



## SCA Distracted Driver Policies for All Staff and Members

**SCA has updated and revised its distracted driver policies, with the intent to increase staff safety and protect against personal and organizational loss. Please review and diligently uphold the following policies, for your safety, the safety of others, and the well-being of SCA.**

### Distracted Driver Policy

**Conducting SCA Business:** The following policy is in effect any time SCA staff are conducting SCA business while driving, **in any vehicle, including your personal vehicle**. This is defined as any time that is spent interacting with SCA (e.g. taking a Duty Officer call while commuting to/from work, calling into a meeting, or talking with an agency partner).

**Electronic Communications:** The following distracting activities are prohibited when operating an SCA [owned / rented / leased] vehicle, or a personal vehicle (when conducting SCA business):

- a. Cell phone use (hand-held and hands-free)
- b. Text messaging
- c. Internet use
- d. Sending/writing/reading email
- e. Using other communication or note-taking devices such as PDAs, Blackberries and laptops
- f. Wearing headphones or earbuds (unless required, i.e. a hearing aid)
- g. EXCEPTION: calls placed to 911
- h. If placing an emergency call, keep the call short and use hands-free options if available
- i. When receiving an emergency call, ask the caller to hold briefly until you can safely pull your vehicle well off the road.

**Navigational Aids:** When operating an SCA vehicle or personal vehicle (for SCA business):

- a. Only use navigational aids (GPS units) that give audio prompts
- b. Locate the navigational aid (on the dashboard or on the windshield) in such a way as to not impair the driver's vision and create a blind spot.
- c. Set navigational aids to the destination prior to departure.
- d. Pull well off the road to a safe location and stop the vehicle before resetting or changing GPS options (like the destination).

**Eating:** Plan to eat before or after operating a vehicle and use rest breaks to eat and refresh yourself.

- a. Driving with others -- It is prohibited to eat while driving others in the vehicle.
- b. Driving alone -- Avoid eating while driving alone. If you must eat to be more alert and focused, avoid foods with wrappers or need two hands to eat, might require that you take your hands off the road or may be spilled while eating.

**Beverages:** Plan to hydrate before or after operating a vehicle and use rest breaks to eat and refresh yourself.

- a. Drivers are allowed to drink a non-alcoholic beverage while driving if doing so allows them to be a more alert, focused driver.
- b. Drivers are reminded to be mindful of the distractions associated with drinking beverages such as spilling, hot liquids, poor visibility while drinking, etc.

**Alcohol:** At no time should an SCA staff member drive any SCA owned or rented vehicle, or personal vehicle while on SCA business, under the influence of alcohol. Staff and members should have sufficient rest/sleep and recovery time after consuming alcohol before driving.

**Other Distractions:** Anyone on SCA business should not drive when his or her ability to drive safely is impaired by substances, medications or insufficient rest.

The following activities are prohibited when operating an SCA [owned / rented / leased] vehicle:

- a. Personal Grooming
- b. Other activities that significantly impair the operator's ability to focus on driving

**Documentation:** All SCA employees will be required to sign a document stating that they have read, understand and agree to comply with this policy.

**Failure to comply:** Any SCA employee who fails to comply is jeopardizing their safety and the safety of others, and will be subject to progressive disciplinary procedures up to and including suspension or termination.

If you observe someone breaking the policy, the first line of defense should be to remind that person of the policy. If you observe someone routinely or knowingly breaking the policy, or if you're not comfortable approaching them yourself, the next step is to contact HR through the HRHelpdesk so your concern can be passed along to that person's manager.

### **Guidelines and Resources to assist you with compliance**

**Electronic Communications.** Avoid cell phone distractions by:

- a. Allowing voicemail to handle your calls and return them when safe.
- b. Pulling off the road to a safe location and parking the vehicle before using your phone.
- c. Inform regular callers of the best time to reach you based on your driving schedule.

**Navigational Aids.** Use navigational aids in a manner that minimizes distractions while driving. Use your co-pilot to enter information, or stop the vehicle altogether – never enter information into the GPS while driving.

**Use of the “Co-pilot.”** Use the “co-pilot” to help reduce distractions by asking them to:

- a. Answer and place and conduct any cell phone calls
- b. Assist with navigation (reading maps and directions, operating navigational aids)
- c. Adjust dashboard controls
- d. Assist other passengers

### **Research which informs this policy**

Our policy was developed after extensive review of the policies of other organizations similar to SCA<sup>1</sup> as well as case law. The trend is clear that organizations and companies are increasingly held responsible for the actions of their employees while those employees are acting as agents of the organization. This agency relationship is established when **a person acts on behalf of the organization.**

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<sup>1</sup> See NOLS, AMC, NCCC, Outward Bound policies.

A newsletter by Braun Consulting concisely describes the reasoning underlying SCA's distracted driver policy:

*Under the doctrine of vicarious responsibility, employers may be held legally accountable for the negligent acts of employees committed in the course of employment. Employers may be held liable for an accident by someone if they supply the phone, or if they encourage the driver to use it, whether or not the call is related to business.*

There are two main reasons that businesses should be concerned about employees and cell phone liability:

1. An employee could be injured or killed in an accident in part because of cell phone usage while driving. It is an unsafe activity and increases the risk of injury or death.
2. If the employee is engaged in company business while on the phone and involved in an accident then the employer may be liable, and face significant financial repercussions.

Since 1999 there have been numerous legal cases demonstrating employer liability for accidents involving employees using cell phones during crashes.<sup>2</sup> In addition, according to the National Law Journal, the use of cell phone records as evidence to indicate driver distraction has become an important method of determining fault in disputed automobile accidents.<sup>3</sup>

In 2012, the National Highway Safety Council urged all states to ban driving while using cell phones, even hands-free models. Also in 2012, Coca-Cola received a \$21 million judgment against it for a distracted driving injury.

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<sup>2</sup> [Smith Barney case](#): (Company entered \$500,000 settlement after employee hit and killed a motorcyclist while making cold calls on personal cell phone while driving personal vehicle.); [Cooley Godward v. Yoon](#): (\$30 million wrongful death lawsuit after employee, while conducting business on her cell phone, struck and killed a 15-year old by with her car.); [Hawaii case](#): (State agreed to pay \$2.5 million after state employee, while talking on the phone, hit a tourist with her car.); [Bustos v. Leiva](#) (\$16.1 million settlement after employee was so distracted by cell phone conversation that he made no attempt to stop and slammed into the plaintiff's car.); [Beers Skanska](#) (\$4.75 million settlement after employee, while reaching to cell phone to retrieve a message, slammed into a stationary sedan.)

<sup>3</sup> News Report NR-2002-11-04, *15-Passenger Van Instability Leads NLJ's List of Emerging Litigation Trends*.



## SCA Distracted Driver Policies for All Staff and Members – Updated July 2012

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**I have read, understood, and I agree to abide by the distracted driving policies outlined above.**

Your name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_