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Training Requirements of the Federal Motor Carrier Safety Administration (FMCSA)



September 27th, 2019



Many

of you have sent me emails you have received from consulting firms saying that you are required to have your supervisors of CDL drivers trained in Drug and Alcohol Reasonable Suspicion Testing. The emails are used as "scare" tactics to get you to purchase their supervisor training courses, webinars, etc. They are correct that your supervisors are required by Federal Motor Carrier Safety Administration (FMCSA), but the good news is that the FMCSA makes this training available to you at NO COST!!!

Let's look at what the regulations say about training of your supervisors of CDL drivers.

By the way, this applies to all motor carriers INTRA and INTER state.

Who is Subject to the Supervisor Training for Reasonable Suspicion Testing?

CFR 382.603 Training for supervisors



UPCOMING EVENTS

October 7th – 13th is Fire Prevention Week

National Fire Prevention Week is coming, and it is a good time to review with your drivers how to prevent fires and how to react to a fire that occurs in their commercial motor vehicle.



Fire extinguisher inspection is a vital part of a driver's daily vehicle inspection process. It amazes me how many times I will be looking at a truck and find the fire extinguisher has lost its pressure due to a leak or was used and returned to the truck without being recharged. The actions of a driver at the time of a fire are crucial in saving lives and controlling the amount of loss.

Register Now to Attend an Idealease/NPTC Safety Seminar this Fall!



Each employer shall ensure that all persons designated to supervise drivers (CDL) receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

So Where Can I Get the Training?

The FMCSA has the supervisor training available in video format that can be downloaded from their website for FREE!



[Click Here](#) to access the Home page, and [Click Here](#) for the videos.

It will take a while to download due to the length of the video and depending on the quality you choose.

You can also check with your D&A Third Party Administrator to see if they provide the training.

Are There any Training Requirements in the Regulations Specific to Drivers?

Outside of the Hazardous Materials Training requirements for drivers, the following regulation applies to all CDL drivers:

- Required Entry Level Training CFR part **380(e)**
- Entry level driver is a driver with less than one year of experience operating a CMV with a CDL in INTERstate commerce
- Entry level driver training must include instruction addressing the following four areas:
 - Driver Qualifications
 - Hours of Service
 - Driver Wellness
 - Whistleblower Protection

*Documentation of the training shall be kept in DQ file for term of employment and 1 year thereafter.



NEW....Final Rule for Entry Level Driver Training

Final rule was published in December 2016.

Final rule will replace the above rule and establishes minimum training standards for INTERstate and INTRAsate drivers

applying for their initial CDL, upgrading their current CDL, or obtaining a hazardous materials, passenger, or school bus endorsement for the first time.

The prescribed training includes both theory (knowledge) and behind-the-wheel (range and public road) instruction.

This rule goes into effect February 7, 2020.

Join us at a safety seminar in August, September or October to hear the latest updates on regulations and compliance.

[Click Here to Sign Up](#) for a seminar near you!

Idealease and the National Private Truck Council NPTC will again be hosting safety seminars in 2019. The one-day seminar this year will focus on new safety technologies available on trucks today, basic safety and compliance, regulation changes and CSA. The seminars and will be provided to all Idealease customers, potential customers and NPTC members at no charge.

The seminar provides important information applicable for both the novice and experienced transportation professionals.



FALL SEMINARS

10/3/2019	Erie, PA
10/8/2019	Chicago, IL
10/8/2019	Everett, WA
10/9/2019	Eugene, OR
10/15/2019	Reno, NV
10/22/2019	Salt Lake City, UT
10/23/2019	Lexington, KY
10/23/2019	Modesto/Turlock, CA

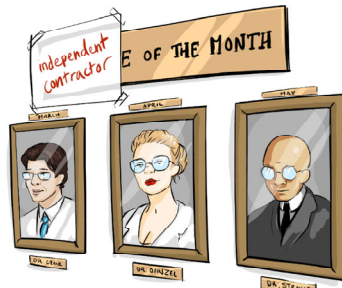
California Governor Signs Law Limiting Use of Independent Contractors

California Governor Gavin Newsome has signed into law A.B. 5, a bill that codifies the state Supreme Court's 2018 decision in [Dynamex Operations West, Inc. v. Superior Court](#), 4 Cal. 5th 903.

The court adopted a very broad three-part test for when a worker may be classified as an independent contractor so the company may avoid the State Wage and Hour laws, including tax withholdings, other benefits, and requirements to pay minimum wage and provide meal and rest breaks, etc. The court concluded "that unless the hiring entity establishes:



- A. that the worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact,
- B. that the worker performs work that is outside the usual course of the hiring entity's business, and
- C. that the worker is customarily engaged in an independently established trade, occupation, or business,



then the worker should be considered an employee and the hiring business an employer under the suffer or permit to work standard in wage orders. The hiring entity's failure to prove any one of these three prerequisites will be sufficient to establish that the worker is an included employee, rather than an excluded independent contractor, for purposes of the wage order."

For for-hire trucking companies, the second provision is particularly troublesome. Independent contractor drivers are always performing work that is within the usual course of the hiring entity's business, i.e., trucking, so the decision seems to bar any trucking company from claiming that its drivers are independent owner-operator contractors. After enactment of A.B. 5, that three-part test is now codified in California statute.

Updated Handbook on Perishable Foods Available

A 1987 handbook published by the U.S. Department of Agriculture's division of Agricultural Marketing Service (USDA-AMS) been updated and republished by a team led by University of Florida researchers. [USDA-AMS Handbook No. 669, "Protecting Perishable Foods During Transport by Truck and Rail."](#)

The revised handbook includes all of the developments in technology, best practices and food safety that have occurred since its original publication. The handbook provides comprehensive information for shippers, loaders, carriers and receivers regarding the equipment used to transport fresh and frozen perishable foods. It also offers recommendations for handling different perishable food items to reduce losses in quality while



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Have Your Heard About the New *Elevate Your Driver's Performance* Question/Tip of the Week?

Short weekly questions/tips to keep your team striving for Excellence behind the wheel, covering (but not limited to) the various following topics:

- Key Performance Indicators (KPIs)
- Safety
- Scorecarding
- Driver performance
- Motivation
- Incentives

ELEVATE: QUESTION/TIP OF THE WEEK SIGNUP

Email *

First Name *

Last Name *

Job Title *

Company *

maintaining sanitary conditions.

The new handbook is downloadable as a smart PDF and can be easily navigated and searched on a driver's mobile phone or other device.

Study: Truck Drivers Rank Among the Most Sleep-Deprived Americans

A study from Ball State University indicates that truck drivers as a group are getting inadequate sleep.

The report analyzed more than 150,000 working adults from 2010 to 2018 and found that Americans getting seven hours or less of sleep increased from 30.9% in 2010 to 35.6% in 2018.



The transport and material moving industry ranked third among the professions with the highest levels of poor sleep, at 41%. Police and military ranked first at 50 % and healthcare support occupations was second at 45%.

Inadequate sleep can lead to physical and mental health issues, injury, loss of productivity and premature death,

according to the study's lead author.

The *Journal of Community Health* published the study on **Monday, September 24**.

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