

## Using GPS to Help Manage Fleet Costs

As the workforce in America becomes more mobile, so do the capabilities of employers to track their employees on the road. From a distance, accurately monitoring employee productivity, working hours, injuries, conduct and company property presents a challenge. The use of global positioning systems (GPS) is an excellent way to address these difficulties. Using satellites and receivers installed in a vehicle, laptop or cell phone, these devices are able to locate an employee's physical location and vehicle speeds with reasonable accuracy.

### How GPS Tracking Works

GPS fleet monitoring started out as a tool specifically for the shipping and delivery industry, but the technology has proven its worth for almost any business that has a fleet of its own.

GPS programs can be used on employee cell phones, laptops or on stand-alone GPS devices, but the most robust information and management comes from devices installed directly into the company's fleet vehicles. These devices can monitor and report on a wide variety of information, including speed, engine start up and shut down, routes, and idling.

The information from GPS systems can be available from the device, either uploaded or viewed on the device itself, or sent remotely to a main system. When sent to the system remotely, administrators and dispatchers can access the information in real time via the internet or specialized software. Viewing maps of vehicle locations, routes and vehicle status reports can help supervisors and dispatchers better manage their employees' time and improve efficiency.

### The Benefits of Using GPS

Fleet tracking can have multiple positive results for your business. Using the information reported from the GPS devices can help eliminate inefficiencies and save time. Your workers can get to more jobs per day, increasing productivity and, in turn, profits. This can also help improve customer satisfaction by reducing customer wait times.

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The use of GPS technology is an excellent way to address the difficulties of monitoring mobile company property and employees from a distance. However, exposures associated with GPS monitoring of employees need to be considered and accounted for.

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Tracking can also reduce labor costs and unauthorized vehicle use. Being able to monitor vehicle locations and routes with timestamps will help you make sure all hours reported by workers are accurate. You can flag the movement of your vehicles during non-working hours or in certain areas that your company vehicles and workers should not be.

As well as improving employee monitoring, fleet operating expenses can be reduced through more efficient management of your vehicles, assisted by the

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data available from GPS. Fuel costs can be cut down by eliminating inefficient routes, unapproved employee usage, avoidable traffic delays and speeding. The peace of mind of monitoring your vehicles and knowing where they are at all times improves the safety and security of your entire fleet, reducing or preventing the costs associated with theft. Other ways GPS can reduce your costs include defending against false claims. For example, if a false claim comes in to your company that a vehicle of yours damaged property, such as a parked car, you can use your records to prove no vehicle was in the vicinity at that time.

The benefits to using GPS tools are useful to any company that owns fleet vehicles. However, there are also several legal considerations that employers need to consider and address before implementing GPS technology for their mobile workers to protect their employees and the company.

## Invasion of Privacy

Employees may have a reasonable expectation that their location and actions are private from their employer.

For example, an outside sales representative attends a support group during his lunch break during working hours. Though he does not disclose this information to his employer or co-workers, the employer discovers that the employee is attending these meetings through GPS monitoring. The employer may then be held liable for invasion of privacy.

## Employer Fails to Supervise Employees Properly

If an employer discovers that an employee presents a risk to others and does not act, the company is at risk for a claim of negligent supervision.

For example, a commercial driver tends to speed while he is on the job, and his employer discovers this through the GPS system installed in his vehicle. The employer does nothing about this discovery, and the driver subsequently gets into an accident because he was speeding. As a result, the employer is liable for negligent

supervision.

## Employee Discrimination

Though an employee's membership with a group may be protected by federal and state discrimination laws, the employer may not always be aware that the employee is a member. Yet, with the use of GPS technology, an employer can sometimes discover their employees' affiliations, thus supporting a discrimination claim.

For example, an employee is receiving treatment for a terminal illness on his own time. Through GPS tracking on his laptop, his employer discovers that the employee is ill. A few months later, the employee is terminated and when he files a disability discrimination claim, his employer cannot deny knowing about the employee's illness because his laptop was being monitored.

## Inaccurate Data Collection

If an employer makes an employment decision based on data collected from a GPS and the information is found to be inaccurate, the employer may be subject to defamation, wrongful termination and employment discrimination claims.

For example, the GPS system installed in a delivery driver's vehicle inaccurately places the driver at a gentlemen's club near where he is actually making deliveries. Though the employee was doing his job honestly, the employer assumes that he was visiting the club on the clock. As a result, the employee is terminated. This puts the employer at risk for claims of wrongful termination.

## Additional Considerations of the Dangers of Using GPS Technology

There are additional dangers employers need to consider:

- Employees who are monitored may feel as though their employer does not trust them and may relinquish some of their independence and

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individuality that they once brought to the job. This may negatively affect their independent decision-making abilities.

- There may be an urge to implement unreasonable schedules because employees are constantly monitored.
- The ability to monitor employees during breaks and before and after working hours can pose issues. By learning what employees do with their own time, an employer can obtain a full picture of the lives of their mobile employees. Thus, employers may breach the privacy that their employees expect and prefer.

## Recommendations for Employers to Reduce the Risk Associated with GPS Monitoring

When using GPS devices to monitor your employees, consider these recommendations to reduce your risk:

- Limit GPS monitoring to company-owned property, as it is easier for an employee to make a privacy claim while in possession of his or her own property.
- Develop a comprehensive written policy about the use of GPS technology, and enforce this policy strictly. It should outline how the devices and the information attained will be used. All employees who will be monitored with a GPS device should acknowledge receipt of the policy in writing.
- Limit GPS monitoring to the confines of the policy for legitimate business operations only.
- Do not monitor any activities relating to union organizations, as that can be seen as unlawful surveillance.
- Re-calibrate the system for accuracy on a regular basis.
- Check with your legal counsel before implementing GPS technology.

Remember that while the use of GPS technology can be a powerful management tool, it can become a legal headache if not managed properly. By using this technology lawfully, you can benefit by improving the efficiency of your business while still respecting the privacy of your employees.