

CDL DRIVER QUALIFICATION AND HIRING



Doc. Type:	Procedure	Effective Date:	5/1/2017
Section:	30	Revision Number:	01
Status:	Issued	Last Revised:	5/12/2020

1. Introduction

- a. **H2 Enterprises, LLC (H2)** believes that our employees are our most valuable assets, and that the success of the company is determined by the quality of its employees. Because of these beliefs, the personnel selections of the company are extremely important. The company is committed to hiring only the best and most qualified available CDL drivers.
- b. To help carry out this commitment, **H2** has implemented the following driver qualification procedures for CDL drivers.

2. Qualification Procedures

- a. **H2** driver hiring qualification standards and procedures have been developed to achieve two goals. The first goal is for the company to meet or exceed all Federal Motor Carrier Safety Regulations (FMCSR) concerning driver qualification. The second goal is to select only the best available drivers: Drivers who share **H2** values and goals of operating in a safe, legal, and professional manner.

3. Hiring Standards

- a. **H2** is required by the safety regulations to hire driver applicants who are a minimum of 21 years of age. (Sec. 391.11(b)(1))
- b. **H2** hiring standards require that only those driver applicants with 1 or fewer chargeable or preventable motor vehicle accidents within the past three years will be considered for employment. Because of **H2** commitment to safety, the company will not consider driver applicants who fail to meet the above standard.
- c. **H2** hiring standards also require that only those driver applicants with 2 or fewer violations of motor vehicle laws (other than violations involving parking only) within the past 3 years will be considered for employment. An applicant who has incurred more violations than the above standard has demonstrated a pattern of unsafe driving behavior which **H2** finds unacceptable in any prospective driver associate. (Secs. 383.51, 391.15, and 391.23)
- d. **H2** will consider for employment a driver applicant who has been convicted of an offense involving the operation of a motor vehicle while impaired by alcohol only if the applicant has had no similar incidents within the past 5 years. (See **H2** Drug and Alcohol Policy and Procedures)
- e. **H2** will not consider for employment a driver applicant who has been convicted of any careless or reckless driving of a motor vehicle offense within the past 3 years. Drivers convicted of operating a motor vehicle with willful or wanton disregard for the safety of persons or property are considered to be unsafe by the

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company. This kind of behavior is unacceptable in any prospective **H2** driver. (Secs. 383.5 and 391.15)

- f. **H2** will not consider any driver applicant who has been convicted of a criminal offense involving a commercial vehicle, including operating while under the influence of a controlled substance, transporting a controlled substance, or a felony involving the use of a commercial motor vehicle. (Secs. 383.51 and 391.15)
- g. Drivers will be expected to converse with other company employees, our customers, and the public. Therefore, **H2** requires all driver applicants to be able to read and speak English sufficiently to be able to perform all duties and functions of the job. (Sec. 391.11 (b)(2))
- h. Driver applicants will also be required, because of experience, training, or both, to be able to:
 - i. Safely operate a **H2** vehicle
 - ii. Determine and execute proper cargo securement procedures.
 - iii. Motor vehicle incidents must be reported to **H2**

4. Due Process Rights

- a. Drivers hired after October 29, 2004, will be notified of their due process rights as specified in Sec. 391.23(i) regarding the information received as part of the background investigation. This notification will be given to the driver prior to a hiring decision in a written form, stating his/her right to review and refute erroneous information.
- b. The written notification will appear with the driver application, requiring a signature immediately below the information by the driver applicant as acknowledgment of his or her receipt and understanding.
- c. The written notification will be given to the driver in a form separate from the driver application. The applicant will be required to sign and date the form as acknowledgment of his or her receipt and understanding.

5. License

- a. **H2** Safety Department will obtain a legible copy of the license of all driver applicants. The Safety Department will conduct a review of the license to be certain it is valid, has not expired, is the appropriate class for **H2** vehicles, has the appropriate endorsements, is issued by the applicant's current state of residence, and that the applicant possesses only one license. (Secs. 383.21, 391.23 and 391.11 (b)(7))

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6. Fair Credit Reporting Act Disclosure (FCRA)

- a. Driver applicants will be given a copy of the FCRA Disclosure Statement. If an applicant is not hired based on background information obtained, the applicant will receive a copy of the record and the summary of consumer rights.

7. Motor Vehicle Record (MVR)

- a. **H2** will request an MVR for driver applicants being considered for employment after the company has received the completed and signed employment application. An MVR will be requested from every state the applicant has lived in during the past 7 years. If an MVR request from a former state of residency comes back indicating “no record found,” the MVR request will be placed in the driver’s qualification file (if hired) as verification that **H2** attempted to obtain the information.
- b. **H2** Safety Department will review all MVR information to determine if driver applicant meets company hiring standards regarding driving records, and will compare the MVR against the employment application to check for completeness and accuracy. (Sec. 391.23)
- c. BACKGROUND INVESTIGATION OF DOT-REGULATED EMPLOYERS – SAFETY PERFORMANCE HISTORY
- d. **H2** will contact the past 5 years of former employers and current DOT-regulated employers for the driver applicant for the previous years to verify as much of the following as possible:
 - i. Employment verification including:
 1. Driver identifying data (date of birth and social security number),
 2. Dates of employment,
 3. Type of work performed,
 4. Type of vehicle(s) operated,
 - ii. DOT-recordable accidents; and
 - iii. DOT-alcohol and drug testing information.
- e. Driver applicants must provide written authorization to the company to obtain the DOT drug and alcohol testing information. All former and current employer information gathered under **H2** inquiries must be in writing and retained in the driver’s investigation history (DIH) file, if hired. In the event a former or current employer refuses to release information, a note stating this will be placed in the DIH file. This DIH file will be in a secured location with access limited to those involved in the hiring process.

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- f. **H2** Safety Department will review all former and current employer information to determine if the driver applicant meets company hiring standards regarding past and current employment, and to determine if the applicant was truthful about information listed on the employment application. (Sec. 391.23)

8. Background Investigation of Non-DOT-regulated Employers

- a. **H2** will contact all former and current non-DOT-regulated employers of the driver applicant for the previous 3 years to verify as much of the following as possible:
- i. Employment verification including:
 1. Driver identifying data (date of birth and social security number),
 2. Dates of employment, and
 3. Type of work performed.
 - ii. Attendance and reliability,
 - iii. Overall work history and performance, and
 - iv. Record of misconduct regarding employment policies.
- b. All former and current employer information gathered from **H2** inquiries must be in writing and will be retained in the driver's (if hired) personnel file. In the event a former or current employer refuses to release information, a note stating this will be placed in the file.
- c. **H2** Safety Department will review all former and current non-DOT-regulated employer information to determine if the driver applicant meets company hiring standards regarding past and current employment, and to determine if the applicant was truthful about information listed on the employment application.

9. DOT Drug and Alcohol Test Information from Previous Employers

- a. **H2** required driver applicants to provide written authorization to the company to obtain drug and alcohol test information for each previous and current employer during the preceding 3 years.
- b. All information from former employers regarding drug and alcohol test results must be in writing and will be retained in a separate file for the driver (if hired). In the event, no response is received from a former or current employer, a note stating this will be placed in the file. (FMCSR, Sec. 382.413)
- c. **H2** will still consider for employment any driver applicant who, under a DOT- required drug and alcohol testing program, refused a drug or alcohol test,

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failed a random, reasonable suspicion, post-accident, return-to-duty, or follow-up alcohol test, or tested positive for controlled substances while with a previous employer.

- d. For procedures on hiring of driver applicants who have failed an alcohol or drug test, or have refused to be tested, at a previous employer, see **H2** Drug and Alcohol Policy and Procedures.
- e. A sample Drug & Alcohol Request/Consent Form Previous Employer form is attached to this policy.

10. Previous DOT Pre-employment Tests

- a. A driver applicant will be asked whether he or she has tested positive, or refused to be tested, on any pre-employment drug or alcohol test administered by a DOT-regulated employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years.
- b. A copy of this statement will be retained in the driver's confidential drug and alcohol testing information, along with any supporting documents.
- c. A driver who failed or refused a DOT pre-employment drug or alcohol screen in which he or she was not hired will still be considered for employment.

11. Physical Examination and Certificate

- a. Applicants who successfully pass a physical examination will be issued a Medical Examiner's Certification card. A copy of the Medical Examiner's Certification card will be placed in the driver's qualification file, and the original will remain in the possession of the driver always while on duty or operating a company vehicle. (Sec. 391.41, 391.43, and 391.45)
- b. **H2** will accept unexpired, valid physical cards from driver applicants in lieu of their passing a pre-employment physical examination.
- c. A sample Medical Examination Report form is attached to this policy.

12. Pre-Employment Drug Test

- a. **H2** requires applicants for or transferring into safety-sensitive positions to submit to a DOT pre-employment drug screen to be conducted at a collection site designated by the company. These driver applicants shall not be offered employment until a negative test result has been reported. (See **H2** Drug and Alcohol Policy and Procedures.)
- b. A sample Controlled Substances Test Results form is attached to this policy.