Benesch
Attorneys at Law

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Benesch has been named **Law Firm of the Year** in **Transportation Law** in the 2016 Edition of U.S. News & World Report/Best Lawyers® "Best Law Firms" ranking.

Only one law firm per practice area in the U.S. is receiving this recognition, making this award a particularly significant achievement. This honor would not have been possible without the support of our clients, who both enable and challenge us every day, and the fine attorneys of our Transportation & Logistics Practice Group.

The U.S. News & World Report/Best Lawyers® "Best Law Firms" rankings are based on an evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in their field and review of additional information provided by law firms as part of the formal submission process. For more information on Best Lawyers, please visit www.bestlawyers.com.

The *InterConnect* FLASH!

Practical Bursts of Information Regarding Critical Independent Contractor Relationships

FLASH NO. 52 TRANSPORTATION INDUSTRY INDEPENDENT CONTRACTOR PROGRAM ASSESSMENT

Worker classification and regulatory compliance issues have resulted in numerous, costly judgments and settlements in the transportation industry. With the new year beginning, and no end in sight as to the pressures on the IC model in our industry, it may make sense to consider a proactive audit of your independent contractor/owner-operator relationships, agreements and practices which can help you avoid missteps that put your business at risk.

Much like preventive vehicle maintenance, routine, proactive, self-initiated assessments of a transportation company's Independent Contractor (IC) program are essential to assess the program's fitness and determine where tune-ups are necessary. While this has always been true, recent events in the industry and in the U.S. agency and regulatory environment regarding independent contractors make self-assessments even more important. Judgments and settlements for violations and litigation resulting from both worker classification issues and Federal Leasing Regulations compliance issues seem to continually appear in the industry news—many for several millions of dollars. Our experience dealing with transportation companies, in all segments of the industry, and their IC programs suggests a reluctance to look under the IC program's "hood," primarily due to cost and time invested, but also a fear of what may be discovered.

Benesch and Relevant Business Solutions (RBS) have joined forces to deliver an IC Program Assessment that is economical, efficient and customized to meet your company's particular needs based on the health and effectiveness of your IC program, regardless of the segment in which you operate: truckload, bulk and tank, drayage, or B2B/B2C.

AN EFFICIENT PROCESS

Our process quickly gathers information about your company's operational practices and the documents related to your IC relationships and assesses them against state and federal best practices.

Kick-off and Overview

The starting point for the preventive maintenance IC assessment is a no-charge consultation with counsel for an overview of your IC program and to establish an attorney-client relationship right from the beginning.

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Evaluative Review and Surveys

The next step is an evaluative review and surveys that zero in on the specifics of your IC program, including your company's operative and contractual documents (Independent Contractor Service Agreements, Lease Purchase Agreements, settlement statements, election forms, handbooks, etc.) to evaluate their sufficiency. This is followed by a series of surveys that are administered electronically for each working group within your organization, from executives to drivers, where similar substantive questions both determine how your IC program functions and identify certain operational trends among worker groups.

Assessment and Action Steps

The survey results are reviewed and assessed by counsel, followed by a confidential initial report and further consultation with counsel to analyze the results. The results may indicate a clean bill of health or call for a tune-up, suggesting reasonable, proactive, forward-looking measures to maintain the IC program. The results may also call for further examination and review, with an eye toward self-improvement.

STEER CLEAR OF TROUBLE

Given the environment in which the transportation industry is presently operating, and the attacks on the IC model from government agencies, legislation and litigation, transportation companies operating with independent contractors/owner-operators would be wise to routinely and proactively initiate self-assessments of their IC programs. The Benesch-RBS IC Program Assessment makes this process efficient, economical and confidential while providing guidance to keep your IC program on the road and out of legal trouble.

ABOUT BENESCH

Benesch is a full-service law firm with a national footprint and a robust Transportation & Logistics Practice Group recognized by U.S. News & World Report/Best Lawyers® "Best Law Firms" as the #1 law firm in this industry in 2014 and again in 2015. Rich Plewacki, a partner in the group, is a 45-year trucking industry veteran, both as a businessman and as a lawyer. He has focused his law practice for the last 28 years primarily on motor carrier independent contractor models in all segments of the industry.

ABOUT RELEVANT BUSINESS SOLUTIONS

RBS is a consulting firm specializing in helping companies keep their independent contractor (IC) practices current. CEO Scott Grandys has over 20 years of experience in the transportation industry dealing with all facets of the IC model, including risk management, administrative support and operations.

ADDITIONAL INFORMATION

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