

# FMCSA Compliance Audits/ Investigations of ELD Records



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This article aims to help motor carriers understand how FMCSA and, in some cases state agency auditors/investigators, review and audit electronic logging device (ELD) records for driver hours of service (HOS) compliance. Let's start with a few basics.



## What is a Compliance Audit?

As the name implies, a compliance audit is a way for FMCSA to evaluate whether a motor carrier is following the FMCSA's safety regulations. During a compliance audit, a safety investigator conducts a detailed review of specific elements of a carrier's compliance program. FMCSA conducts two types of compliance audits: (1) a full audit that covers all compliance areas, and which is typically performed on-site at a carrier's main office, and (2) a focused audit which usually covers just one or two compliance areas, such as HOS compliance. Focused audits can be performed either on-site at the carrier's main office, at a carrier's terminal location, or entirely off-site. This choice is at the discretion of the FMCSA auditor.

Full compliance audits normally result in the carrier being assigned a safety rating of Satisfactory, Conditional, or Unsatisfactory. Focused compliance audits do not result in the assignment of a safety rating.

## Compliance Audits of ELD Records –

ELDs have changed the way FMCSA investigates HOS compliance in several important ways. Most significantly, ELD records and new FMCSA auditing software called "eRODS" have made it much easier for safety investigators to collect and analyze HOS data.

## Basic Elements of an ELD Records Compliance Audit –

All HOS/ELD investigations include certain requests and checks that carriers should be aware of, and for which they should prepare.

1. ELD records and "back office" reports – Investigators will typically request 30 days of ELD records for a sample of drivers they select, as well as various "back office" reports as they begin to determine compliance. Common ELD-related reports requested include unassigned driving time reports, edit reports and driver violation reports.
2. Searching for compliance (and violations) – Investigators will use their eRODS software to conduct a detailed review of each change of duty status on the ELD record's graph grid and compare it to the detailed event by event data on the ELD record (below the graph grid) to evaluate HOS rule compliance.
3. Checking unassigned driving miles and ELD record edits – Investigators consider unassigned driving miles a key source of possible HOS fraud. They will check for unassigned driving miles in the ELD record header and the unassigned miles report and ask for an explanation of any unassigned miles, if none is provided. Investigators will also pay close attention to edits made to drivers' ELD records to verify they were proper by comparing them against the detailed ELD record data, and evaluating the reasons the edits were made.

## Auditing for Falsified ELD records –

In addition to steps 1-3 just outlined, investigators also use some investigative techniques in an effort to identify falsified ELD records. Below are some of these techniques. Knowing what FMCSA investigators will do, and what they will be looking for, will help carriers conduct internal audits to identify violations and improve their compliance, and avoid potentially negative compliance audit results.

1. Login/logout activity – Investigators will review login and logout activity to determine if a driver used another login to gain additional hours, or if drivers failed to login to avoid HOS violations.
2. Duty status change locations – Investigators will look to match the locations of the last off-duty status with that of next on-duty status to verify the accuracy of ELD record entries.
3. Personal conveyance use – Personal conveyance is viewed by FMCSA as a common and potential source of false ELD records, which means auditors will closely scrutinize personal conveyance use to determine if it adheres to FMCSA guidance.
4. Other supporting documents – Despite ELDs' superior accuracy over paper logs, supporting documents are still an important tool used by investigators to identify ELD record falsification. Investigators will look to match certain supporting documents generated in the course of business (e.g., payroll records or truck fueling reports) with an ELD record to verify the accuracy of a driver's ELD input (e.g., on-duty, not driving time).

Carrier preparation is critical to successfully navigating an FMCSA compliance audit. Understanding what investigators are looking for, and what tools/techniques they will use to evaluate compliance, especially in the HOS and ELD area, can help carriers improve their own compliance and be prepared for a potential audit.

Click on Link Below to Learn More about FMCSA's eRODS software\*\*

<https://eld.fmcsa.dot.gov/eRODS>

\*\* eRODS software is used by FMCSA investigators during audits, and by State inspectors during roadside inspections. Except for the web version of eRODS found at the link above, this software has not been made available by FMCSA to the industry.

Have questions? Want to know more? If so, call or email Dave Osiecki of Scopelitis Transportation Consulting LLC at [daseiecki@scopelitisconsulting.com](mailto:daseiecki@scopelitisconsulting.com) or 202-728-2850

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