

Driver Policy for H-2A/H2B Workers

Purpose

The purpose of this policy is to establish clear guidelines for H-2A/H2B temporary workers who are authorized to operate vehicles as part of their employment. This policy ensures compliance with legal requirements, promotes safe driving practices, and protects the safety of all employees, the public, and company property.

The H-2A and H-2B visas are both temporary work visas, but H-2A is for agricultural workers while H-2B is for non-agricultural workers.

H2A Visa and CDL Eligibility

Legal Presence:

- H-2A workers are considered legally present in the U.S. and are eligible to apply for a CDL in most states. However, they must provide:
- Proof of identity.
- Proof of legal presence (e.g., H-2A/B visa and supporting documentation).
- Social Security Number (SSN) or proof of ineligibility for an SSN (some states allow CDL issuance without an SSN for foreign workers).

Temporary CDL Validity:

- The CDL issued to an H-2A/H2B worker will typically be valid only for the duration of their authorized stay in the U.S., as indicated on their visa or I-94 form.

Eligibility

- Must be 21 years of age or older.
- H-2A/B workers must possess a valid driver's license from their home country.
- Shall be able to read and speak the English language sufficiently to understand highway traffic signs and signals and directions given in English and respond to official inquiries.
- If required by the state, workers must obtain an International Driver's Permit (IDP) or a U.S. driver's license.
- All H2A/B driver's workers must adhere to the eligibility requirements by the state of operation in.

Personal Use:

- Federal regulations only require the employer to provide transportation to/from the worksite and housing.
- Personal use may be permitted between work related trips such as going to the grocery store or shopping.
- Other personal use trips will be required to be authorized with written approval from company.
- Personal use is to be restricted within ____ miles around the workers residence or worksite.

- ***If personal use will be allowed your company will need to outline authorized and unauthorized use to manage the risk involving personal use of company vehicles.***
- Any personal use is considered a taxable benefit and therefore will be properly accounted for and reported.

Driving Record:

- Workers must provide a copy of their driving record from their home country, if available.
- The employer reserves the right to conduct background checks on driving history.
- Drivers will be prohibited from driving for the following violations and accidents.
 - **Violations/At-Fault Accidents**
 - No more than 3 combined moving violations or at-fault accidents in the most recent 36 months (i.e., an accident with a citation is considered 2 – one accident and one violation)
 - No more than 2 combined moving violations or at-fault accidents in the most recent 12 months
 - Depending on the type of violation, drivers should have no "major convictions" within the last 60 months.
 - **"Major convictions" within the past 60 months include:**
 - Homicide, manslaughter, or assault with a motor vehicle
 - Racing or exhibition driving
 - Felony involving a motor vehicle
 - All alcohol and drug-related offenses, including driving under the influence, open container, possession, or refusal of a BAC test
 - Leaving the scene of an accident
 - Careless or reckless driving violations
 - Improper or erratic lane changes
 - Failure to stop for a school bus
 - Driving with a suspended or revoked license
 - Excessive speed – More than 15 mph over the posted speed limit or 85 mph or more
 - Fleeing or eluding a police officer

Violations

- All drivers will be responsible for deductibles, or any fees related to moving violations while operating a company vehicle.

Training

- All H-2A/B workers authorized to drive must complete a driver safety training program before operating any vehicle.
- Training will include:
 - U.S. traffic laws and regulations.
 - Defensive driving techniques.
 - Vehicle operation and maintenance.
 - Emergency procedures.

Vehicle Use

- Vehicles may only be used for work-related purposes unless explicitly authorized by the employer.
- Vehicles may only be driven by authorized personnel.
- Authorized drivers are prohibited from using company vehicles for personal errands, transporting unauthorized passengers, or engaging in unsafe driving practices.
- Hitchhikers are prohibited.
- Vehicles shall be locked at night or when the premises parked is unoccupied.
- Smoking is prohibited in company-owned vehicles.
- All drivers must obey all laws, ordinances, and regulations.
- Conform with all speed limits.

Commercial Vehicle Eligibility

- All authorized drives must adhere to the Federal Motor Carrier Safety Administration requirements for driver a commercial vehicle.
 - Drivers need to mee the CDL license requirements.
 - A driver qualification file needs to be completed for each authorized driver.
 - Driver needs to be enrolled in a drug and alcohol program if driving a vehicle transporting hazardous materials requiring placarding or 26,001 lbs. GVWR or more.
 - A vehicle inspection needs to be performed daily and documented.

Seat Belt Policy:

- All drivers and any authorized passengers must wear seat belts at all times.

Distracted Driving:

- Use of mobile phones or other electronic devices while driving is strictly prohibited unless using hands-free technology.
- Pets: Out of concern for safety, property damage and sanitation, pets are prohibited in any authorized vehicle. There are no exceptions to this policy and violations will subject the driver to termination.
- Distractions goes beyond cell phone use. The following are some distractions that need to be considered to eliminate that take your eyes off of the road.
 - Using an electronic handheld device
 - Searching or grabbing for items in the vehicle
 - Eating and driving
 - Reading maps or other printed materials
 - Using GPS navigation systems while operating a vehicle

Vehicle Maintenance

- Vehicles will be maintained in accordance with our company maintenance program for the vehicle authorized.
- The authorized driver will be responsible to follow the maintenance schedule.
- If authorized to drive a commercial vehicle, the driver must perform a pre-trip inspection of the vehicle.

Mechanical Reporting Issues:

- Any mechanical issues or damage must be reported immediately to the authorized drivers supervisor.

Cleanliness:

- Drivers are responsible for keeping the vehicle clean and free of debris.

Compliance with Laws

- Drivers must comply with all local, state, and federal traffic laws.
- Drivers will be responsible for all fees related to moving violations.

Alcohol and Drug Policy:

- Driving under the influence of alcohol or drugs is strictly prohibited. Violations will result in immediate termination.

Fatigue Management

- Drivers must not operate vehicles if they are fatigued or have worked excessive hours.

Accident Reporting

- All accidents, regardless of severity, must be reported immediately to the employer.
- Drivers must complete an accident report form and cooperate with any investigations.

Emergency Procedures:

- Drivers must follow emergency procedures, including contacting law enforcement and seeking medical assistance if necessary.

Monitoring and Accountability

- Vehicles will be equipped with a forward-facing camera.
- Footage will be reviewed for driver performance.
- Vehicles may be equipped with GPS tracking systems to monitor routes and ensure safe driving practices.

Performance Reviews:

- Driving performance will be reviewed periodically, and corrective action will be taken if necessary.

Disciplinary Action:

- Violations of this policy may result in disciplinary action, up to and including termination.

Policy Acknowledgment

All H-2A/B workers authorized to drive must sign an acknowledgment form indicating they have read, understood, and agreed to comply with this policy.

I acknowledge that I have read and understand the Driver Policy for _____ (company name). It is understood that I will adhere to the rules outlined in this policy and that a copy of this signature page will be kept in my employee file.

_____	_____
Employee Signature	Date

_____	_____
Manager (Supervisor)	Date

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