



e-Newsletter

CalVans, California Vanpool Authority Quarterly Newsletter



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Who We Are
 The California Vanpool Authority (CalVans) is a public transit agency providing public vanpools to those electing to commute to work in a non-profit manner; this includes agricultural workers and non-agricultural workers. The service provided by CalVans is recognized by local, state and federal agencies as a safe and cost effective method of getting to work in a shared ride vehicle.

How Can CalVans Help YOU?
 If you would like to bring the benefits of CalVans to your operation, contact the California Vanpool Authority Toll-Free at **866-655-5444**.

CalVans operates Monday thru Friday from 8 a.m. to 5 p.m. and is closed on major holidays.

The CalVans main office is located at:
 1340 North Drive
 Hanford, Ca 93230

CalVans also has satellite offices in Imperial, Kern, Monterey, Ventura, and coming in early 2017 we will have an office in San Joaquin County.



CalVans & Employer Q & A

1. What is CalVans?
 CalVans is a public transit agency formed as a Joint Powers Agency comprised of several COGs (Council of Governments) or RTPAs (Regional Transit Planning Agency). The following agencies comprise CalVans:

- Association of Monterey Bay Area Governments
- Fresno Council of Governments
- Imperial County Transportation Commission
- Kern Council of Governments
- Kings County Association of Governments
- Madera County Transportation Commission
- Merced County Association of Governments
- San Joaquin Council of Governments
- Santa Barbara County Association of Governments
- Tulare County Association of Governments
- Ventura County Transportation Commission

2. What is a COG or RTPA?
 They are public joint powers agencies comprised of representatives of each city and the county. These agencies come together to decide county-wide planning and air quality issues. A member of each COG or RTPA sits on the CalVans Board; these are generally City Council or Board of Supervisor members.

3. Who pays for the program?
 Although CalVans is a public transit agency, it receives no state or federal funds, all costs are recovered from those who use the program. On a side note, through the reporting of its passenger data to the federal government CalVans generates over \$7 million a year for various transit agencies in the areas it serves, however, none of this money comes back to CalVans.

4. How does the program work?
 CalVans provide vanpools to employees and students residing in one of the areas its serves. Residents can travel outside of their area daily for work or school. Conversely, employees of companies located inside of a service area may travel to their place of employment from outside the area.

5. Can vans travel across state lines into Yuma, AZ?
 Yes, the van can travel across county or state lines.



From Left to Right: Rick Newton, District Director for the Sacramento Office, Dean Florez, Former California Senate Majority, Juan Coria, Deputy Regional Administrator for the West, U.S. Department of Labor, Wage and Hour Division, Ron Hughes, Director, California Vanpool Authority (CalVans), Nora Pedraza, Assistant District Director, U.S. Department of Labor, Wage and Hour Division, and Jose E. Gutierrez, Sergeant, California Highway Patrol (Safe Program-El Protector)

6. What does it take to bring CalVans to new areas?
 Someone would need to approach a COG or RTPA member suggesting that they consider joining CalVans. If asked, CalVans staff would do a presentation about the CalVans program. Any COG or RTPA can request membership in CalVans. Membership costs nothing and members may withdraw at any time. The existing CalVans board has to vote to accept any new member agencies.

7. Is Worker's Comp an issue when employees use a CalVans vehicle and who is the primary insurance carrier of General Liability and Worker's Compensation, the FLC or CalVans?
 Workers Comp has not been an issue in the past, but that does not mean an employee will not file a worker's comp claim in the future. Generally speaking, the \$10 million general liability insurance coverage CalVans carries will cover all damages should an accident occur. If the vehicle moves about the field in the course of getting to and from work the employee may have the ability to file a worker's comp claim. This would also apply to a personal vehicle used in the same fashion, if they had an accident. It could be argued that an employer is if an accident occurs in a CalVans vehicle as opposed to one of their employees' vehicles due to the fact that a good percentage of the time the employee's vehicle is either not insured or under-insured.

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Q & A

Continued from page 1

8. What type of insurance coverage does CalVans carry? Do they have an umbrella?

CalVans carries \$10 million in general liability coverage through Philadelphia Insurance Company, a triple A rated company. The insurance is made up of \$2 million in primary coverage with an \$8 million umbrella policy. The policy includes Med Pay coverage. To facilitate the process a copy of the CalVans insurance policy with all listed vehicles can be found on the CalVans website. The CalVans website is www.calvans.org and the link to the insurance is found below:

www.calvans.org/why-us/agriculture/forms

9. Who needs an FLC/FLCE Card?

An FLC (Farm Labor Certification) is needed where the driving activity is not totally voluntary on the part of the driver or the driver is an employee of an FLC. When the driver is being directed in some fashion by the Farm Labor Contractor then the driver is required to have an FLC or FLCE certificate. Being directed covers a broad area; Was the employee asked to drive? Is the driver being compensated? Is the driver supervising or directing other employees? Is the driver recruiting or furnishing employees for the employer? If asked by a DOL representative, will the driver state that he was asked to drive? Please note that CalVans' staff expertise lies in providing safe transportation, not understanding the intricacies of MSPA or the DOL process. The final determination of who requires an FLC card rests solely with our DOL representative. Do contact them. There is a Specialist of the Day that can be contacted for questions relating to the CalVans approval process. If you have a MSPA FLC/E question please call [415-241-3505](tel:415-241-3505) or email at mspaflc@dol.gov and request the Specialist of the day.

10. What are the items or package needed when getting employees set up as FLC's/FLCE's?

At this time the package consists of the following with original signatures:

- Completed WH-530 application with fingerprint card
- CalVans Driver Agreement- signed in blue ink
- CalVans Employer Acknowledgment Form- completed by employer
- A signed Class B Medical Examiners Certificate- replaces WH-515

Items b-d are updated periodically and can be found on-line at:

<http://www.calvans.org/about-us/pub-lic-notices>

11. What is the process for approving a driver under the partnership with the DOL?

Potential drivers will submit a copy of their driver's license for review. If they are over 25; authorized drivers will have 2 or less points and no DUI or reckless driving convictions in the past 5 years and pass a Class B Physical examination. If they pass the physical, a driver agreement is signed and a vehicle is assigned. The driver will submit documents noted in question 11 to the San Francisco office for approval or directly to their employer. If approved, the San Francisco office will return a copy of the Driver Agreement and Employer Acknowledgment to CalVans. The driver may then pick up their van. Response times vary but DOL staff is committed to timely turnaround.

12. Do growers who directly hire employees need to have their employees become an FLCE?

No, only those working for a Farm Labor Contractors are required to secure FLC certifications. When completing the CalVans Driver Agreement the driver will check off whether they are an employee of grower or FLC. The grower will also complete the Employer Acknowledgment Form. CalVans does requires scanned color copies of both until the copies are returned by DOL staff to CalVans.

13. Are the vans required to be registered on our FLC License?

Yes. When the driver is registered, CalVans will reserve a vehicle and provide the potential CalVans driver with the forms necessary to submit to the employer to follow thru with the DOL process. Employers should be aware that employees may not drive or have access to a CalVans vehicle until DOL has issued the employee with a FLCE registration (blue card) number. The agreement between CalVans and the DOL was signed August 9, 2016. FLC's using CalVans should all be CalVans Transportation Authorized if they have not already done so. It has been our experience that the DOL will amend a main FLC card (orange card) to include TA for CalVans on behalf of the employer.

14. Is there a special lease agreement between a FLC and CalVans?

No, the agreement is with the authorized CalVans driver. The driver's relationship with the employer is separate from their relationship with CalVans. However, please note that for H2A purposes the EDD processing unit will want a copy of the signed transit voucher to establish the relationship between the employer and CalVans. This is considered the agreement between you and CalVans.

15. Who is responsible for the annual inspection of the vans?

There is no annual inspection requirement for CalVans vehicles. CalVans vehicles fall under Section 34509 (a) thru (e) of the California Vehicle Code governing vanpools vehicles. This vehicle code sections require vehicles be serviced and all major components inspected every 6,000 miles or 6 months, whichever comes first. Issues discovered during the inspection are either corrected at the time of the inspection on-site, mobility or the vehicle is swapped out and brought in for scheduled repairs.

16. What are the ednoersement requirements for the drivers operating on behalf of the FLC?

The driver will have on file with the DOL the documents noted in question 10.

17. Is there a DOT BIT Terminal program?

CalVans vehicle are PUC exempt and do not fall under the BIT program.

18. Does the employer have to capture and report miles and fuel used- (IFTA)?

No.

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Q & A

Continued from page 2

19. Are CalVans vehicles considered commercial vehicles?

No, CalVans vehicles are exempt under PUC Section 5353(h) which exempts transportation of persons between home and work locations or of persons having a common work-related trip purpose in a vehicle having a seating capacity of 15 passengers or less, including the driver, used for ride-sharing purposes.

20. What is a Transit Voucher and how is that used to pay for the cost of the vanpool?

The Qualified Transportation Fringe Benefit Program governed under IRS Section 132(f) provides a tax incentive to employers for employees who commute to work by an eligible means, such as vanpooling. The amount of the incentive is presently \$255 per month per employee. Through the use of an approved transit voucher an employer can agree to pay the monthly cost that the employees would have normally paid. This process does not create any contractual obligation between the employer and CalVans, it only provides for the payment of the cost of transportation on behalf of the employee. **Image 1** is a copy of a blank CalVans Transit Voucher. Every voucher is unique to the employer using it and should be provided to your employees to submit along with their passenger form to CalVans.

21. What is a CalVans Payment/Passenger Form?

The other item that is unique to the vehicle, driver and the billing period is the form used to track the riders and to document the authorized driver or drivers of that vehicle. **Image 2** shows a copy of a blank CalVans Payment or Passenger Form. Every Passenger form is different every week; changes in employees, locations and crops will vary through out he season.

Every authorized driver is trained to complete these forms and to submit them based on the wishes of the employer either to the employer first or directly to CalVans.

There are several ways to submit the forms; depending on the instruction of the employer to CalVans prior to CalVans staff provides the Orientation to your employees. Many employees opt to collect these themselves to check for accuracy and for payroll reasons; other employers prefer that a foreman simply collect them as part of their weekly routine but to also check for accuracy. These forms become a history of the work done for that time-frame and the more complete the forms are; the less likely there are to be questions for billing purposes later or even in the event of an accident. Having accurate passenger information can help CalVans protect an employer in the event of an accident as clear and full passenger/employee information can prove to be very helpful in the future.

Image 1: Copy of a blank CalVans Transit Voucher

#	Riders Name	Vanpool #	Date	Individual Fare Amount
1				\$
2		XXXXXXXX	XXXXXXXX	\$
3		XXXXXXXX	XXXXXXXX	\$
4		XXXXXXXX	XXXXXXXX	\$
5		XXXXXXXX	XXXXXXXX	\$
6		XXXXXXXX	XXXXXXXX	\$
7		XXXXXXXX	XXXXXXXX	\$
8		XXXXXXXX	XXXXXXXX	\$
9		XXXXXXXX	XXXXXXXX	\$
10		XXXXXXXX	XXXXXXXX	\$
11		XXXXXXXX	XXXXXXXX	\$
12		XXXXXXXX	XXXXXXXX	\$
13		XXXXXXXX	XXXXXXXX	\$
14		XXXXXXXX	XXXXXXXX	\$
15		XXXXXXXX	XXXXXXXX	\$
16		XXXXXXXX	XXXXXXXX	\$
Weekly Total Amount				\$

The company providing this voucher has entered in to an agreement with CalVans agreeing to submit payments to CalVans for all vouchers submitted on behalf of the company's employees.

Image 2 : Copy of a blank CalVans Payment or Passenger Form



Issues for 2017

The local CHP SAFE units are stepping up enforcement in all areas. Among other things they are focusing on:

- Exceeding the 55mph limit while pulling a trailer.
- Wearing of seatbelts
- Asking the drivers to produce their medical certificate, maintenance card and declaration.

We have seen more damage to vehicles, electrical modifications and trash inside the vehicle resulting from:

- Damage to the rear of the van is occurring when the drivers are hooking up trailers
- Drivers modifying the trailer plug to match the plug on the trailer
- Driver failing to keep the van free of trash and excess dirt.

Where we discover damage due to the drivers negligence we will be looking to his employer for repair of the vehicle. We have put standard heavy duty trailer plug on all vehicles. Damage occurs where the driver fails to get an adapter and decides to modify the vehicle instead. Trash inside the vehicle creates a health and tripping hazard and can result in the driver being removed from the program.

On occasion we find a driver that shares his passcode with another employee or a foreman who demands the passcode from the driver. We generally drop the drivers who do this from the program. If we find that the company is complicit in the practice or does nothing to minimize the practice we will cease providing vans to employees of that company.

The CalVans website has been updated with a number of new features to assist both you and your employees. The features include:

- Access to each van's weekly bill going back 4 weeks.
- Maintenance records for each van.
- Insurance policy with a list of all insured vehicles.
- Searchable list of a vans by either driver or employer.
- Searchable list of previous CalVans drivers who may be available for employment.

Collaboration with the USDOL will intensify in 2017. To that end it is important for all FLC employers to complete the process of having those needing an FLCE to get one. We have 63 employees that have completed the process as of December 20th. There are probably as many who need to go through the process. If you are one of those, you run the risk of losing your vans going forward.

Western Regional Office Farm Labor Certificate Processing Fresno Satellite Office

The US Department of Labor-Wage and Hour Division, will have a 3 Day Open House Registration, January 10, 2017 through January 12, 2017. The Fresno Satellite Office will be processing certificates for ALL FLC/FLCE's with APOINTEMTN ONLY. (RSVP # is needed)

DROP OFF APPLICATIONS are welcome!

Appointments are from 8:00am to 4:00pm, Tuesday through Thursday and can be made by calling the number below. You can also stop by to drop off your Farm Labor Contractor Applications, pick up the forms or speak to a Specialist regarding questions. For any appointments, suggestions, general information or questions you may contact the DOL main line at **(415)241-3505**.

DOL Office:
906 N Street, Ste. 105 Fresno, Ca 93721



Visit our website www.calvans.org to access maintenance records, drivers, billing, and much more!

Under the Why Us tab : Agriculture : Agriculture Forms you will find everything regarding agriculture. Feel free to give us a call if you have any questions **1-866-655-5444**





The Box

Instructions link and best practices for using the app [box.com](http://www.box.com). We highly recommend using Google Chrome vs. Internet Explorer.

Once you have been informed by the local Transit Coordinator that your application and transit voucher have been approved they will in turn inform the CalVans Accounting Department that you will be using the Box to retrieve bill cycling documents weekly. Please visit www.box.com at your earliest convenience by accepting the invitation once it is sent to you and set up an account.

The accounting Dept will send an invitation to the email addresses on the application, so anything uploaded by the CalVans Accounting Department and/or Transit Coordinators will be accessible to the representative(s) within your unique folder.

Each week, we will upload three separate types of documents into your Box folder:

- **First**, the accounting department will upload the billing in its entirety, including all vans in the CalVans fleet, for your review. The Accounting Department will attach the prior week's billing to primarily emails, so that your appropriate employee can familiarize themselves with it. The figures in Column H (highlighted in blue) are the number of miles that a particular van ran for the designated week. The figures in Column I (also highlighted in blue) are the dollar amounts owed to CalVans for the designated week for a particular van. This document is used by the other organizations mostly to insure billing accuracy, once invoices arrive.
- **Second**, and most important for cash flow reasons, once the accounting department has received the passenger sheet and voucher from employers or authorized CalVans drivers, then and only then can an invoice be generated for that van per designated week worked. These invoices are uploaded to www.Box.com as received, with only slight modifications of either mileage, amount per passenger and or the total amount owed for that week. The invoicing folders are named by week date always starting Mondays and ending Sundays (December 19, 2016 - December 26, 2016). For the accounting department to remain
- **Lastly**, a current statement is uploaded. We ask that you review the statement in comparison to the billing that was previously uploaded to confirm accuracy.

Deposits

IMPORTANT NOTICE TO ESTABLISHED AND NEW ACCOUNTS:

CalVans will request a deposit for employers that have a history of being continuously late on payments, where the tardiness of the payment is thru no fault of CalVans or its' staff. We understand problems may occur from time to time, however if payment is not submitted within an acceptable time frame or a payment arrangement is not made, CalVans reserves the right to disable the van for no payment.

■ ■ PLEASE NOTE ■ ■

The outstanding balance will have to be paid in full and a deposit submitted prior to any vans being turned on or any driver being added to our system. Employers will receive an invoice to that effect. The typical deposit is based on two weeks of the highest usage multiplied by the number of vans an employer had in a prior seasons. When a payment is made, please notify CalVans accounting to which balances you wish to have the payment applied, otherwise they will be applied to the oldest balances first. Timely payment is not only appreciated but crucial to the viability of the CalVans program.

Typically invoices submitted to an employer or authorized driver are due within 7 days. Please contact the CalVans Accounting Department immediately if this is not possible. The timely submission of completed and correct paperwork is essential to bill correctly. If you are an employer that prefers to receive the original passenger and transit voucher forms directly from your employees, those forms are still due to CalVans staff as a scan on or before Fridays. The messages sent the the vehicles messaging system typically arrive on Monday's and contain the information necessary to complete the required forms by the driver, but as an employer you also have this report in billing and is one of the 3 reports uploaded into the Box as mentioned above. Recently, CalVans created a section of our website to retrieve this information and can be found here: <http://www.calvans.org/why-us/agriculture/billing> along with a lot of other useful information.

The CalVans Account Department hopes this explains how the CalVans invoicing distribution is cycled with the help of www.box.com. Should you have any questions, please don't hesitate to contact us at **866-655-5444**. You may also email Alejandra Madrigal at alejandra.madrigal@co.kings.ca.us or by phone at **559-852-2711**. Thank you, the CalVans Accounting Department



Share your day with CalVans...



Juan Guzman with his crew·
Salinas, Ca



Sunrise Packing, Vanpool 937·
Heber, Ca



Harvesting Lettuce with Vanpools 934
and 936·
Salinas, Ca



El Tata of Vanpool 922·
Hanford, Ca



Fausto, the winner of the
Selfie Challenge· Congrats!
McFarland, Ca



Making raisins out of grapes
with Vanpool 891·
Fresno, Ca



Balijas Hernandez, volunteer driver of
Vanpool 918·
Laton, Ca



Young men, riders of Vanpool 988·
Laton, Ca



Pedro Baltazar of Vanpool 924
Kettleman City, Ca

Regions

If you haven't visited the CalVans website or blog lately stop by and pay us a visit! We may very well feature someone you know. www.calvans.org

A DRIVER'S STORY

Easy Moving



For over 12 years, Daniel Aviña has been working for the same company – working different jobs and making his way up the ladder.

Aviña started as a maquinista—a machine operator—in what is known as el destronque de romana, which is the harvesting of the romaine lettuce.

After doing that for three years, he spent the next couple of years fueling up the machines with diesel gas. For the last seven years, he's been the crew boss. Being the crew boss comes with a lot of responsibilities including making sure that everyone is following the rules and arrives to work on time. Daniel also checks to make sure workers have everything they need to be safe and proficient at their job.

Among many of Daniel's responsibilities, being a driver is one of them. He's been a CalVans volunteer driver for nearly four years.

Before CalVans was introduced to his work site, nearly every individual would drive their own vehicle into already overcrowded fields. This would sometimes cause problems. Although the fields are big, there is very little room for vehicles to move around with ease.

"In a van one can move everywhere," he says. "It's easier to move in the fields especially here where one has to be moving... We start here and then we move there, we are moving around three to four times a day. It's faster in the van. We all move together."

*Daniel Aviña,
Volunteer
driver of
vanpool 934.*



The riders as well as Daniel enjoy riding in the van. They say it's beneficial for all of them as well as their employer. The fields aren't congested with other vehicles when they ride together, especially since they are well equipped by the employer, having everything they need to do their job.

Daniel says the riders like the air conditioner.

"They all ride very comfortably," he says. They like the van a lot more because it is at no charge to them. Their employer takes advantage of the Federal Qualified Transportation Fringe Benefit Program. This program allows an employer to pay the vanpools cost on behalf of the riders as a pre-tax employee benefit up to \$255 per month.

With CalVans, the driver and riders do not have to worry about the ride; CalVans together with the employer have made it easy for the workers to focus on the job.