



M. Jodi Rell
Governor

State of Connecticut
Department of Developmental Services

DDS

Peter H. O'Meara
Commissioner

Kathryn du Pree
Deputy Commissioner

**TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
TRANSPORTATION COMMITTEE
March 4, 2009**

Senator DeFronzo, Representative Guerrera and members of the Transportation Committee. I am Peter O'Meara, Commissioner of Developmental Services. Thank you for the opportunity to comment on **SB 428, An Act Concerning the Safety of Individuals Being Transported by State Agencies.**

While the bill as currently written would apply to all state agencies, my comments only represent the views of the Department of Developmental Services (DDS). I wholeheartedly support the requirement that any individual operating a transport vehicle shall have a motor vehicle operator's license that is in full force and effect for the type of such vehicle. I assume that this is already current law and applies to all individuals in Connecticut.

Section 1 (c) of the bill, has 2 parts, a minimum semi-annual review of the driving record of any individual operating a transport vehicle and a monthly inspection of each transport vehicle to ensure all seats, seat belts and other required safety equipment function properly. Clearly, the intent of the bill is to ensure the safety of individuals being transported by state agencies. DDS supports the safe transport of all individuals in our service system.

As I mentioned in testimony last year before your committee, DDS did agree that the department would pursue funding to establish an annual driver's license verification process for employees whose responsibilities involve consumer (client) transport. Until recently, DDS only requested a driver history for new employees. I am happy to report that our agency has been working on this issue since last session and in October 2008 the department entered into a Memorandum of Understanding with the Department of Motor Vehicles (DMV) regarding the provision of DMV records for this purpose. In addition, DDS issued a revised procedure regarding Motor Vehicle License and Record Review effective February 1, 2009 to provide guidance to DDS Human Resources staff regarding Motor Vehicle License and Record Review for individuals who provide direct services to consumers. This procedure (No. II.D.PR.004), requires an annual license and record review of all employees occupying positions which provide direct services to consumers. The procedure details that DMV will annually accept one file from each of DDS's 3 regions in accordance with the following schedule: West Region- March; North Region- June; South Region- September.

DDS and DMV met last week to ensure compliance with the schedule set in the procedure which is now in place. The first annual checks will begin this month with the other regions following suit in June and September. DDS wishes to thank the Department of Motor Vehicles for working with our department on this important initiative.

I respectfully request that if this legislation moves forward, it reflect DDS and DMV's collaborative ability to do an annual check for DDS employees who transport consumers. Any higher frequency would require additional resources that we are unable to commit to, given the current state of the economy. With the new DDS procedure in place, we are expecting approximately 3500 annual checks will take place on employees in numerous classifications. Although at this time we have been able to avoid a direct cost by DMV, there are costs associated with supplies and labor at both DDS and DMV to make this happen which are currently being absorbed. DDS estimates approximately 10 minutes of staff labor per check or roughly 600 man hours annually. This includes the initial input requirements, the annual transmittal and receipt of requests, and the collection, review and maintenance of the records. This workload would double if frequency was changed to a semi-annual check. I would also request that the bill permit appropriate agency staff to do the record review as opposed to the "executive head of the state agency" as currently drafted.

On the issue of vehicle inspections, it is not clear from the bill what would constitute compliance. Is the committee envisioning a simple driver's pre-drive check, or something more formal? Also, DDS believes that the intent of the bill was to apply to state agency vehicles only. However, as currently drafted, we believe that it would also apply to transport vehicles owned by private providers if they "transport clients under the care, custody or control of DDS". If so, would the Commissioner or DDS be responsible for safety checks of their private provider vehicles too? DDS's transport vehicles are leased from the Department of Administrative Services (DAS), Fleet Operations. DDS's fleet vehicles are on a regular service schedule as set by DAS: every 6 months or 6000 miles (whichever comes first). The service schedule is more frequent for wheelchair vans: every 3 months or 3,000 miles. Any safety issues with our vehicles or equipment are dealt with immediately at the garage. The fleet garages also keep maintenance records on all of our vehicles for reference. For example, if a DDS employee finds that a seatbelt is not fully operational, they vehicle would be sent to the fleet garage for a repair and a loaner would be used until it was fixed. DDS focused on wheelchair transport safety in its 2005 "Safety Campaign" and in 2007 established a Vehicle Advisory Committee to discuss a variety of transportation topics that deal with health, safety and comfort of both consumers and staff and to develop plans to ensure a consistent and comprehensive approach to vehicle usage. Also, our New Employee Training program, through the College of Direct Support, offers a module on motor vehicle safety within a lesson entitled "safety at home and in the community." There is information in this lesson requiring vehicles to have working seat belts and demonstrating how seatbelts should be worn. In addition, there are slides on lifts and transfers of wheelchairs in to vehicles and a video clip that shows how to secure a wheelchair in to a van or chair lift.

Current DDS Work Rules specify: "Employees who operate any motor vehicles while on state business or on state property must do so in accordance with all applicable laws, regulations, policies and procedures. This includes possessing a valid operator's license, obeying speed limits and other posted traffic and parking signs, using seat belts and driving in a safe manner. Employees shall immediately notify the supervisor and the Human Resources Office of any change in their driver's license status. Employees will be personally responsible for paying any fines incurred and may be subject to disciplinary

action for motor vehicle violations. Vehicles shall be parked only in designated areas. Vehicle drivers are responsible for keeping the keys secure at all times. Vehicle drivers will ensure that they turn off the motor, remove the keys from the ignition and take the keys when leaving the vehicle. Unauthorized passengers shall not be transported.”

There are over 7000 DDS consumers being transported to day programs in both the public and private sectors, therefore we understand and agree with the intent of the bill. DDS supports the safe transport of clients in our care and custody, and we welcome any opportunity to discuss this issue further with your committee. We would ask that you seriously consider our comments and concerns and take into consideration the progress that has been made by the department on this issue without the passage of legislation. Thank you again for the opportunity to testify before you today. Please contact Christine Pollio, DDS Director of Legislative and Executive Affairs at (860) 418-6066 if you have any questions.