



BACKGROUND

An employee was injured while driving a town-owned vehicle from a job site back to the Town Hall. The vehicle driven by the employee was reportedly traveling at an excessive speed (reaching a max speed of 70 mph in a 45-mph zone), struck a curb, and the employee lost control of the vehicle, striking a mailbox and a tree on the side of the road. The employee experienced minor injuries, including neck and back soreness.

INVESTIGATION AND DAMAGES/INJURY

- Injured employee was 37-years old at the time of the accident and had been working for the Town in the Building Department for 11 years.
- On the date of the incident, the injured employee had attended a meeting at a newly-acquired Town facility, located approximately 1.15 miles away from Town Hall.
- Following the meeting, the employee was traveling back to the Town Hall building on one of the main roads. While traveling at a speed of approximately 70 mph in a 45-mph zone, the employee approached a curvature in the roadway, in which the road curves slightly to the left. The employee failed to adequately reduce the speed of the vehicle, struck and drove up on the curb on the right side of the road at about 60 mph, and struck a mailbox, then a tree, before coming to a stop on the curb.
- As part of the police accident investigation, the employee notified law enforcement that, at the time when the vehicle struck the curb, the employee was looking down at his phone “to check directions.”
 - A follow-up investigation determined that the employee received a text message from his fiancé no more than 2 minutes prior to reported accident time, and that it was possible that the employee was checking the text message at the time of the accident.
 - The police report indicated that it was mostly sunny on the date of the incident and that there was no observed moisture on the roads.
- Pursuant to the Town’s policy, the injured employee was required to receive a medical evaluation. It was determined that the employee suffered from mild whiplash, shoulder contusion, and back soreness. Ultimately, the employee was required to miss 4 days from work.
- The police investigation revealed that the employee had a significant history of moving violations, infractions and other motor vehicle arrests which included the following:
 - Several DUI (Driving Under the Influence) arrests which occurred in several states including Connecticut.
 - Multiple speeding tickets, including one summons for reckless driving for exceeding the speed limit by greater than 15 mph.
 - Multiple tickets for distracted driving, specifically for utilizing his cell phone while operating a motor vehicle
 - All these infractions, arrests, etc., occurred both prior to and during his employment.
- It was determined that a background check was conducted at the time of hire, including a driving records check; however, because the employee was never a resident of New York, New Jersey, or Rhode Island, and because the employee did not disclose the infractions in those states, the municipality was not aware of the out-of-state infractions. The municipality only relied on the State of Connecticut DMV records check.
- It was discovered that the Town did not regularly offer its employees driver training. The last driver training offered to Town staff occurred nine years prior to the incident; however, the injured employee did not attend the training, as his job did not require him to operate a Town-owned vehicle at the time.

CIRMA LIABILITY ASSESSMENT

CIRMA is 100% responsible for the work-related injuries sustained by the employee. Also, the CIRMA Liability-Auto-Property policy responded to the physical damage experienced by the municipal vehicle, which was totaled, and the mailbox that was taken out during the accident. In total, the accident cost approximately \$64,480.

KEY RECOMMENDATIONS/ACTION ITEMS

Below are CIRMA Risk Management’s recommended best practices to prevent these types of incidents from occurring:

- Consider refining the background check process to include federal driving records, which can then be checked against state records.

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- Regularly offer driver training to all staff required to operate a municipal vehicle.
- Consider reviewing and updating town policies related to municipal vehicle operations to include language prohibiting distracted driving.

For more information on this topic, please contact your CIRMA Risk Management Consultant. Visit our training schedule at [CIRMA.org/Training & Education Programs](https://www.cirma.org/training-education-programs) page for a list of current training programs.