

## Screening transportation program applicants using Motor Vehicle Records (MVRs)

Markel often receives requests to obtain MVRs to support staff hiring decisions. We strongly encourage programs obtain MVRs as a pre-employment risk management screening process as part of their transportation program. Proactive risk management strategies are proven to reduce loss activity, including vehicle accidents. Employers must evaluate information on an MVR in order to determine employability for anyone that may be driving a program vehicle. Hiring should not be based on whether the applicant meets an insurance company's underwriting criteria for approved drivers.

Having applicants provide MVRs as part of an application process has a number of benefits. Most notable is it provides an opportunity for a more comprehensive analysis of a driver's driving history. A study completed by the Insurance Institute for Highway Safety, *Completeness of Driver Records*, reported that both state-level and local practices (for processing MVRs) adversely affect the completeness and usefulness of driver history records. These practices reduce insurers' and employers' ability to evaluate risks of prospective or current insured or employees. Non-governmental agencies, such as insurance companies and employers are limited in the scope of information they can obtain on an MVR. For example, in Virginia, MVRs requested **by potential employees** contains up to **7 years** of driving history. It may be issued to the potential employee or to employers, but must be accompanied by a signed release authorizing them to obtain records for the purpose of employment. Conversely, **insurance MVRs** often only obtain **3 years** of records.

Why is this important? According to the Federal Trade Commission (FTC), when you use consumer reports to make employment decisions, including hiring, retention, promotion or reassignment, you must comply with the Fair Credit Reporting Act (FCRA). The FTC enforces the FCRA.

*Using Consumer Reports: What Employers Need to Know*, outlines requirements that an employer must do when they use MVRs as a pre-employment screening tool.

- Tell the applicant or employee that you might use information in their consumer report for decisions related to their employment. This notice must be in writing and in a stand-alone format. The notice cannot be in an employment application. You can include some minor additional information in the notice, like a brief description of the nature of consumer reports, but only if it does not confuse or detract from the notice.

- Get written permission from the applicant or employee. This can be part of the document you use to notify the person that you will get a consumer report. If you want the authorization to allow you to get consumer reports throughout the person's employment, make sure you say so clearly and conspicuously.
- It's a good idea to review applicable laws of your state related to consumer reports. Some states restrict the use of consumer reports – usually credit reports – for employment purposes.

In addition to state laws, you can consult your State's Department of Motor Vehicles (DMV) for what information you can obtain to support a proactive transportation risk management process.

You can access the *Using Consumer Reports: What Employers Need to Know* at [www.ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-what-employers-need-know](http://www.ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-what-employers-need-know).





## Lawn mowers don't just cut grass – Reducing the risks

Claims involving lawn mowers reported to Markel often involve two outcomes that result in either a liability or property claim against a program. Objects thrown from lawn mowers frequently result in a liability claim when the object impacts a person or the property of another. Poorly maintained or overworked equipment can result in fire damage where the lawn mower is parked or garaged when it catches fire.

**To reduce the likelihood of injury or loss involving your mower/tractor** – review the following Safe Operating Practices offered by the Consumer Product Safety Commission (CPSC) and John Deere:

- Read, understand, and follow all instructions on the machine and in the manual(s) before starting. Maintain or replace safety and instruction labels, as necessary. Only allow responsible adults, who are familiar with the instructions, to operate this machine.
- Clear the area of objects such as rocks, wire, toys, etc., which could be thrown by the blade(s). Be sure the area is clear of bystanders before operating. Stop the machine if anyone enters the area.
- Do not mow in reverse unless absolutely necessary. Always look down and behind before and while backing.
- Never direct discharged material toward anyone. Avoid discharging material against a wall or obstruction, as material may ricochet back toward the operator. Stop the blades(s) when crossing gravel surfaces.
- Do not operate machine without the entire grass catcher, discharge guard, or other safety devices in place and working.
- Slow down before turning. Use extreme care when approaching blind corners, shrubs, and trees, or other objects that may block your view.
- Keep small children out of the mowing area, and in the watchful care of a responsible adult other than the operator.
- Never carry passengers.
- Never leave a running machine unattended. Always turn off the blade(s), set the parking brake, stop the engine, and remove the key before dismounting.
- Disengage blade(s) when not mowing. Shut off engine and wait for all parts to come to a complete stop before cleaning the machine, removing the grass catcher, or unclogging the discharge guard.
- Operate machine only in daylight or good artificial light.
- Do not operate the machine while under the influence of alcohol or drugs.
- Watch for traffic when operating near or crossing roadways.
- Always wear eye protection when operating machine.



### To help reduce the risk of accidental fire:

- Extinguish all cigarettes, cigars, pipes, and other sources of ignition.
- Never operate machine in a closed area. Never fuel the machine indoors.
- Keep all nuts and bolts tight to be sure the equipment is in safe working condition.
- Never tamper with safety devices. Check their proper operation regularly.
- Keep machine free of grass, leaves, or other debris build-up. Clean up oil or fuel spillage and remove any fuel-soaked debris. Allow machine to cool before storing.
- Never make any adjustments or repairs with the engine running.
- Use only an approved gasoline container.
- Never remove gas cap or add fuel with the engine running. Allow engine to cool before refueling.
- Never store the machine or fuel container where there is an open flame, spark, or pilot light such as on a water heater or other appliances.
- Never fill containers inside a vehicle or on a truck or trailer bed with a plastic liner. Always place containers on the ground away from your vehicle before filling.
- Remove gas-powered equipment from the truck or trailer and refuel it on the ground. If this is not possible, then refuel such equipment with a portable container, rather than from a gasoline dispenser nozzle.



- Keep the nozzle in contact with the rim of the fuel tank or container opening at all times until the fueling is complete. Do not use a nozzle lock-open device.
- If fuel is spilled on clothing, change clothing immediately.
- Never overfill fuel the tank. Replace gas cap and tighten securely.

Additional tips from the CPSC can be found at [www.cpsc.gov/pagefiles/122050/588.pdf](http://www.cpsc.gov/pagefiles/122050/588.pdf).

John Deere also offers a variety of tips and training resources to help support your mower and tractor safety efforts at their Customer Safety Guides website: [www.deere.com/en\\_US/services\\_and\\_support/safety-and-training/safety/customer-safety-guides/customer-safety-guides.page](http://www.deere.com/en_US/services_and_support/safety-and-training/safety/customer-safety-guides/customer-safety-guides.page)

## 2015 Safety 1<sup>st</sup> award nominations are now open!

Get the recognition your camp deserves.

### Safety 1<sup>st</sup> nominations are due no later than November 20, 2015

Every year, Markel recognizes camps that have shown an outstanding commitment to safety with the prestigious Safety 1<sup>st</sup> designation.

#### Your camp qualifies if you:

Have been a Markel customer for at least three years, and have a liability, property, or auto policy with Markel.

**NOTE:** Camps with an accident medical policy only are not eligible for this program.

### Nominate your camp now!

1. Go to **[campinsurance.com](http://campinsurance.com)**.
2. Click on **Nominate your camp**.
3. Click the button at the bottom of the page to **begin the online form**.

Use your smartphone to scan the QR code to nominate your camp immediately.





## Vehicle damage due to collisions with deer increase during the fall

According to the Insurance Institute for Highway Safety – Highway Loss Data Institute, collisions with animals rise sharply in the fall. The article attributes this to deer mating season when bucks are likely to be roaming. Statistics show that animal strike claims occur most frequently in West Virginia, Iowa, Pennsylvania, and Kentucky. Refer to Markel's Camp Risk Management article – Avoiding Deer Collisions, available at [www.markelinsurance.com/risk-management-home/msc-articles/avoiding-collisions-with-deer](http://www.markelinsurance.com/risk-management-home/msc-articles/avoiding-collisions-with-deer), or by visiting [campinsurance.com](http://campinsurance.com) and clicking on risk management to learn more.



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## Resources

- The Federal Trade Commission. (2012) *Using Consumer Reports: What Employers Need to Know*. [www.ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-what-employers-need-know](http://www.ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-what-employers-need-know)
- Lund, Adrian K., Thum, Denise., Preusser, Carol W., *Completeness of Driver Records* (1991). Insurance Institute for Highway Safety, Arlington, VA
- Insurance Institute for Highway Safety Highway Loss Data Institute. (2012), *Risk of collisions with deer is highest during November*.
- Consumer Product Safety Commission (2013). Publication 588. *CPSC Fact Sheet Riding Lawnmower*.

## Markel can help

Have a safety or risk management question, concern, or idea for our next newsletter?

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