

Tips for writing a *Using Technologies While Driving Policy*

1. Approach this (and educate) as a broader safety issue first. Know these are difficult policies to monitor and virtually unenforceable until something bad happens. Nevertheless, they are becoming a generally necessary policy from a risk reduction standpoint. The problem is HR professionals try to avoid writing policies that are unenforceable and/or inconsistent in their enforceability... For instance, consider that in many states it's a law to not talk while driving and the threat of ticket\$\$ still can't stop the use of cell phones, etc. while driving. That doesn't mean you shouldn't try though. So how will your policy stop that behavior? What are your expectations for this policy? What are your (current) state laws?
2. Make the policy cover talking, texting, checking e-mail, Internet searching and programming the GPS (on phone or otherwise)
3. As with all technology policies, know that almost every 6 months or certainly, every year you'll have to update this policy as technologies, best practices, business considerations, and laws change.
4. Consistency? It's going to be hard to enforce this policy if management team members drive in every morning texting with one hand and a coffee in the other, while your CEO is leaving every night in their company vehicle driving with their knee while they balance a phone and a Big Gulp. If you can't minimize that behavior, you may want to write your policy with some room for situational safety interpretation vs. specific (unenforceable) rules. You don't want a "Dilbert" joke policy.
5. Pull over to talk? **Define safe place. It's not a roadway.** Most states the shoulder is for emergencies because it's a dangerous place to be and drivers can even be ticketed. Additionally your employee pulls over and causes a wreck and you'll all have all kinds of much bigger problems. Or an employee pulls over to a gas station when lost in a strange city and gets carjacked- that's not good either... A better solution is to state that if not in a safe area to pull over, they should not pull over, rather just not use the phone at all until they get to a safe place, even if the call is important. Educate employees to know that for most people, most jobs, in most situations their manager calling is not an emergency.
6. Educate and make traveling employees responsible for being aware of local laws, and responsible for tickets and accidents. Make the employee responsible for making appropriate efforts such as calling the State Police for state or local laws beforehand. If they are smart enough to be wandering around loose in the world representing your company, they should be able to Google, e.g., "Indiana State Police".
7. Make the policy in effect, if they are on company business or on a business call. Also, in a company vehicle or in a rental car on company business even if using their personal phone/device/technologies. There have been instances of companies being liable for accidents caused in personal vehicles or on personal phones conducting company business. Make the policy in effect on personal calls, regardless of phone ownership if in company or company provided rental cars.

- Also, again make them liable for any tickets they might get or accident they cause.
8. If you have, many employees required being in contact and available, you might even consider a reporting process for employees who are encouraged by their managers to disregard or break the policy. Don't allow managers to incessantly call people they know are driving. Educate your managers that wanting to know where a piece of paper is generally is never an emergency. Don't let your managers give employees a hard time about answering their phone.
 9. Make sure people know how to use their hands free devices. Consider it this way- you just added another distracting technology to an existing piece of distracting technology. Maybe the law says hand free is OK, but fiddling with a hands free device while driving is still a safety issue.
 10. It's important to explain the safety and liability reasons behind the policy (or any policy) to employees as if they are adults. Explained to someone as an adult, someone will probably act like one. As with all other policies, a policy is only as good as people's understanding and respect of them.

Bonus Tip - It's a good idea to teach employees what to do if involved in an accident, including what to do for the employees who travel and/or drive rentals.

This is not a substitute for competent legal advice. Neither is this meant to be a substitute for a complete policy. Additionally always, check applicable laws.