires to be eligible for the Transportation Worker Identification Credential (TWIC card) before spending time and resources training them, if unescorted access to a port or other maritime facility is a pre-requisite to employment.



(see <http://www.tsa.gov/stakeholders/frequently-asked-questions-0>).

## REDUCE LIABILITY

Employers who consistently screen candidates for a history of criminal activity, such as crime of theft and violence, may be afforded certain protections from accusations of negligent hiring or retention should that individual be accused of wrongdoing by a customer or other member of the public. A thorough, comprehensive screening program helps to demonstrate due diligence and may help prevent a number of potential problems.

At the same time, it is important to ensure that background checks search only reliable sources and that your team is compliant with applicable federal and state laws regarding the use of arrest and conviction information.

A thorough, comprehensive screening program helps to demonstrate **due diligence** and may help **prevent** a number of potential problems.

**While the laws and regulatory guidance is ever-evolving, consider the following to help you avoid legal action regarding your hiring program. These are suggested starting points and full compliance protocol should be created with your company's legal counsel.**

- ✓ Review any blanket rules your company may have on hiring individuals with a criminal history.
- ✓ If you have guidelines that exclude candidates with a criminal history, such exclusions must be legal under both federal and state law.
- ← ✓ Hiring guidelines that exclude candidates with a criminal history must be justified as job-related and consistent with business necessity.
- ✓ If a candidate has a criminal history, conduct an individual assessment before disqualifying the candidate that analyzes the nature and gravity of the offense, time since a conviction or completion of sentence, and the nature of the position.
- ✓ When a background check is conducted and a crime is discovered that could result in the candidate not being hired, pre-adverse action notice is required under the FCRA and applicable state laws. The candidate must generally be notified in writing<sup>1</sup> and provided time to correct or refute the records before being rejected. They are also entitled to a copy of the report.

## IMPROVE HIRING EFFICIENCIES

An effective screening program can speed up the hiring process, improve the candidate experience, help identify the most qualified candidates, and make the process more efficient. By implementing a staged screening program, employers can significantly reduce their screening costs. This is especially important in the transportation industry where many sectors experience an extremely high turnover rate, leading to increased recruiting, hiring and onboarding costs.



By implementing a staged screening program, employers can **significantly reduce** their screening costs.



# Staged Employment Screening Program

A phased or staged screening program may be able to help you improve turn-around time, maximize your return-on-investment, and maintain regulatory compliance. This enables a motor carrier to eliminate unqualified candidates at each stage and focus their investment of energy and resources on the best candidates for employment. While the following guidelines offer general recommendations, HireRight can work with employers to create screening packages for each level based upon individual company needs or specific job category requirements.

## STAGE ONE: CANDIDATE PRE-SCREENING

### Screens Regulated Drivers for Basic Criteria

Initial screens are conducted to weed out those candidates who do not meet your minimum hiring criteria. At a quick glance, your organization can determine whether or not to move the candidate to the next stage of the screening process.

- **EMPLOYMENT HISTORY SEARCH** – verify a driver's previous work histories in accordance with FMCSA's requirement for obtaining a three-year employment history
- **COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM (CDLIS)** – obtain a driver's current and up to three prior CDLs, which will help the motor carrier determine the proper states from which to request the driver's motor vehicle records
- **SOCIAL SECURITY NUMBER (SSN) CHECK** – identifies whether a SSN may be invalid. This is an important initial check that should be conducted since additional searches will be conducted using an SSN. Using an invalid SSN may jeopardize the entire screening program results.

Weed out those candidates who do not meet your **minimum hiring** criteria.

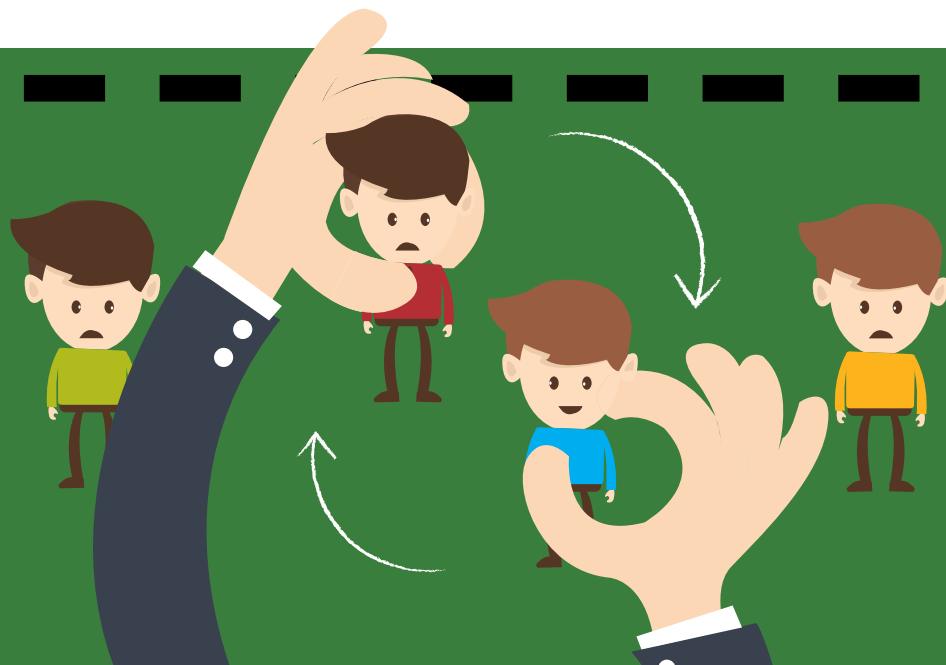


## STAGE TWO: CORE SCREENING

### Expanded Screening to Learn More about the Driver

Once you have determined that a candidate meets your basic qualifications, more extensive screening can help ensure the most qualified driver candidate is selected. The following screenings should be conducted on every priority candidate.

- **Motor Vehicle Reports** – MVRs from each state where a driver held a CDL in the prior 3 years will satisfy the three-year driving history requirement. Employers will know which states to order reports from based on the information returned from the CDLIS report order in stage one. HireRight offers electronic access to MVRs from all 50 states.
- **Employment Verifications** – when one or more of a driver's previous DOT regulated employers does not participate in an electronic employment history database then manual requests must be sent to employers to complete the required three-year employment history requirement.
- **Drug/Alcohol Violation History Verifications** – obtain a three-year drug/alcohol violation history as required by DOT 49 CFR Part 40.
- **Pre-Employment Screening Program (PSP) for Motor Carriers** – driver records are obtained through FMCSA's PSP report, which includes the most recent five years of crash data (DOT recordable accidents) and three years of roadside inspection.
- **County Criminal History Searches** – country criminal court records are searched to identify whether a candidate has a criminal history in the jurisdiction(s) searched. HireRight offers a number of options from which customers can select to determine the jurisdiction(s) in which to search.
- **National Criminal Search** – a search of additional sources is performed to identify jurisdictions in which to conduct criminal history searches beyond those jurisdictions associated with a candidate's known address history and state work locations. A county criminal history search will be performed in additional jurisdiction(s) identified, in accordance with the customer's specified search parameters.
- **National Sex Offender Registry Search** – searches the National Sex Offender Public Website to search the sex offender registries of all 50 States, Washington D.C., U.S. Territories and U.S. Native American Tribes.



### STAGE 3: CONDITIONAL SCREENING

## Meets Requirements for Drug, Alcohol and Health Screening

Once a candidate's qualifications, employment, motor vehicle and criminal histories have been verified, regulated employees are often subject to drug testing and health screenings.



- **Pre-Employment Drug Test** – a negative test result is mandated for CDL drivers.
- **Medical Qualification Standards** – validation from a licensed, certified and registered medical examiner in FMCSA's National Registry that the driver is physically qualified to drive a commercial motor vehicle (DOT medical certificate).
- **Workers' Compensation Searches** - helps identify previous conditions or injuries, enabling employers to make reasonable accommodations and participate in applicable second state injury funds if necessary.

## STAGE 4: ONGOING SCREENING

### Maintain Compliance and a Safe, Productive Work Environment

A compliant and effective screening program continues to be of benefit for an employer throughout the employment relationship. Regulations require certain screens be performed periodically. In addition, it's important to continue to screen employees to ensure they still conform to the organization's employment standards.

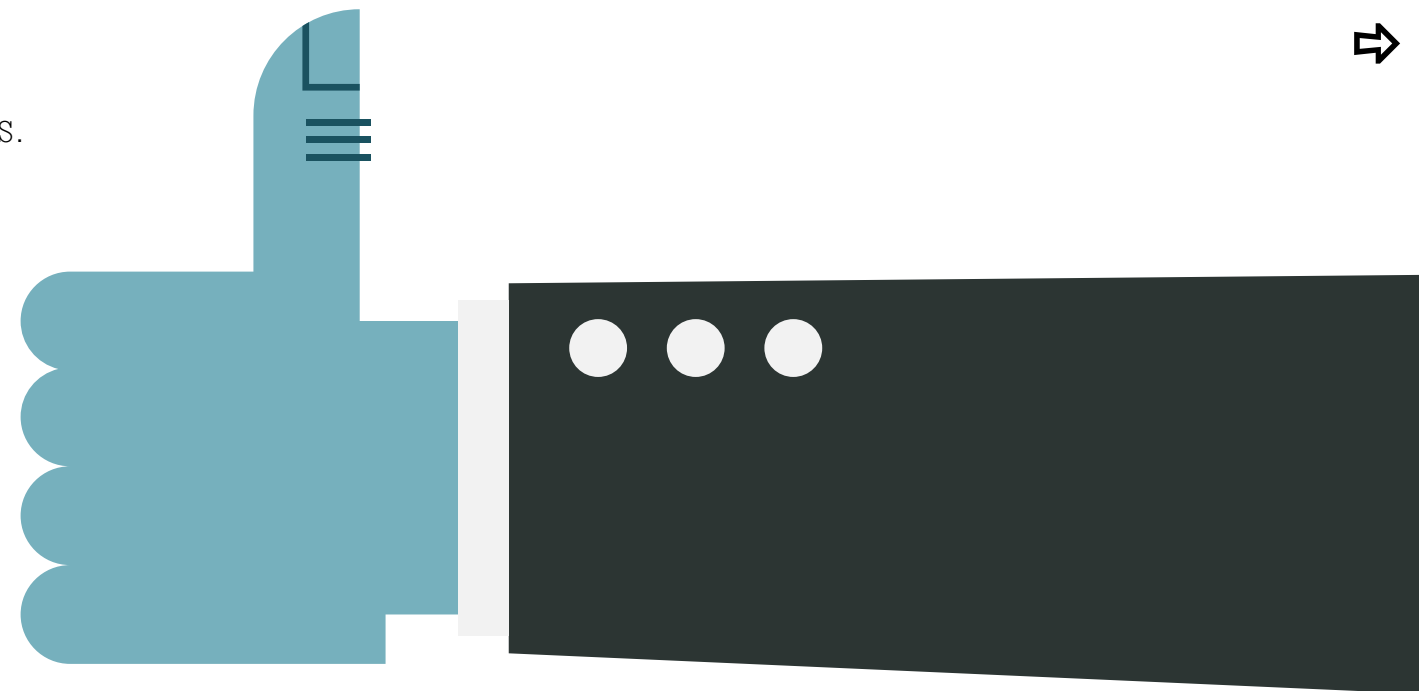
- **Random Selection Drug and Alcohol Testing** – DOT-regulated employees in safety sensitive positions are required to be part of a random pool tested at certain required percentages annually.
- **Post-Accident Drug and Alcohol Testing** – in the event of an accident that results in (i) loss of human life or (ii) a citation being issued to the driver if there is either bodily injury or disabling damage to a motor vehicle, controlled substance and alcohol testing needs to be conducted on the driver as soon as practicable (and within 2 but not later than 8 hours for alcohol tests and 32 hours for controlled substance tests) following the accident to determine if the driver was in violation of DOT drug and alcohol regulations.
- **Reasonable Suspicion Drug and Alcohol Testing** – drug and alcohol testing must be conducted if the motor carrier has reasonable suspicion a driver has violated DOT prohibitions concerning alcohol or controlled substances.
- **Monthly Motor Vehicle Report Monitoring** – monthly service that monitors for changes to a current driver's motor vehicle record.
- **Annual Driving Record Review** – motor carriers must obtain a driver's motor vehicle record at least once every 12 months. Driving records provide state DMV-reported information on the candidate's driver's license (class, type, endorsements, restrictions, driving violations, and suspensions) to help motor carriers ensure that their drivers remain qualified to drive a commercial motor vehicle.
- **Physical Exams** – a DOT physical exam is valid for up to 24 months. The licensed medical examiner may issue a certificate for less than 24 months due to extenuating medical conditions or concerns.



# Foster a Safer Work Environment

← The regulatory requirements and unique liabilities faced by the transportation industry pose significant challenges for motor carriers. Following industry standard best practices for both pre-employment and ongoing screening helps ensure that the best qualified candidates are hired and a safer work environment is attained—thereby reducing liabilities and risks.

Armed with this information, you can **have greater confidence** about your hiring decisions and your regulatory compliance<sup>1</sup>. →



# About HireRight

HireRight offers on-demand employment background checks, drug and health screening, and electronic Form I-9 and E-Verify solutions that help employers automate, manage and control background screening and related programs. Many companies, including more than 9,500 transportation organizations trust HireRight because the company delivers customer-focused solutions that provide greater efficiency and faster results.



## Contact Us

Simply call us at 800.400.2761  
or visit us online at

[www.hireright.com/transportation](http://www.hireright.com/transportation)

<sup>1</sup>FCRA §604(b)(3)(B) allows for alternative disclosure and authorization methods for employers considering candidates for certain transportation positions.

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