



**HUMAN PERFORMANCE FACTORS ATTACHEMENT**

**Excerpts from the Commonwealth of Massachusetts, Registry of Motor Vehicles,  
Grant Thornton LLP Final Report, October 4, 2019**

**Randolph, NH**

**HWY19MH010**

(15 pages)

Conclusions

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during which representatives from the Governor's Office and MassDOT would usually participate. According to Ms. Deveney, the transitioning of processing paper out-of-state notifications from the DCU to the MRB was discussed in one of those meetings but she does not recall whether in that particular instance any representatives from the Governor's Office or MassDOT attended. Ms. D'Arbeloff has stated that she does not recall attending such a meeting. Similarly, representatives of Accelare Inc. we spoke to also do not recall attending such a meeting.

According to Ms. Deveney, Secretary Pollack had given her the authority to use her own discretion in deciding whether to proceed with certain projects and that the transitioning of out-of-state notifications processing from the DCU to the MRB was one of those projects for which she did not feel she needed to separately discuss with anyone outside the RMV before giving approval for the transition to take place. Secretary Pollack stated during an interview with Grant Thornton that she had no contemporaneous knowledge of the existence of the backlog or the transferring of responsibility for processing paper out-of-state notifications from the DCU to the MRB, and that she first became aware of these issues subsequent to the Accident.

Toward the end of 2016, the MRB assumed responsibility for processing paper out-of-state notifications prospectively. Around the same time, there were discussions focused on how to allow the RMV to process the backlog of out-of-state notifications that had built up since 2013, without triggering adjudications (such as suspensions) for out-of-state offenses that were over six months old as of the date of entry into the system. According to Division of Insurance personnel, Mr. Bowes informed them in a routine meeting that the MRB wished to process the backlog without triggering suspensions for older infractions. To determine what information system configuration changes would be necessary to accomplish that objective, the RMV asked a third party contractor to conduct an assessment. The contractor created a write-up of his analysis and submitted a pre-project estimate on January 6, 2017. In an interview with Grant Thornton, the contractor stated that ultimately he did not receive approval to proceed with the project but does not recall any reason being provided to him. Based on interviews we conducted with MassDOT personnel who interacted with the contractor, it is unclear why ultimately the RMV and MassDOT did not direct the contractor to make the necessary system changes so the backlog could be processed without triggering suspensions for older infractions. Based on those discussions, however, we understand that there were multiple information system projects at MassDOT waiting for approval at that time and it was a matter of prioritizing such projects in the context of the impending implementation of ATLAS, which would replace the then-existing system.

The backlog of unprocessed paper out-of-state notifications remained unprocessed until the Accident.

**Contributing Factors to Failure to Process Connecticut Notifications** – We have identified several factors that likely contributed to the failure of the RMV to timely process the Connecticut notifications, as discussed below:

- Massachusetts has had a long-standing policy of not prioritizing the processing of out-of-state notifications. This policy spans multiple administrations of the state government's executive branch. Specifically, Massachusetts is one of four states that is not part of the Driver License Compact, a compact among 46 member states and the District of Columbia, committed to upholding and enforcing a number of provisions including:

- “Reporting of all traffic convictions and license suspension/revocations of out-of-state drivers to the home state licensing agency, as well as other appropriate information; and
- The assurance of uniform and predictable treatment of drivers by treating offenses committed in other states as though they have been committed in the home state.”<sup>37</sup>

In an undated memorandum sent by a former RMV Legal Counsel to a former RMV Deputy General Counsel written on a letterhead listing Daniel Grabauskas as the RMV Registrar (who was the Registrar between 1999 and 2002), the RMV Legal Counsel stated:

“Not being a compact member has and would continue to present great risk to the Registry of Motor Vehicles. Drivers that current Massachusetts law requires to be suspended are not, and Massachusetts inherits many bad drivers and starts them off with clean records... it is clear that Massachusetts’s reputation suffers on a national AAMVA basis... decisions not to join focused largely on resource issues... states with lesser resources and technology have joined.”<sup>38</sup>

Based on discussions with Marie Breen, the MassDOT General Counsel (the “MassDOT General Counsel”), while MassDOT was not aware of this memo prior to the Accident, it was aware of the pre-existing policy not to join the compact and continued such policy. Ms. Deveney confirmed that she was aware that the RMV did not participate in the compact.

- The RMV lacked effective operational control. ATLAS provides visibility into operating performance. Management, for example, can easily assign and monitor progress on open work item queues for various departments and identify bottlenecks and other operational impediments. An ATLAS Operation Summary Report as of May 29, 2019, a few weeks prior to the Accident and as of the date that the Connecticut electronic notification was diverted into the manual intervention queue, indicated that approximately 50% of the items in that queue were overdue by more than ninety days. Both Ms. Crispin and various RMV supervisors, but not Ms. Deveney, had subscribed to this report and, therefore, had visibility into the queues as early as July 2018. Based on discussion with Alan Macdonald, RMV Chief Operating Officer (“Mr. Macdonald”), he was not actively using this system reporting functionality to monitor workflows in the various departments prior to the Accident, although the use of that functionality has been adopted since the Accident. In addition to his role as Chief Operating Officer, Mr. Macdonald was in charge of the Road Test and Driver Licensing department within which SPEX resides. Mr. Macdonald, therefore, was a supervisor of Ms. Crispin and would have reasonably been expected to be monitoring the operations of SPEX and other units under the umbrella of the

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<sup>37</sup> What is the Driver License Compact? Via <https://www.dmv.pa.gov/Pages/FAQ%20Pages/Driver-License-Compact-FAQ.aspx> accessed September 20, 2019. Note – Per AAMVA, Driver License Compacts via <https://www.aamva.org/Drivers-License-Compacts/> accessed October 4, 2019 - “The Driver License Compact (DLC) is a major step necessary to maximize law enforcement efforts against drunk drivers and other serious traffic offenders. Serious offenses such as drunk driving, vehicle manslaughter, reckless driving, etc., are no less serious when committed in some other jurisdiction than when committed in the driver’s home state. The Driver License Compact was created to provide uniformity among the member jurisdictions when exchanging information with other members on convictions, records, licenses, withdrawals, and other data pertinent to the licensing process.”

<sup>38</sup> See **Exhibit A** to this report.

Road Test and Driver Licensing department, including the existence of open and overdue work items in ATLAS queues.

- Risk management over the RMV was inadequate. – We have identified several areas that point to an inadequate risk management over the RMV. Those include:
  - Impaired three lines of defense – Effective organizational risk management requires three functioning lines of defense. The first line of defense consists of the operational managers who own and manage risks. Operational managers are responsible for the effective operation of internal controls and for executing risk and control procedures on a day-to-day basis. For example, Ms. Crispin and Mr. Macdonald would be considered part of the first line of defense. The second line of defense includes risk management and compliance functions to help build and/or monitor the first line of defense. The RMV did not have a functioning compliance function. The third line of defense is an organization’s internal audit, which in the case of the RMV/MassDOT identified a backlog of out-of-state notifications at the MRB in April 2019.
  - Lack of oversight by the Merit Rating Board – Chapter 6C section 57A of the Massachusetts General Laws stipulates that the oversight of the MRB is vested in a three-member board consisting of the Registrar of Motor Vehicles, the Commissioner of Insurance, and the Attorney General. We understand that this board’s first meeting since 2015 was in August 2019, when the board convened to terminate the employment of Mr. Bowes. Mr. Bowes joined the MRB in 2016, and no meetings of the board took place during his tenure. Such meetings would have provided an opportunity for dialogue between Mr. Bowes and the board, which could have included discussion of issues related to the processing of out-of-state notifications. By virtue of the composition of the board’s membership, such meetings provide a forum for issues impacting the effectiveness and efficiency of the MRB operations to be raised outside the RMV and MassDOT. The lack of such meetings represents a possible missed opportunity for discussion of the out-of-state notification process and related challenges.
  - Inadequate emphasis on risk management by the MassDOT Board of Directors – The bylaws of the MassDOT Board of Directors specifically identify the assessment and mitigation of major risks facing MassDOT as an objective of the board. The bylaws also provide for the creation of a Finance and Audit Committee, among others, and stipulate that a charter for the committee should exist and be posted on the MassDOT website. While we have identified no such charter on the MassDOT website, during its first meeting on November 2, 2009, the MassDOT Board of Directors adopted bylaws that created the Finance and Audit Committee and outlined its intended purpose. Those bylaws, in part, task the committee with the responsibility to oversee risk management at MassDOT.

In reviewing meeting minutes of the Finance and Audit Committee going back to January 2015, we identified frequent interactions between the committee and the director of MassDOT Audit Operations, but such interactions revolved largely around the director informing the committee on the results of specific audits he would undertake. We did not identify instances of substantive

discussions with either the director or members of MassDOT management on wider enterprise risk assessment and mitigation. Understanding the various risks that an organization faces in the normal course of business enables an entity to timely deploy mitigation strategies. The MassDOT Finance and Audit Committee would not necessarily be expected to be aware of every single specific risk facing the organization. It would, however, be reasonably expected to ensure that management has appropriate mechanisms in place so MassDOT, and the various agencies under its umbrella, have visibility into and control over such risks (e.g., three functioning lines of defense).

As of the date of this report, the RMV has processed the backlog of electronic out-of-state notifications that existed on the date of the Accident. Furthermore, the RMV has undertaken steps to process the backlog of paper out-of-state notifications identified after the Accident; those efforts are ongoing but have already resulted in license suspensions. Separately, the RMV undertook a process to compare the driving records of its 5.2 million licensed drivers against the NDR in order to determine whether Massachusetts-licensed drivers had their privileges suspended in other jurisdictions, in which case the RMV would also suspend those drivers' licenses in Massachusetts. Based on discussion with the Acting Registrar, this process has resulted in license suspensions and is still in progress.

We note that subsequent to the issuance of our Preliminary Report, we received communication from the National Association of Government Employees, as reflected in **Exhibit B** of this report.

Within this report, we make a number of recommendations with respect to governance, control environment, operational management, organizational reporting structure, and processes and protocols. In addition, we highlight certain areas of additional risk we identified during our procedures.

Finally, we would like to acknowledge that we received full cooperation during the performance of our work from all employees with whom we interacted at the RMV, MassDOT, and other Massachusetts government entities, as well as individuals we interviewed who are not currently Massachusetts state employees.

## Recommendations

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### C. Recommendations:

**Recommend improvements with respect to risk management, internal controls, protocols, and policies impacting the effectiveness and efficiency of RMV responses to reports of state-to-state motor vehicle violations that may warrant or require the suspension or revocation of passenger and/or commercial driver licenses.**

#### i. Governance and Control Environment

1. **Second line of defense** – Consistent with our findings in the root cause analysis section of this report, Grant Thornton recommends that the RMV enhance its second line of defense with respect to risk management. The risks that the RMV faces in the ordinary course of business are diverse, consequential, and not limited to safety. Those risks may include, but are not limited to:
  - Untimely processing of in-state and out-of-state data that impacts the driving privileges of CDL and Class D license holders,
  - Issuing licenses and identification cards with fraudulent or insufficient documentation,
  - Cash embezzlement,
  - Lax oversight of school buses and drivers licensed to drive them,
  - Lax oversight of driver education schools, and
  - Non-compliance with various federal and state regulations.

The internal audit function is an important independent function in the overall risk management of an organization, but relying on internal audit as the sole defense against the materialization of such risks is not a sound risk management practice. A second line of defense that is closer to the process owners is prudent and warranted. In our Preliminary Report, we recommended that the RMV hire a Chief Compliance and Risk Officer. Based on discussions with Mr. Tesler, the RMV has hired a Chief Compliance Officer effective September 30, 2019. We recommend that the RMV consider tasking the Chief Compliance Officer with the mandate of identifying and mitigating risk, in part, through: an enterprise-wide risk assessment, risk ranking and prioritization, and adoption of effective mitigating strategies, controls and protocols. The Acting Registrar stated that he has discussed this objective with the Chief Compliance Officer.

2. **Employee perception regarding organizational priorities** – Based on interviews and focus groups we conducted, we have become aware of a prevalent perception among RMV employees that management did not assign the same importance to the back office operations as it did to the operations of the Service Centers. That may be attributed to the emphasis on reducing wait times at the Service Centers as reflected in the “RMV Strategic Plan 2017-2019.”<sup>184</sup> Grant Thornton recommends that management at MassDOT and the RMV engage with RMV employees at all levels, communicate the importance of each department’s role to the overall mission of the agency, and actively support those departments in overcoming challenges and achieving their respective objectives. To ensure high employee engagement and productivity, it

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<sup>184</sup> RMV Strategic Plan 2017-2019 pg. 32.



is imperative that management and employees are aligned with respect to organizational priorities, and ways of achieving them as a team. The achievement of organizational objectives can be hindered when the perception of rank-and-file personnel deviates from management's reality, regardless of whether such perception is justified or not.

3. **Governance of the MassDOT Finance and Audit Committee** – The bylaws of the MassDOT Board of Directors assign primary responsibility for risk management to the board.<sup>185</sup> The board, in its initial meeting on November 2, 2009, adopted bylaws that created the Finance and Audit Committee and outlined its mandate.<sup>186</sup> Such mandate, in part, includes the responsibility to oversee risk management at MassDOT. Grant Thornton recommends that those bylaws be amended to enable the Finance and Audit Committee to investigate any matter brought to its attention and authorize it to retain outside counsel and advisors, as needed, with the related cost funded by MassDOT. We further recommend that the Finance and Audit Committee be empowered to meet in executive session with the director of MassDOT Audit Operations or others as it deems necessary in meeting its risk mitigation objectives. Finally, the MassDOT Board of Directors should consider bifurcating the MassDOT Finance and Audit Committee into two separate committees – a Finance Committee and an Audit Committee – in order to provide enough time for the latter to focus exclusively on audit and risk matters. We understand that some of these recommendations may require legislative review and approval.
4. **Oversight over MassDOT Audit Operations** – MassDOT Audit Operations should have reporting relationships that enhance independence and objectivity. Consistent with best practices, Grant Thornton recommends that MassDOT Audit Operations report functionally to the MassDOT Finance and Audit Committee and administratively to the MassDOT Secretary.<sup>187</sup> Furthermore, the MassDOT Finance and Audit Committee and the MassDOT Secretary should have joint responsibility with respect to the annual performance evaluation of the MassDOT Audit Operations director. In addition, the MassDOT Finance and Audit Committee should: i) ensure that a holistic approach to risk management is pursued through a continuous enterprise-wide risk assessment and mitigation, ii) review and approve each year's internal audit plan in advance, and iii) frequently meet with the MassDOT Audit Operations director in executive session.
5. **Meetings of the Merit Rating Board** – As previously discussed in this report, the three-member board of the MRB held no meetings during the tenure of Mr. Bowes as director of the MRB; the board's August 2019 meeting convened to terminate the employment of Mr. Bowes, represented its first since 2015. The board has an important oversight role over the MRB and should meet regularly. Based on discussion with the Acting Registrar, bi-weekly board meetings have been scheduled for the next few months.

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<sup>185</sup> Bylaws of the Massachusetts Department of Transportation Board of Directors as amended through September 12, 2016.

<sup>186</sup> MassDOT Board of Directors – Standing Committee on Finance and Audit dated November 2, 2009 pg. 1.

<sup>187</sup> The Audit Committee: Internal Audit Oversight via <https://na.theiia.org/standards-guidance/Public%20Documents/The-Audit-Committee-Internal-Audit-Oversight-Implementing-Best-Practices-and-Higher-Standards.pdf> accessed September 10, 2019.

6. **Whistleblower reporting mechanisms** – Based on interviews and focus groups we conducted, we have become aware of a general lack of understanding among RMV personnel on ways to raise concerns regarding suspected misconduct or actions/inactions contributing to public safety risk, outside the normal chain of command. Although RMV employees have the ability to raise concerns through various outlets, such as the Massachusetts Office of Inspector General’s Fraud Waste and Abuse Hotline, the MassDOT Office of Policy and Employee Relations, and the MassDOT Human Resource Portal, it appears that the existence of such mechanisms or ways to access them is not well understood. Furthermore, employees seemed unaware of anti-retaliatory protections that may be available to them in connection with reporting suspected misconduct. We recommend that MassDOT undertake a campaign to educate its employees on available means to report concerns and on existing anti-retaliatory protections. We further recommend that MassDOT consider adopting a single hotline (accessible electronically and telephonically, and which provides the option for anonymous reporting) for all types of complaints, which upon receipt can be triaged and referred to the appropriate department for follow up. A single hotline that is well advertised is easier for employees to remember and may encourage reporting of concerns. MassDOT Audit Operations, in addition to MassDOT’s legal office and other relevant compliance functions, should have visibility to all incoming complaints and should periodically brief the MassDOT Finance and Audit Committee on the nature of complaints received.
7. **Code of Conduct** – Based on our work, we understand that while union personnel are subject to written codes of conduct,<sup>188 189</sup> included in their union contracts, MassDOT does not have a written code of conduct for management/non-union employees.<sup>190</sup> Best governance practices require that all employees have full and fair notice of their professional and ethical obligations, and that all employees are held to the same standard. We recommend that the RMV adopt a universal code of conduct that applies to all employees.
8. **Management of ATLAS Work Groups and queues** – A Work Group in ATLAS is defined as a group of users performing related tasks. Each RMV unit, such as SPEX, belongs to its own Work Group.<sup>191</sup> An RMV employee is only assigned to one Work Group, but within a Work Group, multiple queues exist that contain work items that need to be addressed. However, each queue within a Work Group does not necessarily only contain work items relevant to that specific Work Group. At times, a queue comingles work items that individually are relevant to separate Work Groups. That could cause confusion to RMV employees from one Work Group when they are assigned to work on a queue that contains work items from other Work Groups, which in turn prevents the timely and efficient handling of specific work items. We recommend that each queue within a Work Group contain only work items relevant to that specific Work Group, or alternatively a filtering process be put in place to allow employees to easily access within each queue only the work items relevant to the Work Group to which they are assigned. A clear and linear relationship of work items, queues, and Work Groups will allow RMV management to

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<sup>188</sup> Code of Conduct for Commonwealth of Massachusetts NAGE Unit One Employees.

<sup>189</sup> Code of Conduct for Commonwealth of Massachusetts NAGE Unit Six Employees.

<sup>190</sup> Based on discussion with MassDOT Employee Relations.

<sup>191</sup> ATLAS Task Management Guide dated April 27, 2018.

easily determine the number, types, and aging of each work item and queue, including who is responsible for open tasks. We recommend that RMV management coordinate with FAST representatives to achieve this.

9. **Regular audits of out-of-state notification controls** – We recommend that MassDOT Audit Operations, on a frequent basis, evaluate the design and operating effectiveness of controls around the out-of-state notification process, both incoming and outgoing, for CDL and Class D.

## ii. **Electronic Out-of-State Notifications**

1. **Incoming CDL out-of-state notifications regarding suspensions** – Currently, when a Massachusetts driver’s license is suspended/revoked in another jurisdiction, an indefinite suspension is imposed on their Massachusetts license until the right to operate has been restored in the other state/jurisdiction.<sup>192</sup> Drivers with future-dated out-of-state suspensions retain driving privileges in Massachusetts until the effective date imposed by their state of conviction.<sup>193</sup> In the interim, however, the risk exists that the driver may have a new egregious infraction. The RMV should consider the risk of not immediately suspending a driver with an impending out-of-state suspension, and evaluate the feasibility of accelerating such suspensions in Massachusetts. Further, the RMV should consider whether the current configuration of ATLAS, which allows for suspensions with an effective date of up to one year in the future, is reasonable based on the suspension policies of other jurisdictions. For example, if it is very unlikely for another jurisdiction to have a future-dated suspension of more than 30 days in the future, the RMV should consider having an employee manually review any future-dated suspension of more than 30 days to determine if there are any data integrity issues with the date of suspension.
2. **Outgoing notifications to FMCSA regarding Canadian and Mexican CDL holders** – The FMCSA requires states to notify them of infractions that occur within Massachusetts by CDL holders licensed in Canada or Mexico.<sup>194</sup> This information allows the FMCSA to identify Canadian or Mexican CDL holders whose infractions in various jurisdictions may warrant the revocation of their driving privileges within the United States. According to the FMCSA, the RMV historically has not submitted this information.<sup>195</sup> <sup>196</sup> This issue was discussed during a July 2019 FMCSA meeting, conducted on-site at the RMV and which Grant Thornton attended. Subsequent to that meeting, we understand that the RMV began submitting traffic violations committed by CDL holders licensed in Canada or Mexico to the Foreign Convictions and

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<sup>192</sup> RMV Driver Licensing/AAMVA/OOS Convictions Policies – Out-of-State Suspensions Policy dated August 20, 2018 pg. 15.

<sup>193</sup> Out of state suspensions and revocations via <https://www.mass.gov/service-details/out-of-state-suspensions-and-revocations> accessed September 26, 2019.

<sup>194</sup> AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 151.

<sup>195</sup> Discussion with FMCSA on July 18, 2019.

<sup>196</sup> FMCSA Massachusetts CDL Annual Program Review dated December 21, 2018.

Withdrawals Database (FCWD),<sup>197</sup> per FMCSA procedures.<sup>198 199</sup> Grant Thornton recommends that the RMV continue to update the FCWD with convictions and withdrawals of Canadian and Mexican CDL holders on an ongoing basis.

3. **Timeliness and accuracy of outgoing electronic CDL notifications** – As discussed in this report, the RMV’s timeliness and accuracy of outgoing electronic CDL notifications often lags those of other jurisdictions. Grant Thornton recommends that the RMV regularly use the monthly CDLIS Timeliness and Accuracy Summary Workbook prepared by AAMVA as a tool to benchmark the RMV’s performance against other jurisdictions and to identify process weaknesses that need to be addressed.

### iii. Paper Out-of-State Notifications

1. **Re-processing of paper backlog** – As discussed in section VI.B.i.1 of this report, the remediation process undertaken by the RMV in order to process the backlog of paper out-of-state notifications after the Accident was not implemented effectively (albeit in the context of a crisis response, which required the undertaking of immediate and unplanned action). Separately, as discussed in section VI.B.i.2 of this report, there are inherent limitations in the 5.2M Driver NDR Batch Process. Based on the above, the 5.2M Driver NDR Batch Process cannot necessarily be relied upon to compensate for any suspensions that the paper out-of-state notification remediation process fails to appropriately post to a driver’s record. Based on discussions with the Acting Registrar, the RMV has begun to re-process the paper out-of-state notification backlog.
2. **Processing of incoming non-egregious ACD code notifications** – The RMV did not process non-egregious ACD code violations as part of the remediation process related to the backlog of out-of-state notifications. Furthermore, even when the RMV historically did process out-of-state notifications in the normal course of business, only the most egregious violations were posted to drivers’ records. License suspensions, however, can result due to the accumulation of a specified number of non-egregious violations or a combination of egregious and non-egregious violations.<sup>200 201 202</sup> By not processing non-egregious violations, drivers who would otherwise have their licenses suspended can continue operating vehicles with valid Massachusetts licenses. Grant Thornton recommends that the RMV process all non-egregious out-of-state violations both as part of the backlog remediation process as well as prospectively in the normal course of business.

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<sup>197</sup> FCWD is a repository for convictions and withdrawals of Canadian/Mexican CDL holders of a moving traffic violation while operating any type of vehicle and foreign drivers convicted of a moving traffic violation while operating a commercial motor vehicle.

<sup>198</sup> Email chain between Bob Rowland and TechAnax (FMCSA contractor) on August 6, 2019 with subject “MA Paper Documents for Foreign Drivers emailed/mailed to TechAnax.”

<sup>199</sup> FCWD Canada and Mexico Convictions Report dated August 5, 2019.

<sup>200</sup> 3 Speeding tickets – MA General Law - Part I, Title XIV, Chapter 90, Section 20.

<sup>201</sup> Surchargeable events – MA General Law - Part I, Title XXII, Chapter 175, Section 113B.

<sup>202</sup> Habitual traffic offender – MA General Law - Part I, Title XIV, Chapter 90, Section 22F.

#### iv. Training

1. **Job-specific and process-specific training** – Interviews and focus groups with RMV personnel indicate a strong and shared sentiment that sufficient job-specific training is lacking. Similarly, a retrospective analysis of challenges encountered and lessons learned from the deployment of ATLAS Release 1, commissioned by MassDOT, characterized the employee training provided prior to the deployment as “inadequate.”<sup>203</sup> While the high-level objectives of the RMV’s various departments did not change as part of the ATLAS implementation, with the exception of the impact of Real ID on SPEX and Enforcement Services, the new system altered the manner through which daily tasks are accomplished. The lack of sufficient training is exacerbated by the fact that the RMV does not have fully developed standard operating policies for all departments. Rather, focus group participants stated that they were directed to use standard operating policies that existed prior to ATLAS and apply them to ATLAS, which they stated caused confusion. We recommend that the RMV evaluate areas where additional training can be beneficial to employees and provide such training through the engagement of management and the appropriate subject matter experts within the RMV. We further recommend that the RMV undertake a process to document the flow through of all major processes and update/supplement its standard operating procedures.

#### v. Resources

1. **Capacity and resource management analysis** – Based on an interview with Accelare Inc., we understand that the RMV performed a capacity and resource management analysis for its Service Centers at some point subsequent to 2015. The purpose of such an analysis was to determine whether the right level and number of resources were available to achieve the Service Centers’ operational objectives. We further understand that a similar analysis has not been undertaken for any other department of the RMV. We recommend that, at a minimum, the RMV undertake such an analysis for the MRB. Based on interviews and focus groups we conducted, it appears that no clear understanding exists on what is the right level and number of resources needed to achieve the MRB’s operational objectives, which in large part entail data input and processing. Such an analysis is especially important in light of the ATLAS implementation, which has redefined existing work streams. We also recommend that the RMV evaluate whether such analysis would be beneficial to other departments, such as Driver Licensing and Enforcement Services, to ensure an efficient and effective level of staffing.

Furthermore, we understand that the MRB does not currently use (although it did in the past) any pre-defined benchmarks against which to measure the productivity of MRB data-entry personnel. The establishment of such benchmarks (in consultation with relevant stakeholders) is a pre-requisite to understanding the level and number of resources needed to execute applicable work streams.

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<sup>203</sup> ATLAS R1 Release Retrospective: Summary of Observations and Recommendations dated June 20, 2018.

2. **Resources lost due to attrition** – Based on discussions with Mr. Bowes and other RMV personnel, we understand that resources lost due to attrition may not always be replaced in a timely manner. We recommend that MassDOT fill such vacancies as they occur and minimize instances of requiring remaining personnel to absorb the workload of departing personnel, absent a vetted and documented change in work volume that may justify a position to remain unfilled. Any short-term savings realized by deferring the filling of open positions can easily be outmatched by the cost of organizational strain that such unfilled positions can cause. We further recommend that the MRB be exempt from any personnel hiring freezes that MassDOT may adopt from time to time, as MRB’s budget, by statute,<sup>204</sup> is funded by the insurance industry and should be a function of what the department requires to fulfil its mission in an effective and efficient manner.

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<sup>204</sup> MRB Charter - MA General Law – Part I, Title II, Chapter 6C, Section 57A dated 2015.

#### D. Recommendations – RMV Organizational Structure:

**Review the RMV’s organizational structure and make recommendations as necessary to establish clear lines of responsibility and accountability for responding to state-to-state communications about motor vehicle violations and administering license suspensions and revocations for passenger and commercial vehicle licenses.**

- i. **One Out-of-State Notification Unit** – We recommend that the RMV create one unit, under the Enforcement Division, which would be responsible for all matters related to the processing and adjudication of any out-of-state notifications (from notification receipt to driver record posting), both inbound and outbound, for CDL and Class D licenses. The processing and adjudication of out-of-state notifications is clearly an enforcement matter and should be under the control and supervision of the Enforcement Division.

The SPEX unit, which is within the Road Test and Driver Licensing department of the RMV, currently handles the processing of CDL out-of-state notifications received by the RMV from other jurisdictions, when such notifications are diverted into queues requiring manual intervention instead of posting directly to driver records. SPEX also has licensing responsibilities related to the implementation of the REAL ID initiative and certain CDL matters. We recommend that SPEX no longer handle CDL out-of-state notifications requiring manual intervention; that responsibility is enforcement in nature and should be assigned to the proposed new out-of-state notification unit. The new unit should oversee the integrity of all aspects of CDL electronic notification processing - not just notifications requiring manual intervention.

Similarly, the MRB should not be processing the receipt of paper notifications and instead that responsibility should be assigned to the proposed new out-of-state notification unit, which should be given the necessary scanning technology (or alternative technological solutions) to process such notifications.