



S3 Conference

Screening ❖ Safety ❖ Strategy

Hosted by DISA Global Solutions



DOT Employer Roundtable:

Navigating Driver Well-Being and Workforce Regulations



01

CSA Scoring

What is it and some ideas to manage it.



What is CSA?

- ❖ Compliance, Safety, Accountability
- ❖ Launched in 2010
- ❖ Leverages BASICS
 - ❖ Unsafe Driving
 - ❖ Crash Indicator
 - ❖ Hours of Service Compliance
 - ❖ Controlled Substance and Alcohol
 - ❖ HAZMAT Compliance
 - ❖ Vehicle Maintenance/Cargo (DVIRs)
 - ❖ Driver Fitness



- ❖ Critical to Promote a Safety-First Culture
- ❖ Leverage Technology
- ❖ Making Maintenance a Priority
- ❖ Driver Selection and Training
- ❖ Blind Spots and Lessons Learned



02

Non-Domiciled Drivers

New guidance and trends



- ❖ Nation-wide audit revealed systemic non-compliance by SLDAs issuing CDLs to foreign drivers
- ❖ Several fatal crashes in 2025 involved non-domiciled CDL holders which triggered a “national emergency” for highway safety
- ❖ DOT cited risks of licenses remaining valid long after a driver’s legal status expired



❖ Eligibility Restrictions

- Now requires H-2A (agricultural), H-2B (seasonal non-agricultural), or E-2 (investor) visas to obtain a CDL
- DACA recipients, asylum seekers, Temporary Protected Status, or others without the above visas are no longer eligible for CDL

❖ Document and Verification Requirements

- Must have unexpired foreign passport and form I-94
- States are required to check DHS' SAVE system

❖ License validity and renewal

- CDL expiration is now tied to visa's expiration, or 1 year whichever is sooner
- In-person renewals only – no online or mail renewals

❖ Enforcement and penalties

- States face losing federal highway funding
- DOT has already ordered states like CA, TX, PA and MN to pause issuance pending audit of all non-domiciled CDLs



Industry Impacts

- ❖ FMCSA estimates 194,000 drivers (about 5% of the CDL holders) could lose eligibility, leaving only a small number of visa-based drivers
- ❖ This could tighten driver supply and increase freight rates

Carrier Impacts

- ❖ Recruitment challenges: especially for those that use large numbers of visa-based drivers
- ❖ Compliance burden: document verification, continuous monitoring and audits
- ❖ Operational disruptions: license downgrades and delays in training and onboarding
- ❖ Cost implications: higher wages and administrative costs
- ❖ Strategic changes to hiring, technology and auditing



Review to Identify Impacted Drivers

- ❖ Non-US citizens, or lawful permanent residents
- ❖ Drivers with CDLs issued under non-domiciled status

Verify Immigration and Visa Status

- ❖ Confirm drivers hold qualified visas (H-2A, H-2B, or E-2)
- ❖ Collect and maintain copies of unexpired foreign passport and form I-94

Update HR and Compliance Processes

- ❖ Require in-person renewals for affected drivers
- ❖ Implement a tracking system for visa and CDL expiration dates
- ❖ Schedule periodic audits of driver eligibility



Communicate with Drivers

- ❖ Notify impacted drivers about new requirements and deadlines
- ❖ Be prepared to provide guidance on acceptable documentation

Prepare for Enforcement

- ❖ Train dispatch and safety teams to spot invalid CDLs
- ❖ Document your compliance procedures and processes in the event of a DOT audit
- ❖ Check your tracking system for pending downgrades before assigning loads

Driver Workforce Planning

- ❖ Explore domestic recruitment options
- ❖ Consider sponsoring visas programs as feasible
- ❖ Budget for potential wage increases and administrative costs



03

English Language Proficiency

New rules and considerations



The ELP requirement has long existed under 49 CFR 391.11(b)(2):
CDL drivers must be able to read and speak English sufficiently to:

- ❖ Converse with the public
- ❖ Understand highway signs and signals
- ❖ Respond to official inquiries
- ❖ Make entries on reports and records

The ELP regulation itself has not changed. However, enforcement has become significantly strengthened in 2025



What has changed?

- ❖ Executive Order 14286 (April 28, 2025) directed DOT and FMCSA to enforce ELP more rigorously
- ❖ New FMCSA Enforcement Policy (May 20, 2025) rescinds the lenient 2016 approach and reinstates strict enforcement.
- ❖ Effective June 25, 2025 ELP violations were added back to the North American Standard Out-of-Service Criteria.
- ❖ Drivers who fail ELP checks must be placed out-of-service immediately



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Two step assessment during roadside inspections

- ❖ **Conversational Test:** inspection beings in English; driver must respond without interpreters, cue cards or apps.
- ❖ **Sign Recognition Test:** driver must read and explain English-language highway signs (including MUTCD [Manual on Uniform Traffic Control Device] signs and dynamic message boards)
- ❖ **No Language Aids Allowed:** interpreters, translation apps, or cards are prohibited during assessment.



Verify English Speaking Ability

- ❖ Can driver converse in English without interpreters, cue cards or translation apps
- ❖ Conduct short interview in English (e.g. greetings, basic questions about trip details, etc.)

Reading and Comprehension

- ❖ Standard highway signs (STOP, YIELD, SPEED LIMIT, etc.)
- ❖ MUTCD signs and dynamic message boards
- ❖ Test with sample signs during onboarding

Documentation

- ❖ Maintain written verification of ELP assessment in driver qualification file
- ❖ Include date, assessor name and test results

Training and Remediation

- ❖ Provide language training resources for drivers who need to improve
- ❖ Audit files for compliance as carriers were required to meet standard by June 25, 2025

No language aids: ensure drivers understand that interpreters, apps, or cue cards are prohibited during roadside inspections



04

THC Issues

DOT vs Non-DOT Drivers

Classifications matter and the regulations differ

- ❖ DOT Drivers Compliance Standard
- ❖ Non-DOT Drivers Compliance Standard
- ❖ Creating and Communicating Policies
- ❖ Education and Support
- ❖ Policy Review and Update





05

Clearinghouse Accuracy and Completion

Ensuring Clearinghouse is managed

Providing a platform for D&A testing violations, in a concise method.

3-Year window of dual reporting

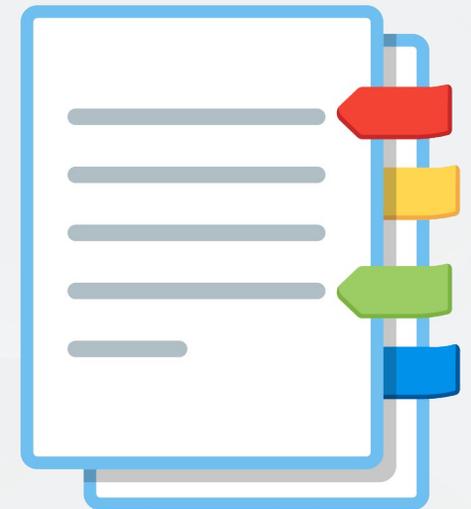
- ❖ Utilizing archaic Previous Employer Checks and reporting into Clearinghouse, with queries.

Common Misconception

- ❖ This did not replace or override Safety Performance Checks at pre-employment



- ❖ Full Query must be run for pre-hire
- ❖ Limited query run annually for time of employment
 - Should a violation be found on limited, full query must be ordered.
- ❖ Carriers can run these on their own or they can designate a TPA/CRA to run them on their behalf.
 - Designation must be made to the FMCSA Clearinghouse database directly.



Where Have You Seen the Greatest Challenges with Clearinghouse to Date?

Reports ran directly through Clearinghouse database can show discrepancies.

- ❖ Carriers/Donors can file petitions for thought inaccuracies.
 - Timeframes are limited for these petitions
 - Direct evidence must be provided by driver or employer



Where Have You Seen the Greatest Challenges with Clearinghouse to Date?

DataQ disputes can be a lengthy process, and this is an issue all carriers can and will face.

- ❖ Stay on top of your disputes through requests for update directly to the agency.
- ❖ There are currently no expediting services available.



06

Medical Certificates Completion

Tracing the Records Back to the License



Create Consistency in the Hiring and Monitoring Practices of Carriers.

- ❖ DOT Requires that all physicals be done by a member on the registry
 - Falsification of cards is more difficult with this added layer.
 - Tracking the card against the license





- ❖ Physical Examination completed and passed
 - Done by a physician on the registry
- ❖ Employee/Employer submit med cert to state.
 - This ensures that license stays in good standing.
- ❖ MVR Pulled with new Med Cert updated
 - Ensuring cards have been reported and under the correct qualifications for CDL holder(s).

What Have Been the Biggest Challenges for You and Your Organization?

- ❖ States reporting requirements differ
 - Creates a monitoring process for each state your driver may reside or hold their CDL.
- ❖ Timelines for submittal and reporting!
 - The time it takes for information to update at the state level is different and requires monitoring!
- ❖ Documentation
 - What needs to be submitted, when, where, and why??



What have you done to curb those challenges?



- ❖ TPAs can assist in monitoring the regulations
 - Allowing for guidance to be presented when needed.
- ❖ Streamline your documentation retention with your onboarding procedures.
 - Consolidate hiring systems or repositories.
- ❖ Integration capabilities
 - Utilize your relationships with a TPA to assist in the monitoring of these requirements.
 - Capitalize on these resources for your DQF compliance as well.



07

Insurance Costs

Ever-Increasing Costs Exacerbated by
Nuclear Verdicts



- ❖ Prioritize Safety and Training
- ❖ Document Everything
- ❖ Pre-Litigation Strategies
- ❖ Consider Joining Advocacy Groups
- ❖ Adopt Modern Technology
- ❖ Create and Communicate Policies Around Driver Conduct





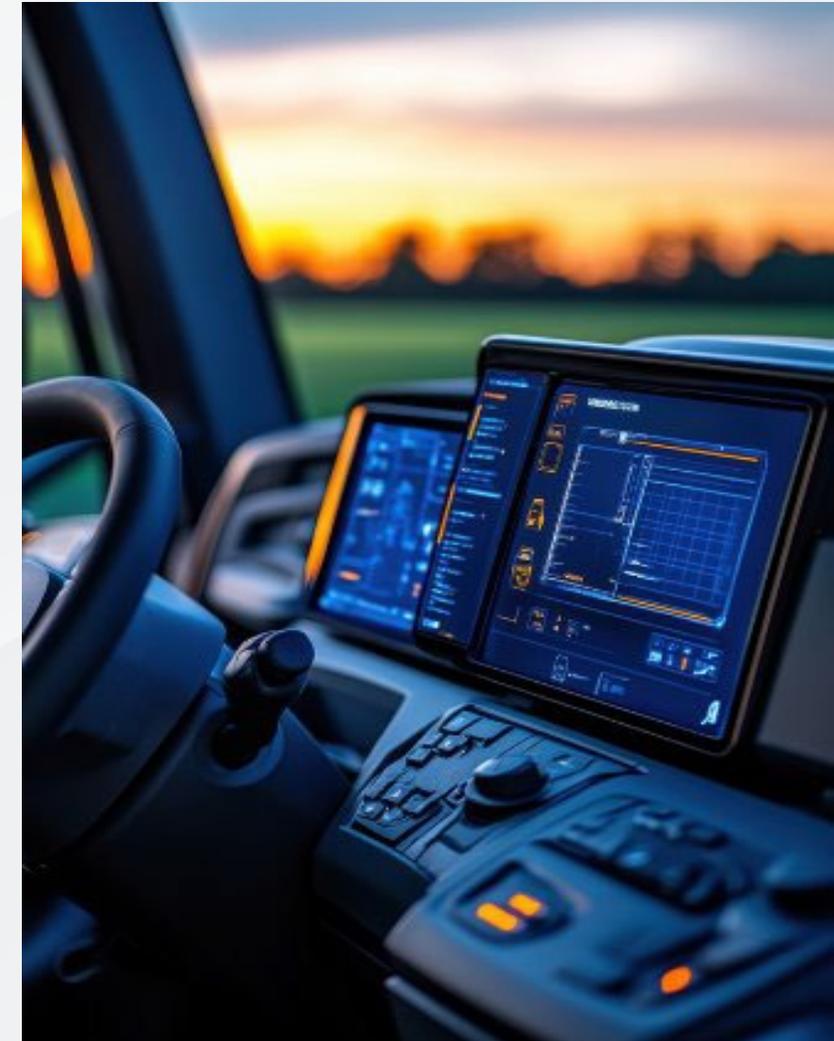
08

The Impact of Hours of Service Violations

ELDs Have Helped, but Violators Still Find a Way!



- ❖ Leverage technology to your advantage
 - ELDs have helped but have they curbed the overall issues with non-compliance?
- ❖ Regulations in place to combat driver fatigue
- ❖ Ultimately, HOS regulations help to ensure a safe driving environment for our drivers and daily commuters.





Violations Mean \$\$\$ and Possible Interruptions in Deliverables.



Top Violations in 2024

- ❖ Operating past 14-hour rule
 - Average Fine: \$7,000+ per instance
- ❖ 60/7 or 70/8 Violations
 - \$4,000+ average fine

Violations can stay with you for up to 3 years.



What Measures Have You Enlisted to Combat These Types of Violations?

Stress the Importance of Compliance

- ❖ Driver training on how they can help mitigate against violations.
- ❖ Stress the importance of why these regulations are in place, while understanding that the job needs to be done.
 - We always want the load delivered timely!





09

Employment Screening Regulation

Multi-Faceted Complexities



- ❖ Decisions Must be Multi-Dimensional
- ❖ Preemption Rule of Thumb
- ❖ Applicant Screen Considerations
- ❖ Administered Consistently Against Policy
- ❖ Creating Policies
- ❖ Legal Counsel and Local Experts
- ❖ Leverage Software
- ❖ Training on Regulation



10

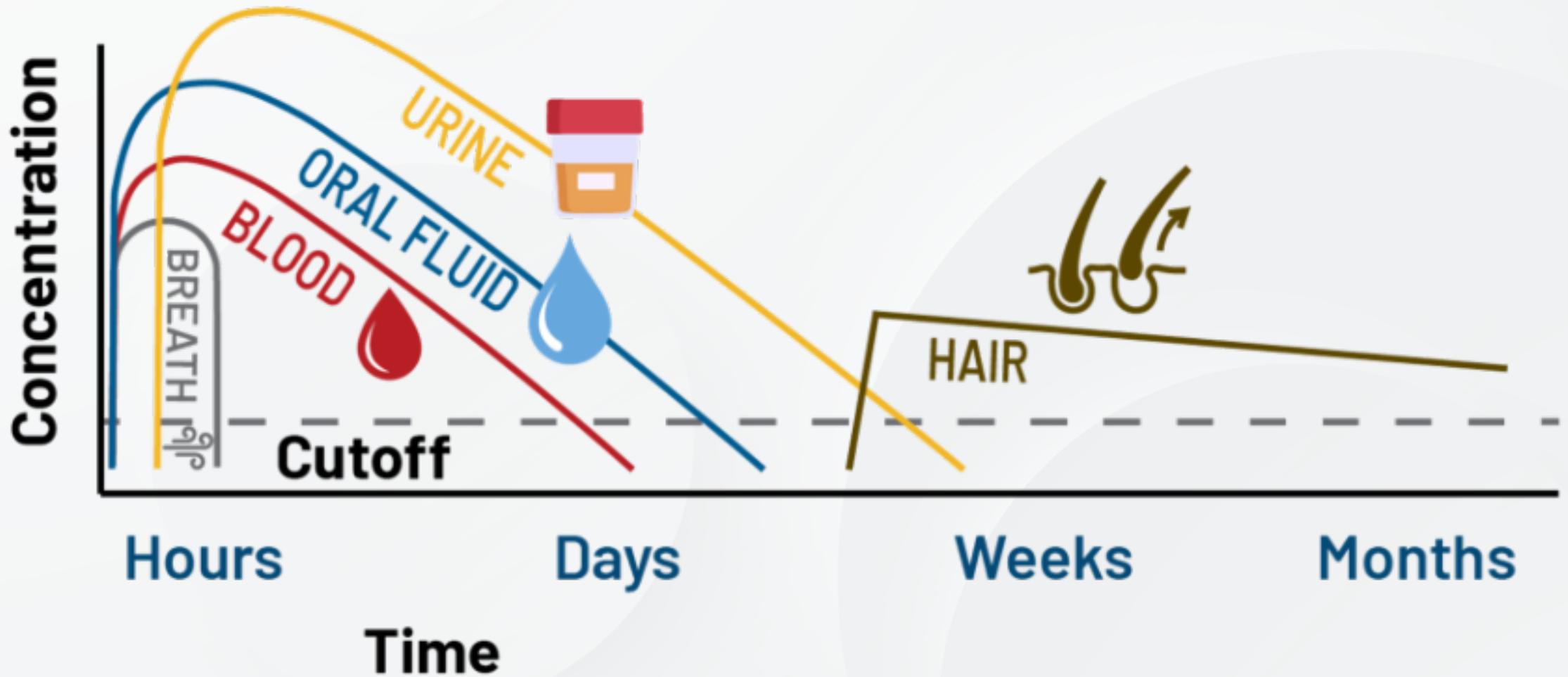
Hair Testing

Should you consider adding to your screening?

An Option to Heighten Your Safety Program

- ❖ Key differentiator
 - Lifestyle Factors!
- ❖ Detection window advantages and disadvantages
- ❖ When is hair the most viable option?
 - It must be used in conjunction with your current program not replace it.



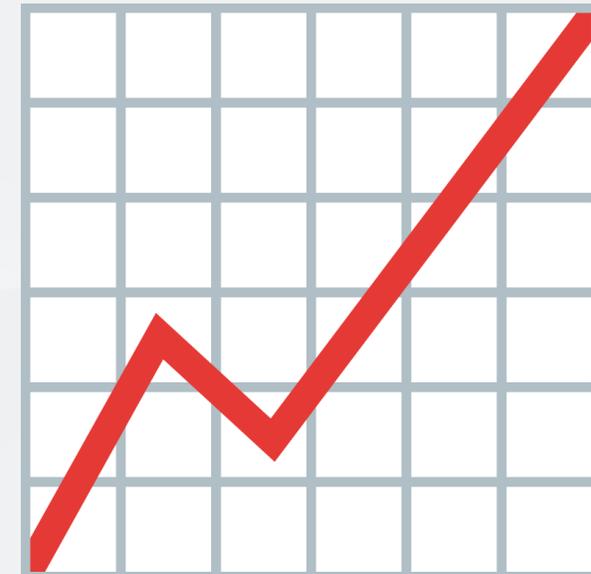


Carriers and employers that enlist hair see a spike in positivity!

- ❖ This spike does settle after time but is considerably higher than urine in terms of positivity.

The first year:

- ❖ 20%+ positivity has been seen at pre-employment
 - Settles to a more considerable 5% after year one.
 - This is still far higher than Urinalysis.



Collection process can be invasive.

- ❖ No one likes to get their hair cut by anyone but their barber/stylist.
- ❖ However, it is more difficult to cheat the test.

Accessibility to ample collection facilities.

- ❖ This challenge has faded due to the wide utilization of hair testing in industries.

The sheer cost!

- ❖ When you evaluate hair, the cost will seem high, but it is economical when you look at it from a cost per positive!





HELLO!



I am John Doe

I am here because I love to give presentations.
You can find me at @username



I am Jane Doe

I am here because I love to give presentations.
You can find me at @username



THANKS!

Any questions?

You can find me at

@username

user@mail.me