



**FAITH**  
IN ACTION

## WILLIAMSBURG AREA FAITH IN ACTION

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"A Neighbor's Independence Depends on You"

### WILLIAMSBURG AREA FAITH IN ACTION (WFIA) DRIVING POLICY

#### **BACKGROUND:**

One of the leading causes of injuries to nonprofit staff and volunteers — and of lawsuits filed against nonprofit organizations — is vehicular accidents. Such risks exist whenever a car is used on behalf of a nonprofit organization. WFIA faces at least three categories of transportation related risks: drivers, vehicles, and passengers. Generally, our volunteers are the drivers. Their vehicles are privately owned and insured. Care receivers are the passengers. We'll address each of these categories.

When an employee or volunteer is involved in a vehicular accident while serving WFIA, WFIA may become involved in claims for personal injury, damage to or loss of property, and/or tort liability. As a nonprofit, WFIA, may be held vicariously liable for any damage or injury caused by its drivers — whether the driver is a paid staff member or a volunteer. Two conditions must be met for the nonprofit to be vicariously liable — control and scope. The nonprofit can be held liable if it had the right to control the driver. (Control indicates that the organization: decided to undertake the activity; planned the scope and details of the activity; asked the particular driver to participate; and could have reassigned the task to someone else.) Second, the nonprofit can be held liable if the activity causing the harm was within the scope of the driver's position and duties. (Scope indicates the activity: is consistent with the organization's mission; is a regular part of the organization's program; was authorized by someone within the organization; was part of the driver's job description; was related to the volunteer's normal duties; and the activity benefited the nonprofit.) (Summarized from "Steering Clear of Transportation Risks." Public Entity Risk Institute Home Page — Resource Library / Audience / Nonprofits. 09/01/1999. <https://www.riskinstitute.org>).

WFIA establishes the safe driving standards and program requirements listed herein. WFIA has the right to deny employment or volunteer status to candidates based on their driving records.

#### **PURPOSE:**

To promote safe driving by employees and volunteers and protect the mission, personnel and other assets of WFIA.

## **SCOPE:**

All employees and volunteers who operate private vehicles on WFIA business.

## **POLICY:**

A driver's license record check will be conducted with the permission of the candidate at time of employment / volunteer training and at least tri-annually thereafter. In addition to having a valid driver's license, employees and volunteers must maintain a safe driving record according to these requirements:

1. No more than two moving violations in a twelve (12) month period, or
2. No more than three moving violations in a twenty-four (24) month period, or
3. No record of convictions associated with Driving Under the Influence (DUI), reckless driving, eluding police, leaving the scene of an accident, or manslaughter (voluntary or involuntary) within the past sixty (60) months.
4. No record of current revocations or suspensions or previous revocations or suspensions associated with moving violations within the last sixty (60) months.

Failure to meet these requirements and/or failure to demonstrate the ability to drive safely will constitute an unsafe driving record.

## **RESPONSIBILITIES:**

### **PROGRAM COORDINATOR:**

Conduct driver's license record checks, with the permission of the candidate, at time of employment / volunteer training and at least tri-annually thereafter.

Notify the Executive Director if the results of an employee's or volunteer's initial or periodic driver's license check shows an invalid license or that the employee / volunteer has an unsafe driving record as defined above.

Recommend to the Executive Director appropriate action to take in cases where employees / volunteers fail to maintain safe driving program standards. These actions may include warning, training, temporary assignment to inactive volunteer status, termination, or others as appropriate.

Maintain a record of driver's licenses, proof of insurance, and periodic updates of both for employees and volunteers.

Maintain a list of employees / volunteers assigned temporarily inactive status or terminated as a result of failure to meet these policy requirements.

Conduct periodic reviews of driving records of volunteers assigned temporarily inactive status.

## **EMPLOYEES AND VOLUNTEERS:**

Sign an acknowledgement that they have been informed of, understand, and will comply with the WFIA driving policy.

Maintain a current, valid Virginia's driver's license.

Authorize Motor Vehicle Record (MVR) checks to determine compliance with WFIA's minimum criteria for driving.

Maintain automobile insurance consistent with at least minimum amounts required by the Commonwealth of Virginia.

Provide a copy of driver's license and proof of insurance to the Program coordinator at time of employment / volunteer training and upon periodic renewal of either.

Inspect, maintain and operate vehicles in accordance laws of the Commonwealth of Virginia.

Report at-fault accidents, convictions associated with Driving Under the Influence (DUI), reckless driving, eluding police, leaving the scene of an accident, manslaughter (voluntary or involuntary), or moving violations involving the employee/volunteer driver to the Program Coordinator as soon as possible.

Pay all fines resulting from violations of motor vehicle regulations.

## **PROCEDURE:**

If an initial or periodic Motor Vehicle Record check reveals a driving record that falls below the eligibility criteria established by WF IA, the employee / volunteer will be subject to corrective actions which may include training, being assigned to inactive volunteer status, termination, or others as appropriate.

## **SAFETY:**

Drivers are to obey all traffic laws including use of seatbelts and shoulder straps while vehicles are in motion.

Drivers shall not consume alcohol or drugs (illegal and/or prescription that could impair abilities) prior to or while operating vehicles.

## **WORKS CONSULTED:**

Bell, Lisa. "Does your state agency need a driving policy?" Risk-Tex Newsletter May 2005. [http://www.sorm.state.tx.us/Publications/risk tex/05/May/drive.php](http://www.sorm.state.tx.us/Publications/risk%20tex/05/May/drive.php)

Coverage, Claims & Consequences. An Insurance Handbook for Nonprofits 2<sup>nd</sup> edition. Ed. Melanie L. Herman. Nonprofit Risk Management Center, 2008

"Certification and Requirements for Business Use of Private Vehicle, Company Owned, Non-Owned and Hired Vehicles." CSU Fullerton Auxiliary Services Corporation Home Page. <<http://www.csufac.or2/forms/ACCOUNTING/DRIVING%20POLICY-FORM.doc>> 8/19/08.

"Driving Policy." Georgetown Texas Personnel Policies and Procedures. 10/01/04. [http://www.georgetown.org/pdfs/hr.policy manual/770-Drivin2Policy.pdf](http://www.georgetown.org/pdfs/hr.policy%20manual/770-Drivin2Policy.pdf)

Herman, Melanie L. and Peggy M. Jackson. No Surprises Harmonizing Risk and Reward in Volunteer Management. Nonprofit Risk Management Center, 2004.

"Driving Policy". James City County Personnel Policies and Procedures Manual.

"Sample Company Vehicle Driving Policy." HR Background Checks. Background Screening Services for HR Professionals. <[http://www.hr-background checks.com/SampleDrivingPolicy~ns4.html](http://www.hr-backgroundchecks.com/SampleDrivingPolicy~ns4.html)> 8/19/2008.

"Steering Clear of Transportation Risks." Public Entity Risk Institute Home Page. Resource Library / Audience / Nonprofits. 09/01/1999. <https://www.riskinstitute.org>

**WILLIAMSBURG AREA FAITH IN ACTION (WFIA) DRIVING POLICY  
SAFE DRIVING EXPECTATIONS ACKNOWLEDGEMENT**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

I recognize that safe driving is an essential part of my employment / volunteering with WFIA. I have been informed of, understand, and will comply with the WFIA driving policy.

I am committed to safe defensive driving at all times and will maintain a valid Virginia driver's license.

I will use a seatbelt at all times and will advise care receivers that the Commonwealth of Virginia and WFIA require passengers to wear them as well.

I will never drive when under the influence of drugs or alcohol.

I will maintain automobile insurance consistent with at least minimum amounts required by the Commonwealth of Virginia.

I will provide a copy of my driver's license and proof of insurance to the Program Coordinator at time of employment / volunteer training and upon periodic renewal of either. I authorize WFIA to request a Motor Vehicle Records (MVR) check to determine whether I meet the minimum criteria for WFIA drivers.

I will inspect, maintain and safely operate my vehicle(s) in accordance with Virginia state law.

I will report any at-fault accidents, convictions associated with Driving Under the Influence (DUI), reckless driving, eluding police, leaving the scene of an accident, manslaughter (voluntary or involuntary), or moving violations in which I am involved to the Program Coordinator as soon as possible.

I will pay all fines resulting from violations of motor vehicle regulations.

My signature indicates that I am fully aware and will abide by WFIA safety policies relating to driving.

**FAILURE TO COMPLY WITH THE ABOVE DESCRIBED SAFETY POLICIES MAY RESULT IN EMPLOYEE / VOLUNTEER DISCIPLINE UP TO AND INCLUDING TERMINATION.**

Employee/Volunteer (Sign and Date) \_\_\_\_\_

Program Coordinator (Sign and Date) \_\_\_\_\_