

# Transit Operator Hiring Practices and Their Effect on Claims and Litigation



*The Voice of Public Transportation in Virginia*

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# Agenda

## Session Objectives

- SECTION 1 – Intro
- SECTION 2 – Why Hiring Matters (beginning slide 4)
- SECTION 3 – Elements of a Good Hiring Program (beginning slide 9)
- SECTION 4 – Consequences of a Poor Hire (beginning slide 19)
- SECTION 5 – Union Collaboration (beginning slide 25)
- SECTION 6 – Gaining Board & Leadership Buy-In (beginning slide 29)
- SECTION 7 – Key Takeaways & Final Thoughts (beginning slide 34)

## SECTION 2 – Why Hiring Matters



# The Role of the Transit Operator

- Safety-critical position
- Daily exposure to public, traffic, and liability risk
- Operator = frontline risk manager



# Risk Profile of Transit Operations

- Passenger injuries (boarding/alighting)
- Vehicle collisions
- Pedestrian incidents
- ADA-related exposures



# Human Factor in Losses

- Majority of incidents tied to:
  - o Judgment
  - o Decision-making
  - o Behavior patterns
- Hiring determines baseline risk profile



# Key Message

- “You cannot train out poor judgment”
- Hiring is the **first and most important safety control**



# SECTION 3 – Elements of a Good Hiring Program



# Overview of a Structured Hiring Program

- Standardized, documented, defensible process
- Alignment between HR, Safety, and Operations



# Minimum Qualifications

- CDL requirements (Class B with Passenger endorsement)
- Driving experience standards
- Background and work history expectations



# Driving Record Standards

- MVR review criteria:
  - Moving violations thresholds
  - DUI/DWI disqualifiers
  - At-fault accident history
- Look-back periods (3–5 years typical)



# Disqualifying Factors

- Major violations (reckless driving, DUI)
- Pattern of unsafe driving behavior
- Employment red flags (termination for cause, attendance issues)



**DISQUALIFIED**

# Behavioral Screening

- Safety-oriented interview questions
- Scenario-based evaluation:
  - Customer conflict
  - Schedule pressure vs. safety
- Identifying risk-taking tendencies



# Pre-Employment Testing

- Drug & alcohol testing (DOT compliance)
- Physical qualifications (medical certification)
- Skills testing / road test



# Background Investigations

- Criminal background checks (consistent with policy/law)
- Employment verification
- Reference checks (safety performance focus)



# Conditional Offer & Probationary Period

- Structured probation (60–180 days typical)
- Close supervision and evaluation
- Clear performance benchmarks



# Documentation & Consistency

- Written policies applied uniformly
- Critical for:
  - o Legal defensibility
  - o Union environments
  - o Claims litigation



# SECTION 4 – Consequences of a Poor Hire



# Litigation Exposure

- Plaintiff arguments:
  - Negligent hiring
  - Negligent retention
  - Negligent Training / Supervision
- “Knew or should have known” standard
- Focus is on foreseeability of harm
- Real World Example - Gallo



# Financial Impact

- Increase in Frequency and Severity
- Impact on member contributions/premium



# Operational Impact

- Absenteeism
- Disciplinary burden
- Supervisor time diverted



# Cultural Impact

- Lower morale among good operators
- Erosion of safety culture
- “Tolerance of poor performers”

# Public Relations Impact

- Effect on funding
- Negative effect on ridership
- Adverse publicity / poor image – effect on hiring good candidates
- Negative effect on jury verdicts
- Public officials answering to poor perception



# SECTION 5 – Union Collaboration



# Role of Unions in Transit Operations

- Representation of operators
- Influence on discipline, termination, and work rules
- Shared goal: Workforce committed to safety – Strong Safety Culture  
It should be a shared goal to ensure operator success.

# CBA Considerations

- Probationary Periods
- Discipline
- Compliance
  
- Negotiation vs. Collaboration for **SAFETY**



# Discipline Challenges

- Challenges in removing high risk drivers
- SAFETY vs. Driver rights
  
- **The last time the transit agency has full control is at the time of hire.**

# SECTION 5 – Gaining Board & Leadership Buy-In



# Driver Shortage Problem

- Industry-wide driver shortages
- Pressure to “hire quickly”
- Leadership needs to embrace Safety Culture



# Why Leadership Buy-In Matters

- Hiring standards often weakened under staffing pressure
- Leadership sets risk tolerance



# Communicating the Risk

- Impacts: Cost (\$), time lost, effect on moral, negative publicity
- Real-world case example – CW

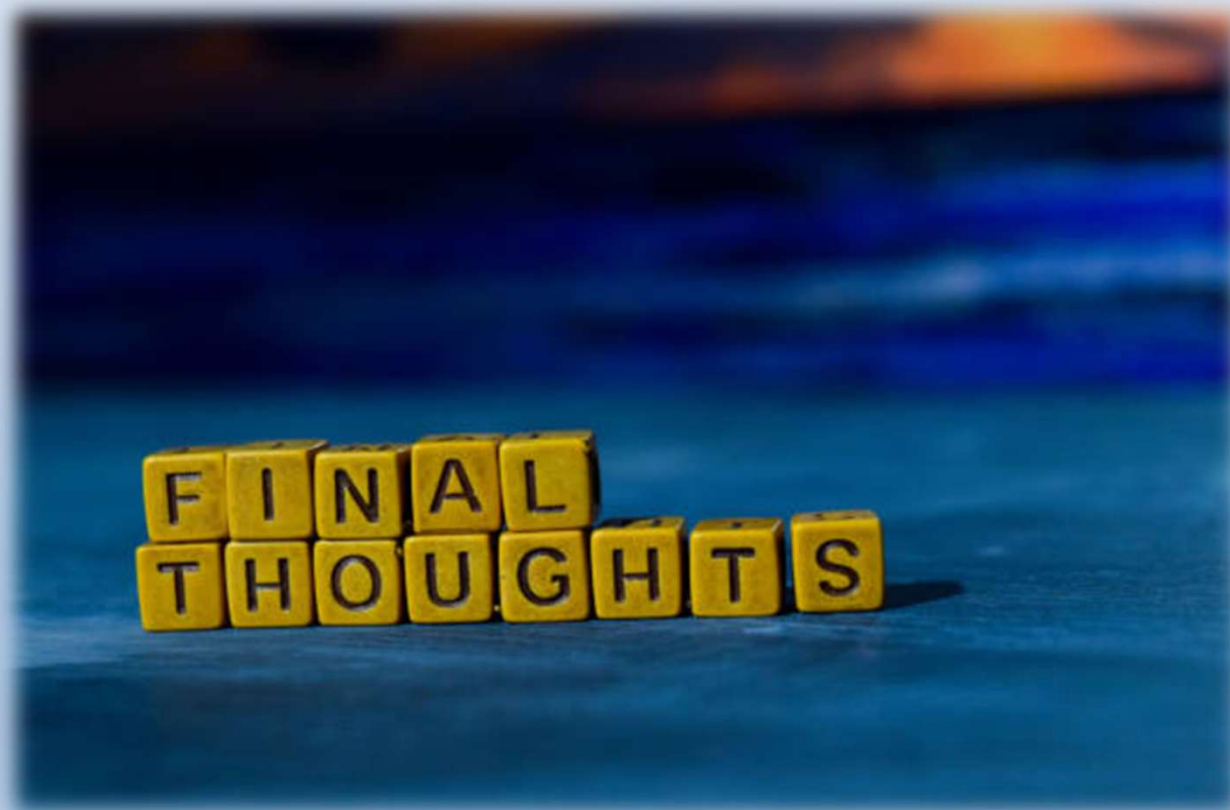


# Framing the Message

## Key Risk Message for Leadership

- A single severe claim can have an enormous impact
- Hiring is not just HR—it effects every aspect of the transit agency
- **“It is better to leave a seat empty than to fill it with the wrong person”**

# SECTION 7 – Key Takeaways & Final Thoughts



# Key Takeaways

- Hiring is the foundation of safety
- Poor hires directly increase claims and litigation exposure
- Retention and hiring quality are interconnected



# Q&A

## Final Thought

- “Every claim has a starting point—often at the hiring decision”
- Questions?

