

Utah Trucking

Utah's Voice in Trucking

Drivers of The Month

Thank You To Our Members

Medically Certified -
But at what Risk

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Fact Vs. Fiction



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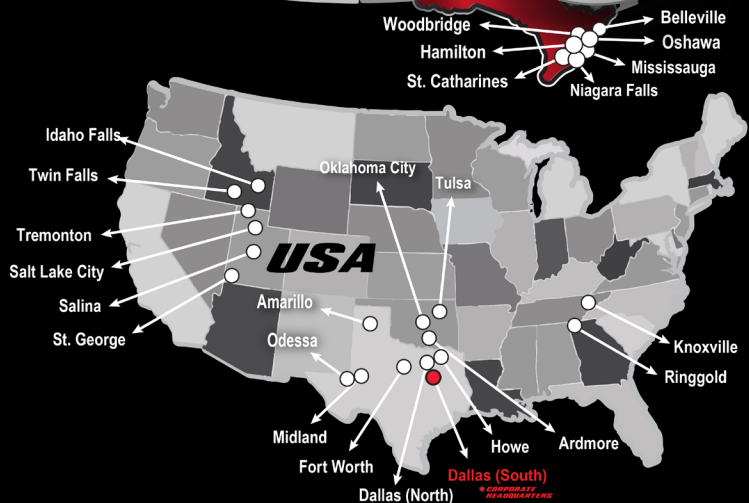
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Presidents Message



Recently, Rick reminded me that this would be my last "President's Message". I began to think of how much I have enjoyed and have been blessed by this opportunity. I felt that I should take this opportunity to thank all of the people that have touched me and whom I have had the chance to work with during the last decade while engaged in association leadership. So many of you have been good to me and helped in many aspects of my life. I have had the chance to meet and work with people, both in and out, of our industry that I have become friends with, and they have enriched my life. The association's staff is amazing and are so helpful and really do more than you know! I appreciate the many committee members who have donated their time and talents

to help make our events great. I am grateful to the past presidents for paving a path of creditability, integrity and professionalism.

The association could not enjoy success without carrier and vendor companies providing not only financial support but allowing their employees time to be involved and to help promote this great organization.

I am truly blessed to be a part of such a great group of people. You have made me a better person.

I would strongly encourage any of you, no matter the size of your company, to become more involved in the association.

Stacey Bettridge,
President Utah Trucking Association

Thank You Stacey!



WE ARE ALL IN THIS TOGETHER!

During this unique time, Beehive Insurance is committed to supporting the Trucking Industry and the Utah Trucking Association. There is a growing need for business leaders to access reliable information, tools, and resources with the latest guidance to successfully navigate the rapidly changing situation.

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Directors Message



Dear Trucking Association Members and Friends,

Under normal circumstances, this edition of our magazine would come at a time while we prepare to join with one another in St. George, Utah for our annual Management Conference and Truck Expo. This edition at times has served both as our quarterly magazine and the program for the conference. Instead, we are dealing with an international pandemic and extraordinary times of social distancing recommendations, shelter in place orders and unprecedented business disruptions. We are doing business in very different, and difficult ways. Despite the unique and challenging environment, we find ourselves traversing, an obvious constant is the manner in which the trucking industry has stepped up to the challenge. Like in past disasters and emergencies, the industry has doubled efforts to ensure that groceries, medical supplies and all supply chain products continue to move.

It is obvious that the nation's economy will take a hit as a result of the COVID-19 pandemic. It is also clear that economic recovery will come on the back of the trucking industry.

Having to postpone association events is difficult. We will miss the opportunity very much to gather as friends and to learn from one another as colleagues and successful professionals. Of course, we will miss playing golf, shooting shotguns, enjoying bingo and socializing. This will put a temporary dent in one of our stated missions to network. However, the association leadership and staff are committed to our other missions to advocate on behalf of the industry, to provide critical information and educate and to promote safety and safe practices (especially in the current COVID-19 atmosphere). One of the most exciting byproducts of this pandemic is the national realization that trucking and drivers are critical. I spend much of my days, either working from home or isolated in the office on my assigned days, talking to government official, media or concerned citizens about the "essential" nature of trucking. There have been many conversations about what business activities should or should not be considered "essential". No one has questioned that trucking is "essential". Most have used terms like highway heroes or have categorized drivers as "front line". It continues to be a source of pride for me to serve as a voice for trucking and to represent the fine, upstanding and committed people who make up this industry.

Having to postpone or cancel many of the association events will cause a strain on the association.



This will require continued support from our members as we move forward. We appreciate those who have recognized this and have offered leadership, time, resources and creative thoughts about the future of our events and operations. We look forward to a day in the near future where we can come together again. I continue to appreciate the kindness, charity, and exemplary acts of humanity offered by our members and the industry as a whole.

Sincerely,

Rick Clasby,
Executive Director

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Thank You To Our Members



The Utah Trucking Association wants to give a huge thanks to all of our members for the hard work and extra hours they have put in over the last few months. No one expected COVID-19 to impact our community as hard as it has, despite the impact we are proud to say that the trucking industry has stepped up big during these tough times. We are proud to say we work with such a strong community of company owners, safety managers, vendors, and drivers. The trucking industry is the back bone of our country.

We wanted to give a shout out to the trucking companies who have made sure their drivers are well informed of any changes that have occurred to regulations over the past month. We are also thankful for their willingness to keep things running while following social distancing guidelines. We also wanted to give a big thank you to those companies who have provided meals and other needed resources to drivers on the road. Thanks to all those working hard at the ports and truck stops for keeping them running, as well as the highway patrol for keeping the roads safe.

Finally, we wanted to give a huge thanks to our truck drivers. Without drivers stores shelves would be empty, restaurants would be out of business, and hospitals would be drained of medical supplies. Life on the road is not easy, for that we give our gratitude and praise.

Thanks to those who have and who continue to support the association. We are here for our members and will continue to do our best to work with the community to try and help make your jobs easier. All though times have been tough, it has been a privilege watching our members step up and take control of the situation. Please stay safe and healthy and let us know if you need anything.

Sincerely,

Jon Boyer
Communications Director



Article Provided By: UTA Staff
Photos Provided By: Vivian Sharp (Sharp Trucking)



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2019 December Board of Directors Meeting

On December 19, 2019, we were able to host our annual Board of Directors meeting at the Utah Trucking Association office. Board members from all over the state were able to gather for good company, good food, and to receive updates on the association and the great year we were able to have last year. Both the President (Stacey Bettridge) and the Executive Director (Rick Clasby) were able to give great remarks and updates on how the association is doing and talk about future plans for the organization.

The board had the pleasure this year to have a skype session with Senator Mike Lee. Senator Lee was able to answer questions asked by the board members about federal regulations, federal legislative and the impeachment trial. We want to thank Senator Lee and his staff for taking time out of their busy schedules to speak with the association. Three of Senator Lee's staff members were able to attend the meeting, we also appreciate the staff in Washington D.C who helped make the skype session possible. Thanks to the board members who attended this last year. We look forward to another great year.





Article Provided By: UTA Staff

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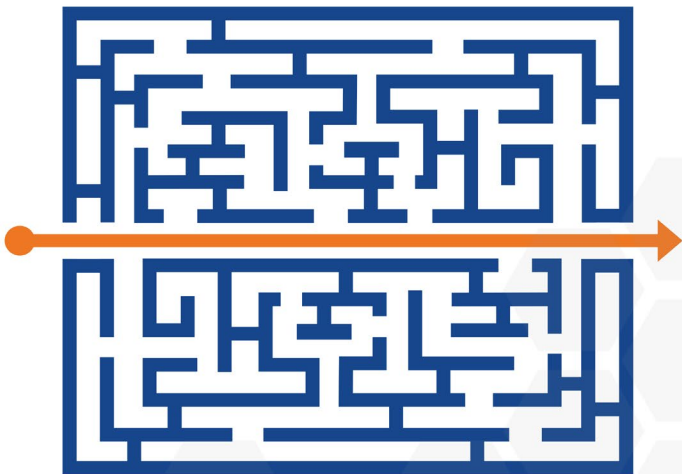
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Driver recruitment is a pain. If your company is struggling to recruit you are likely dealing with unseated trucks. Unseated trucks are expensive. The average unseated truck will cost your company \$25,012. Poor driver recruitment will lead to your company underperforming and cause you a lot of stress. Stress is bad for your golf game. Thinking about the high costs of inefficient recruiting on the course will lead to many lost balls, some swear words, and maybe even a broken club. Digital strategies and letting your recruiters focus on recruiting will improve your recruitment efforts and save your golf game.

Digital Marketing: The Graphite Shafts of Recruitment

In the past, when club shafts were made of wood, drivers relied on their employers, brokers, and professional network to learn about career opportunities. Today, drivers can be checking new job opportunities 24/7 and are constantly fielding offers. Roughly 67% of drivers used their smartphones to look for new employment in 2019. Implementing digital marketing strategies will place your company's job offerings in front of the eyes of active seeking drivers. If you are not using digital strategies your company's reach will only extend as far as word of mouth will carry it. Companies that are using digital strategies are constantly fielding applications from qualified drivers and hiring talent when they need it. They transitioned from wood shafts to graphite and added 50 yards to their drive.

Here is the kicker, in order to avoid the digital sand-trap you will need to employ a team solely dedicated to digital marketing. Either hire an in-house team or a digital agency. Companies will try to get their recruiters to be more tech-savvy but this is an ineffective method, like teeing off with a pitching wedge. Recruiters can only wear so many hats in a day. Their plates are full of calling applicants, screening drivers, running orientation, retention efforts, etc. Adding digital marketing to their mix will lead to them doing a poor job of digital marketing and a poor job of recruiting.

A comprehensive digital recruitment campaign will include a mix of Search Engine Optimization, Pay-Per-Click Advertising, website/landing page design, social media work, geo-targeting, and much more. People that want to improve their swing do not go out on the course and teach themselves. They hire a professional for the process. Hire a team of digital professionals that dedicate all of their time to the process and watch the applicants pour in.

Turn Your Recruiters Into Professionals on the Tour

Freeing your recruiters from the responsibilities of digital marketing will enable them to focus solely on recruitment. Recruiters are far more effective at contacting drivers, hiring drivers, and retaining drivers when they do not have to spend hours each day on digital marketing.

Professional golfers hire caddies for the tour. Why? Because in order to perform at the highest-level professionals cannot be worried about anything other than the next shot. Turn your recruiters into professionals. Let them focus all of their efforts on recruiting.

A steady flow of fresh driver applicants will be generated from the digital marketing team. It is up to the recruiters to then turn applicants into employees. The odds of contacting a lead are 100 times higher if called in 5 minutes versus 30 minutes. Recruiters that are spending time on digital campaigns will not be on the phone enough to contact applicants fast enough. This hurts your company's recruiting efficiency.

Digital recruitment campaigns will generate more qualified applicants than out-dated methods like print media publications. This means you get to be selective in your hiring process. Unleash your recruiters from settling for good drivers and give them great drivers to hire. Great drivers will be dedicated professionals that mesh perfectly with your company culture. Once the great drivers are on your staff, have your recruiters continuously recruit them to stay with the company. Recruiters need to be informing drivers about career advancement opportunities, praising drivers for goal achievement, and building a high performing team. Having your recruiters hire great drivers and recruit them to stay with the company will lower turnover rates and increase profits.

Get Your Golf Game Back

Hire a team of professionals dedicated to digital marketing (in-house or agency) and enable your recruiters to focus solely on recruiting. This system will generate a constant flow of fresh leads, allow your recruiters to hire only great drivers, and lower your turnover rate. More importantly, the stress of driver recruitment will be lifted from your shoulders and you will be able to focus on the course again. Lower stress = lower strokes.

Here are some tips that will actually shave strokes off your game:

- **Master your wedges:** often overlooked, wedges are critical to shaving strokes. The closer you hit the ball to the hole the easier your putts will be.
- **Wash your head and balls between each hole:** using clubs and balls caked in dirt will lead to shanked shots.
- **Play your ball flight:** do not try to fix your swing in the middle of a round. Instead adapt to how you are hitting the ball and plan for it before each shot.
- **Avoid overthinking:** whenever I grow frustrated in a round my dad will tell me, "Try breathing through your left ear lobe." This gets me to smile, stop overthinking, and start playing well.
- **Play with confidence:** before each shot tell yourself that you are 100% confident you are making the right decision.



pg. 19

Learn more about how we can help with your driver recruitment at driveteks.com or call us at (801) 682-1015

Article Provided By: Jake Peters

The trucking industry is making a difference in human trafficking!

We know drivers and dispatchers are making calls to both the national human trafficking hotline and to law enforcement. We want to hear your stories.

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By sharing your stories with us, you're not just saving men, women and children from human trafficking, you're inspiring others to do the same. You will be considered for TAT's 2020 Harriet Tubman Award presented by Protective Insurance. The award includes a \$2,500 cash prize and tickets to the Indy 500!

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Medically Certified - But At What Risk?

A church youth group had long been saving for a trip to Disney World. They held fund-raising events to pay for the trip, right up until departure day. Excited to get to the happiest place on earth, they drove a mini-van to Orlando.

A head-on collision shattered their vacation plans. A semi truck crossed the freeway median slamming into oncoming traffic. The crash catapulted several of them out of the van, across the freeway and into the trees some 50 yards away. He also crashed into another truck driver. For five of those kids, their lives ended tragically.

The crash video and initial investigations found that the semi truck driver had suffered a sudden incapacitating event - an obvious health problem which should have been identified during the driver's medical exam .

A properly done exam should have resulted in a correct medical diagnosis and prevented this crash. This ineffective exam resulted in the death of yet another innocent semi truck driver in oncoming traffic and ended the lives of five children. The case is currently being litigated in the courts, with an expectation that a jury will render a verdict of hundreds of millions of dollars.

A DISTURBING TREND

Since 2008, there has been a very disturbing increase in truck-related fatalities. In fact, from 2017 to 2018, there was a 133% rise. Insurance premiums and verdicts are reflecting this unsettling trend.

In a recent Wall Street Journal article, Chris Demetroulis, managing director for the transportation practice at insurance brokerage Arthur J. Gallagher & Co. said, "Rates are rising especially quickly in excess liability coverage as shippers demand higher limits for their motor carriers."

In the last 18 months, jury verdicts have followed the same trend, but at a more accelerated rate. Demetroulis indicated, "The median verdicts have gone from \$23 million to \$44 million..." Unless something changes, there's no indication that this trend won't continue.

Carriers have long been fearful that one catastrophic crash will result in bankruptcy. In our opinion this is not an unfounded fear. Safety programs, driver training initiatives, and a laundry list of additional safety initiatives that have been adopted to mitigate risk don't address the real problem. The obvious issue has been ignored....the ineffective exam process. Research shows that the driver's health is one of the greatest predictors of crash risk, but is often overlooked in the exam procedure.

As a whole, drivers are increasingly unhealthy. Rates of obesity, hypertension, and sleep apnea, all of which statistically increase the driver's crash risk, have been getting worse faster for truckers than the general population. At the same time, the Federal Motor Carrier Safety Administration (FMCSA) has been relaxing the rules of who can drive. Examples include; drivers who have vision, hearing or seizure problems, and most recently, drivers who are diabetic and use insulin, all of which significantly increase the driver's crash risk.

Furthermore, poor health usually is enumerated with multiple health conditions, such as obesity, hypertension and cardiovascular disease. Research shows that drivers with 3 or more health conditions-- any 3 conditions -- are 2.5 times more likely to cause a DOT reportable crash. All health conditions are NOT created equal. For example, untreated sleep apnea has been shown to increase crash risk 5 fold.

When health problems are not well understood by the examiner (health is increasingly complex) mistakes and mis-certifications are the result. The safety of drivers, the public, and trucking companies are all at risk.

THE HIDDEN CAUSE: Medical Certifications

FMCSA implemented a medical examiner certification program in 2014 with the goal to ensure that drivers are being properly examined, health conditions are correctly identified, and that correct medical certifications are issued.

Sadly, implementation of the medical examiner certification programs are problematic, resulting in unintended consequences. Some examiners, such as chiropractors, who do not hold medical degrees, are certifying individuals with complex medical problems such as using insulin, when these drivers likely should not be able to drive.

The National Transportation Safety Board states, "It has long been recognized that untreated or undiagnosed medical conditions pose a safety risk to the traveling public." Furthermore, "there 1 is no mechanism to ensure recommended guidelines are followed. Moreover, chiropractors and other healthcare professionals with no experience prescribing medications are considered acceptable medical examiners [for the DOT exam]." Regardless of the recommendation be

NTSB and medical experts, these exams continue to be performed with very little oversight. Analysis of almost 90,000 driver's medical examination reports and 13,000 crashes, found a meaningful number of drivers were certified against the current medical guidance, placing a significant, unnecessary, and undisclosed risk on the carriers who employ these drivers.

1 Nat'l Transp. Safety Bd. 2016. <http://www.ntsbt.gov/most-wanted>.

2 Nat'l Transp. Safety Bd. 2016. <http://www.ntsbt.gov/most-wanted>.

3 Thiese, M. S., Hanowski, R. J., Kales, S. N., Porter, R. J., Moffitt, G., Hu, N., & Hegmann, K. T. (2017). Multiple conditions increase preventable crash risks among truck drivers in a cohort study. *Journal of occupational and environmental medicine*, 59(2), 205.

One of the largest problems is that carriers don't know the health of their drivers. They must trust that a proper medical exam was performed. This despite the fact that both the driver, and sometimes the medical examiner, are motivated to ignore proper exam guidelines. Drivers risk the chance of losing their license, hence their income, while examiners get on-line reputations for "failing drivers" resulting in a reduction in patients. While many examiners strive to do their very best, these exams are very nuanced and are difficult to be consistently precise. Evidence shows that some examiners are certifying drivers in as little as 3 minutes. These "certified" drivers then present their medical certification and are allowed to drive an 80,000 pound vehicle for up to two years. Carriers unknowingly employ these high risk individuals, increasing their company's liability, workers compensation claims, and negatively impacting their safety ratings. These are not one-off examples. There are numerous cases in which an ineffective medical exam resulted in lost lives.

Reducing Preventable Crashes

What is a carrier to do? The good news is that simply changing a business policy is a great place to start.

Carriers can reduce preventable crashes (experts believe that 20% of all truck crashes can be attributed to the driver's health) by only accepting certifications from well-vetted medical examiners who use best practice guidelines.

FMCSA has long stated that employers can have their own safety standards as long as they are more stringent than the federal standards. The best defense for a policy of judicious balance of risk lies in well-founded and clearly stated guidelines...and in a transparent policy for implementing them.

One such technology that ensures the exam was performed correctly is the exam system developed by SafeLane Health. The system provides guideline information to examiners in real-time based upon how the driver answered their health history questionnaire combined with the driver's physical health information collected during the exam.

The technology ensures correct certifications are given and "can reduce at fault crashes by up to 50%," says Dr. Matthews. These, who has spent almost 20 years researching truck driver safety and health.

"Employers need to know that there is a broad spectrum of quality across exams. Just because a driver has a 2-year certification doesn't necessarily mean they are safe. Employers may very well be accepting a medical card where the examiner didn't correctly do their job. Mistakes happen and most examiners don't have any backstop or double-check to catch those mistakes before the driver walks out the door, gets into a truck and causes a crash."

SafeLane Health provides carriers the confidence that the medical certification is accurate and reliable, that the driver is healthy to operate a truck and won't put their organization at unnecessary risk.

A large, nationwide carrier set a criteria that mandates all drivers who work for them must undergo a sleep apnea screening. They knew that individuals with undiagnosed or untreated sleep apnea were at a five times greater risk to cause a crash, but they discovered when sleep apnea is properly treated, a driver's risk goes down to that of the normal driving population. After implementing the sleep apnea business policy, this employer saw a 73% decrease in preventable crashes and realized significant health care savings.

SPEND TO SAVE

The biggest tragedy is that the dead semi truck driver who killed five children and another innocent truck driver, had a treatable condition. We hope you will make a wise investment in smart technology by SafeLane Health, or simply make a simple change in your business policy to require your drivers use a clinic using SafeLane Health software. Together we can save lives, property and prevent collateral damages.

About the author

Meghann Kopecky, co-founder of SafeLane Health, is a mother of three. She passionately believes that all of us want healthy, happy, safe lives and that when we work together, we can make incredible things happen.

Burks, S. V., Anderson, J. E., Panda, B., Haider, R., Ginader, T., Sandback, N., ... & Brockman, R. (2019). Employer-mandated obstructive sleep apnea treatment and healthcare cost savings among truckers. *Sleep*. 6 Burks, S. V., Anderson, J. E., Panda, B., Haider, R., Ginader, T., Sandback, N., ... & Brockman, R. (2019). Employer-mandated obstructive sleep apnea treatment and healthcare cost savings among truckers. *Sleep*.



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UTAH'S INLAND PORT: FACT VS. FICTION



UTAH INLAND
PORT AUTHORITY

By now you've certainly heard about it – you probably even drive through its boundaries – but how much of what you've heard about Utah's Inland Port is fact, how much is fiction, or somewhere in between?

Right now, over a third of Utah's GDP is generated by logistics-dependent industries. The US Department of Transportation estimates Utah's demand for cargo will increase by 104% in value over the next 25 years. With that in mind, Utah wants to be aggressive and forward-looking in strengthening its logistics infrastructure.

Created in 2018, the Utah Inland Port Authority (UIPA) is an organization whose mission is to promote sustainable and smart logistics investment through partnerships, policies, and programs. In plain terms, the UIPA supports the production and movement of goods in and out of Utah. UIPA has a statewide mandate, so in addition to the Utah State Legislature's current designated 16,000 acres on the west side of the Salt Lake Valley, UIPA will also grow a network of satellite opportunities throughout the state.

Jack Hedge came to Utah from the Port of Los Angeles to be the UIPA's first Executive Director.

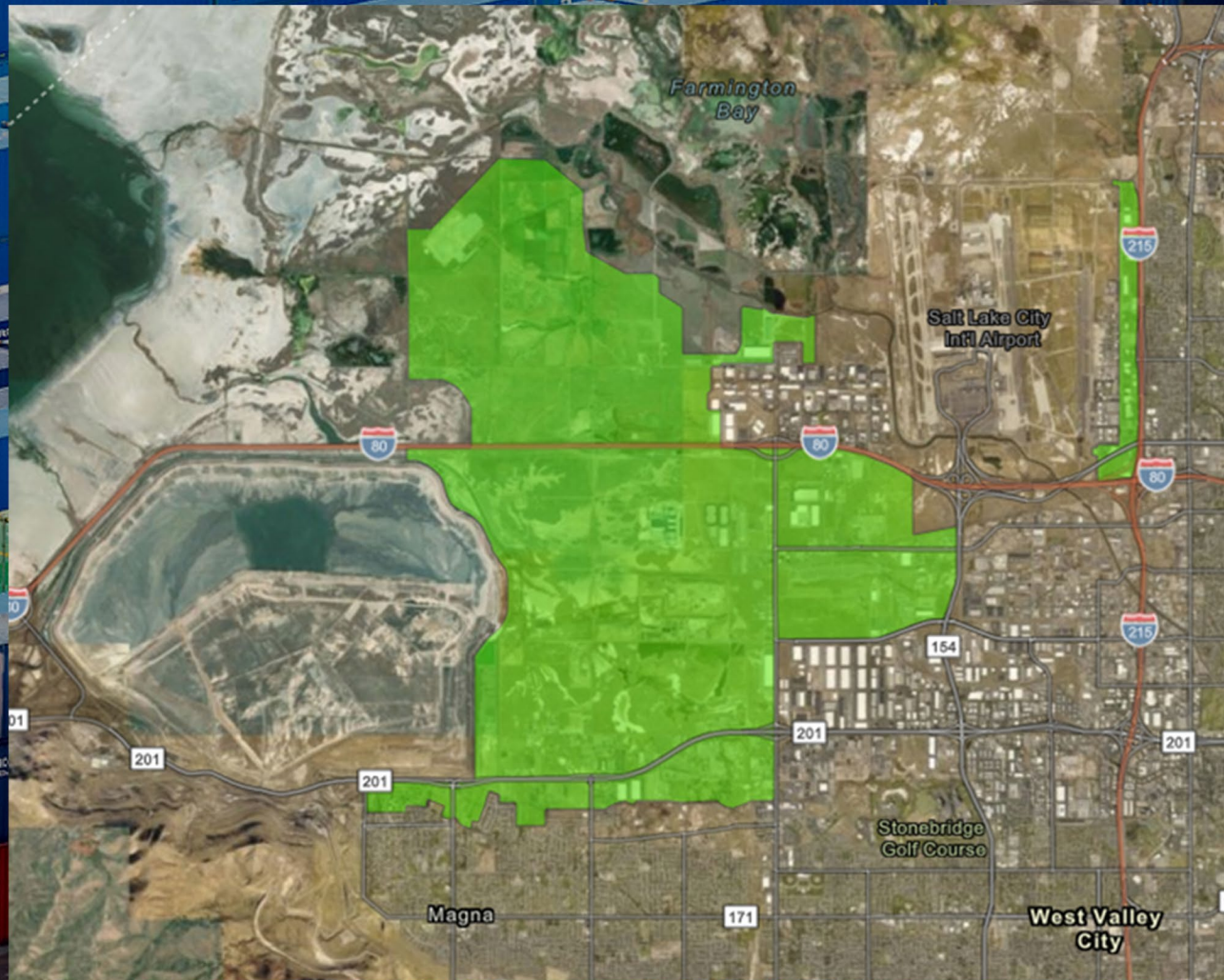
Since landing here in July of 2019, he and his staff have been outlining the vision of what this effort will mean for Utah and the world: a unique opportunity to lead in sustainable logistics development and value-added manufacturing in a way that has not been done before.

UIPA will take advantage of the already existing multimodal transportation connections of interstate highways, railways, and a major international airport and build on that position to connect to the international trade market. But Hedge does not see the economic development opportunity and the call for environmental sustainability as mutually exclusive. In fact, in order to build a logistics network that can compete in the next-generation economy, you have to have both. Investors are demanding and companies are looking for ways to make operations greener and in turn help with efficiency and the bottom line. UIPA's role will be investing in technologies and programs to help the logistic industry reach those goals. For example, the Port Authority is exploring ways to accelerate the uptake of electric vehicles in fleets and support needed infrastructure like charging stations and additional truck parking sites.

Article Provided By: Ginger Chinn, Managing Director of
Business Development for Utah Inland Port Authority.

The UIPA is developing policies to guide its smart logistics investments in a Strategic Business Plan set to be released May 2020. The Port Authority currently does not own or operate any facilities or property, and it is not seeking land use planning or zoning authority. It does have the powerful tool of a funding resource. The UIPA can approve the use of tax differential – money that can coordinate and incentivize desired development, economic, and environmental outcomes.

Hedge says the reason he took this job was the opportunity to create an organization from the ground up in a location that is primed with an incredible logistics foundation. This unique position doesn't exist anywhere else in the country, and it will create a port that doesn't need to fix old problems but can insist on tomorrow's technology and best practices. The Port Authority will reward companies that want to be forward-thinking and together blaze new trails, creating partnerships that will lead to the future of goods movement.



Utah Trucking Association Truck Drivers of the Month

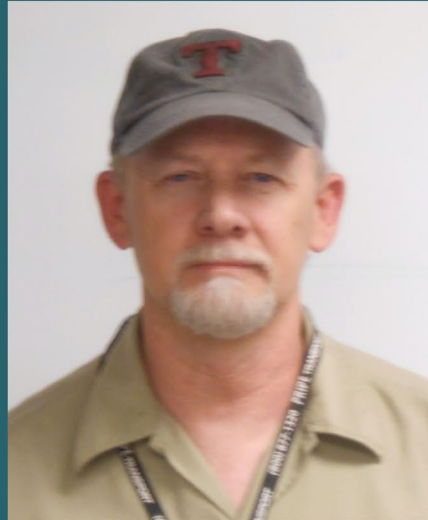


July 2019



Michael Hampton
Years Driving: 20
Miles Driven: 2.1 Million
Stokes Trucking

July 2019



Donald Rives
Years Driving: 9
Miles Driven: 1 Million
Pride Transport

August 2019



Steven Kobbe
Years Driving: 25
Miles Driven: 2.2 Million
Tramcore Corp

August 2019



Doug Turner
Years Driving: 10
Miles Driven: 1.3 Million
C.R. England

September 2019



Daniel Franklin
Years Driving: 10
Miles Driven: 1.2 Million
Pride Transport

September 2019



Wesley Johnson
Years Driving: 25
Miles Driven: 2 Million
C.R. England

Utah Trucking Association Truck Drivers of the Month



October 2019



Joanne Hainline
Years Driving: 12
Miles Driven: 950,000
Pride Transport

October 2019



Tom Draper
Years Driving: 30
Miles Driven: 2 Million
C.R. England

November 2019



Kory Davis
Years Driving: 20
Miles Driven: 2.1 Million
Maverik Logistics

November 2019



Darrell McPhetridge
Years Driving: 25
Miles Driven: 2.4 Million
C.R. England

December 2019



John Crabtree
Years Driving: 20
Miles Driven: 2.7 Million
C.R. England

December 2019



Robert Walk
Years Driving: 23
Miles Driven: 1.8 Million
Walmart Transportation



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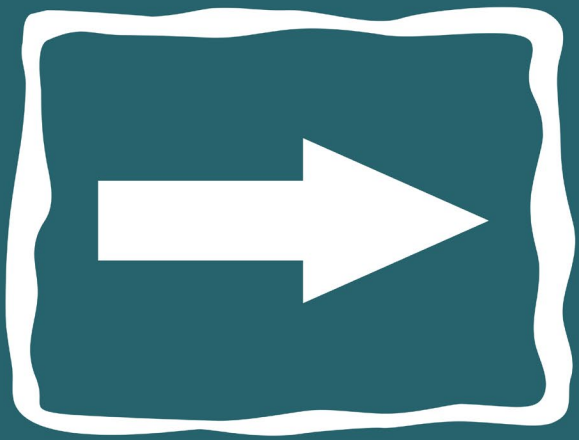


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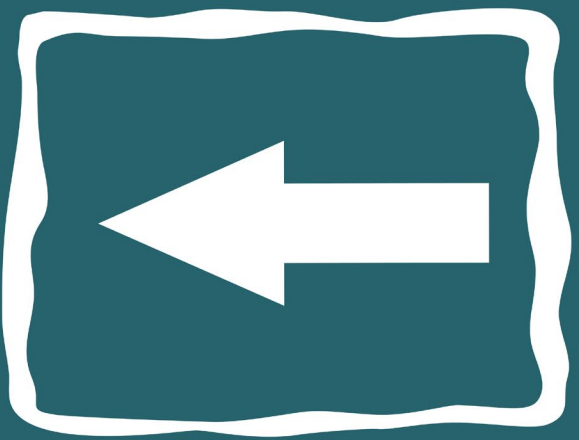
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I-N-D-E-P-E-N-D-E-N-T: DO YOU KNOW WHAT THAT MEANS?

Transportation companies are increasingly turning to independent contractors to assist in carrying loads and other tasks. This is being done for a number of reasons, but most commonly as an effort to avoid the taxes, regulations, and liability that are attached to a traditional employer/employee relationship. When done properly, the use of independent contractors can be an effective tool to help a transportation company run efficiently.

However, the classification of a worker as either an employee or an independent contractor goes beyond mere labels. In a number of recent court cases, workers previously considered independent contractors were found to be employees. These decisions have led to substantial fines to the employers and monetary awards to the employees. They have also blurred the line between independent contractors and employees. Transportation companies must be wary that their contracts with independent contractors are not inadvertently creating employment relationships.

What Creates an Employment Relationship?

The single most important distinguishing factor between an employee and an independent contractor is the amount of control that the company exercises over the worker. There are obvious factors that most companies will have considered, such as providing regular pay, requiring uniforms, and the company's ownership of the tools (including trucks) used.

Even companies that have been careful to avoid these obvious missteps may utilize other, more subtle forms of control that can be determinative. These include requiring and providing training to the worker, mandating that certain routes are driven, or requiring the driver to consistently report his or her locations to the company while driving.

The crucial question to ask is whether the company's expectation is exerting control over the methods and means that the individual uses when performing the task. The more control, the more likely the worker will be considered an employee.

In addition, some requirements in a contract for services can unintentionally define the type of relationship. This is true even if a contract states in clear terms that it is intended to create an independent contractor relationship.

For example, language requiring an individual provide a certain amount of work, or to work exclusively for the company, may create an employment relationship. Similarly, provisions that terminate a contract if an individual refuses to accept a load, or a certain number of loads, may make it more likely that the worker will be considered an employee. Even contracts that allow work to be performed for an indefinite period of time rather than a set term have been problematic.

When preparing a contract for independent services, it is critical that the company review the language carefully to anticipate potential problems.

Recommended Strategies for Creating an Independent Contractor Relationship

When seeking to create an Independent Contractor relationship, the following strategies are helpful:

- Create renewable contracts of a definite term, with pay calculated on a per-project basis
- Notify the worker of his or her responsibility for income and employment taxes and insurance
- Grant control of the work to the worker, allow him or her to determine method and means
- Require the contractor utilize his or her own truck and tools
- State in clear and concise terms the intended nature of the relationship;
- Allow the worker to accept or reject a load without negative consequence

Ultimately, a transportation company must decide whether to retain control of the workers and absorb the associated costs of an employee, or relinquish control and accept the lack of oversight. Companies get in trouble when they want to avoid the costs associated with employment, while retaining the ability to control how, when, and where the work is performed. These simple recommendations should be generally useful, but for more specific applications, consultation with an attorney is recommended.

Scott Elder is a lawyer at Snow Christensen & Martineau – Utah's bedrock business, litigation and trial firm since 1886 – and is an active member of the Utah Trucking Association, and a trusted advocate defending and supporting trucking companies in litigation and transactional matters. For more information visit [www. SCMLAW.com](http://www.SCMLAW.com).

Article Provided By: Scott Elder, Lawyer, Snow Christensen & Martineau



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