Preparing for DOT Audits in an ELD World

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Audits. The topic proved compelling. Had this year's in.sight user conference + expo not been online, an in-person session with industry expert Dave Osiecki would have drawn a standing-room-only crowd. Osiecki, president & CEO at Scopelitis Transportation Consulting, engaged Trimble customers with information on how the Department of Transportation conducts audits of ELD records and how carriers can be prepared for them.

With more than 30 years' experience in transportation, Osiecki made it clear that regardless of how the audit landscape shifts, carriers need to manage ELDs and their records effectively in order to smooth their path through the audit process. Not doing so, because of the amount of extensive information investigators can extract through ELDs, can send carriers careening into fines, or worse.

Purpose, Priorities and Processes

Since the purpose of the audit is to ensure compliance and, ultimately, safety on the roads, it's designed to find violations. Priority in choosing which drivers are audited is given to those with the greatest potential for problems. Topping the list are drivers with red flag violations. Next are those with the highest percentile in the HOS BASIC (the CSA BASIC Behavior Analysis Safety Improvement Categories), according to the DSMS (Driver Safety Measurement System).

Carriers don't have access to DSMS data which makes solid hiring practices an imperative, along with an internal process to track their driver's scores, noted Osiecki. The rest, in descending order, are drivers who have been involved in crashes; have high roadside inspection violation rates; possess poor driving records; are recent hires; and are the highest-paid. Using the ELD data as the crux of the audit, the process is designed to create a systemic validation of their HOS records or expose inconsistencies that must be accounted for or resolved.

In addition to the ELD records, other factors are reviewed during all DOT audits, including driver CDLs, the carrier's insurance, how the carrier responds to Red Flag violations, and if drivers are listed in the Clearinghouse, a drug and alcohol database.

How Records Play Into Audits

The number of records investigators request for onsite audits is significantly greater than those for offsites, and are decided by a formula based on the carrier's size. For onsite audits, carriers with 5 drivers or less need to provide 30 days of records from the past six months for every driver. The number decreases as the size of the fleet increases: for companies with over 500 drivers, only 27 drivers would have 30 days of their ELD records reviewed, which still requires the carrier to provide

810 records. Overall the potential impact, percentage-wise, is much greater for smaller carriers.

In off-site audits, the number of drivers audited is significantly smaller, especially for the larger carriers:

- one driver for companies with five drivers or fewer
- two for companies with six to 15 drivers
- three for any company with more than 16 or more drivers.

The result could be a decrease in the number of records requested from as much as 810 to just 90 for the larger carriers, regardless of the size of the fleet.

Audits by the Numbers

Data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Information System (MCIS) provides numbers through the end of July suggesting the overall number of audits conducted will continue to decline in 2020 (albeit at a slower rate than the previous three years), but the percentage of those audits being performed offsite is seeing exponential growth.

In 2017 the number of offsite audits performed was 76, just .5% of the total of 15,044. In 2018 there were 330 offsite audits out 14,222, a fourfold increase but still just 2% of the total. In 2019 the percentage grew to 10.4%, with 1,374 offsites out of 13,033. Through July 31 the FMCSA has conducted 6,492 audits: 51.6% have been conducted offsite.

Onsite vs. Offsite

The COVID-19 pandemic is a factor in that growth, but it's only exacerbating a trend that was already well underway. As in other industries, the pandemic is spurring the growth of work done remotely. For carriers, particularly smaller ones, this trend has the potential for a significant impact based on the differences between onsite and offsite audits. The process is growing increasingly efficient for the investigators. Drivers along with their carriers are being held increasingly accountable for meeting ELD and HOS rules.

Osiecki offered key takeaways to survive an audit:

- Have good practices and policies in place
- Ensure your records and supporting documents are organized and accessible
- Create, document and use an internal ELD auditing system to ensure your records are working for you, not against you
- Understand the government's auditing practices
- Be prepared especially for offsite investigations and reviews. Offsites will increasingly be the future as the government can and does perform many more offsites than onsites. ★