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## State of Minnesota

### Policy on Drivers' License and Record Checks (Eff. January, 2009)

**This policy** applies to employees in state agencies who drive a state vehicle (or other equipment requiring a driver's license). Agencies are encouraged to adapt the statewide policy to cover the specific needs of their agencies.

#### I. POSITION STATEMENT

Many state employees are required to drive a state vehicle and are therefore required to possess an active, valid, and appropriate driver's license. State employees have a personal obligation to comply with the law by not driving with an inactive, cancelled, suspended or revoked license, by refraining from driving under the influence of alcohol or drugs, by abiding by license restrictions, and by driving safely and courteously.

The public must have confidence in State employees who drive as part of their job.

#### II. DEFINITIONS

- A. **Alcohol/drug related driving offense.** Any violation of Minnesota Statute Chapter 169A (Driving while impaired) or Minnesota Statute 169A.52 (Test Refusal or Failure).
- B. **Active/Valid/Appropriate license.** An active, valid, appropriate driver's license means a current motor vehicle operator's license issued under the laws of the state of issuance and used as intended under the law.
- C. **Driving record.** The historical record maintained on each driver by the Department of Public Safety. It includes violations, revocations, and suspensions of Minnesota State drivers' licenses.
- D. **Driver's license loss.** In this policy, the term "driver's license loss" refers to suspension, revocation, cancellation, disqualification, restrictions that preclude the employee performing current job duties, or expiration.

#### III. DRIVERS LICENSE REQUIREMENT

State employees must have an active, valid, appropriate driver's license if they drive a state-owned or leased vehicle; otherwise they will not be considered to be acting within the scope of their employment. Driving without an active, valid, appropriate driver's license shall constitute just cause for disciplinary action, up to and including discharge. Agencies are responsible for verifying at least once each year that their employees have appropriate driver's licenses.

In those cases where a driver's license is not required or is incidental to performing job duties, the employee must be able to provide their own transportation to off-site training sessions, meetings or other business responsibilities. This could include carpooling or using a bus or taxi or other form of transportation than driving.

#### **IV. DRIVERS LICENSE VERIFICATION AND REVIEW OF MOTOR VEHICLE RECORD (MVR)**

**Job Applicants:** Prior to hiring an individual who will be required to drive a state vehicle and therefore required to have an active, valid, appropriate driver's license, the agency must ensure that the individual has the required license and must ensure that the driver's motor vehicle record is reviewed. If the individual is given a timeframe to obtain a license after hire, the agency must ensure that the individual obtains the required license within that time frame.

**Current Employees:** A motor vehicle record (MVR) should be obtained from the state where a driver holds a license to ascertain that the applicant has an active, valid, appropriate driver's license and to review the employee's driving record. After obtaining employees' driver's license numbers, agencies may ask the Risk Management Division of the Department of Administration to perform this search for all employees who drive state vehicles.

The MVR information will be reviewed by the Risk Management Division. If there are concerns about driving records, Risk Management will contact the agency's human resource office and give them the relevant information. Risk Management will not retain this information after it has been communicated so agencies are responsible for documenting the information and any action taken.

#### **V. DRIVER'S LICENSE REVOCATION OR SUSPENSION**

Employees whose jobs require the use of a state vehicle shall immediately inform their supervisor of any driver's license loss affecting their ability to perform their job. Failure to do so shall constitute just cause for disciplinary action, up to and including discharge.

Supervisors may allow an employee who has lost his or her license to drive for work within the Department of Public Safety's designated driver's license restrictions.

#### **VI. RELATED EMPLOYMENT ACTIONS**

The Department of Public Safety (DPS) Driver's License data base is the State's system of record for situations involving driver's licenses. Employment consequences related to a driver's license loss will take place at the time the event is recorded in the DPS Drivers' License data base.

Although this policy requires State agencies to validate drivers' licenses and review driving records, it does not specify what, if any, disciplinary actions may result from driving infractions. Those decisions require knowledge of the employee's record, the type of driving done by the employee, the availability of other employees to drive, and whether accidents have occurred on the job.

Risk Management may contact an agency Human Resources office if they discover an employee's driving record contains one or more moving violations.

### **General factors**

Agencies should consider the following general factors in determining whether or not there is just cause to take action:

- a. Whether the employee voluntarily notified the supervisor of driver's license loss.
- b. The employee's driver's license record (frequency and severity of offenses).
- c. The employee's work record (performance evaluation, longevity and discipline history).
- d. The Department of Public Safety requirements for the employee. (How long will license be lost? Is a limited license possible?).
- e. Whether alcohol/drugs are a factor and whether the employee refused a breath alcohol test.
- f. Whether the incident(s) involved a state vehicle or an employee's personal vehicle.
- g. The frequency with which the employee must drive as part of his or her job.
- h. The kind of driving done by the employee – is the employee driving other employees, clients, patients? Is the employee driving a vehicle that requires special care – a large truck or plow, for instance?

### **Possible Actions:**

Decisions about actions are made by the employee's supervisor in consultation with Human Resources, taking into account the factors listed above. As in other situations with employees, the particular circumstances will dictate the final decision. There is no formula for action recommended to agencies. Possible actions include:

- a. No action
- b. The employee may be counseled, have his/her driving monitored
- c. Employee may be required to complete a defensive driving course
- d. The employee may be prohibited from driving other employees or clients or from driving large or complex equipment.
- e. In extreme circumstances, the agency may decide that, overall, the employee's driving record presents too much risk to the Employer and the employee may not drive a state-owned or leased car or equipment. In this case, the agency must further decide whether the employee's inability to drive for work will result in job loss.

For consistency, the rationale for any of these actions must be documented. Actions considered solely on the basis of a motor vehicle report should be discussed with an agency's labor relations representative at Minnesota Management and Budget department before any action is taken.

## **VII. REEMPLOYMENT OF FORMER EMPLOYEES WHERE ESSENTIAL DUTIES OF THE POSITION REQUIRE A DRIVER'S LICENSE**

Care should be taken in considering rehire of a former employee who lost his or her license due to an alcohol/drug offense while on duty. Where essential duties of the position require a driver's license, driver's license status as well as the motor vehicle record of former employees seeking to be rehired must be reviewed. When there are violations identified on the motor vehicle record, approval to hire should be discussed by Human Resources and the hiring supervisor. Agencies are discouraged from rehiring

employees who have lost their license due to an alcohol/drug driving offense while on duty.

## **VIII. RESPONSIBILITIES**

### **Employees**

Employees whose job duties require an active, valid/appropriate driver's license or who drive a state vehicle must:

- a. Be familiar with the State's and agency's Drivers' License and Record Check policy.
- b. Maintain an active, valid/appropriate driver's license.
- c. Notify their supervisors no later than the beginning of the next shift after losing their driver's license through suspension, revocation, cancellation or disqualification.
- d. Refrain from driving a state vehicle if the employee does not have a valid/appropriate driver's license.
- e. Drive responsibly and adhere to all traffic laws.
- f. Maintain liability insurance on their personal vehicles if used for work purposes.

### **Managers/Supervisors**

- a. Be familiar with the State's and agency's Drivers' License and Record Check policy.
- b. Prior to hiring an applicant whose job duties require a driver's license, ensure that the individual has the required license and that his/her driving record is reviewed.
- c. When an employee who is required to have a driver's license has the license suspended, revoked, or cancelled, follow the appropriate procedure as provided by this policy and consult with Human Resources. Take appropriate action in consultation with Human Resources.

### **Human Resources**

- a. Confer with agency supervisors and managers to determine appropriate actions when an employee loses his/her license or when the employee's motor vehicle record is problematic.
- b. Make sure that actions taken are documented and that decisions about similar situations are consistent.
- c. Confer with their labor relations representative at Minnesota Management and Budget to make sure actions are consistent with similar situations at other agencies.

## Sample Vehicle Use Agreement

Original Agreement or

Update to Existing Agreement

The information you are being asked to provide will be used by \_\_\_\_\_ (agency) personnel to determine your qualification to drive vehicles on state business. You are not required by law to provide this information but if you do not do so you will not be approved to drive vehicles on state business.

The information on this form will be accessible to your supervisor and other system personnel who need the information for their assigned work. Your Driver's License Number will be used to obtain a Motor Vehicle Record Report from the Department of Motor Vehicles for each state where you have held a driver's license in the past five years.

The completed form should be returned to the individual designated.

**Department/Division:** \_\_\_\_\_ **Dept Contact:** \_\_\_\_\_

**Drivers Name: Last:** \_\_\_\_\_ **First:** \_\_\_\_\_ **Middle:** \_\_\_\_\_

**Driver's Phone #:** \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ (Circle: home / work / mobile)

**Driver's E-mail:** \_\_\_\_\_ (Circle: home or work)

**Drivers License Number:** \_\_\_\_\_ **Issued by the State of** \_\_\_\_\_

### **Drivers' Responsibilities:**

Driver agrees to:

- A. Be familiar with the State's and agency's Drivers' License and Record Check policy.
- B. Maintain an active, valid/appropriate driver's license.
- C. Notify the supervisor no later than the beginning of your next shift after losing your driver's license through suspension, revocation, cancellation, disqualification or expiration.
- D. Abstain from driving a state vehicle and/or on state-owned or leased property if you do not have an active, valid/appropriate driver's license.
- E. Drive responsibly and adhere to all traffic laws.
- F. Maintain liability insurance on your own vehicle if you use it for work purposes.

I acknowledge that I have read and understand the Drivers Responsibilities noted above, and agree to abide by such policies and guidelines.

I AUTHORIZE THE \_\_\_\_\_ (agency) TO OBTAIN MY MOTOR VEHICLE RECORD (MVR) FROM ANY STATE WHERE I HAVE HELD A DRIVER'S LICENSE IN THE LAST 5 YEARS. I ALSO UNDERSTAND THAT MY MVR WILL BE OBTAINED AND REVIEWED ANNUALLY IN CONJUNCTION WITH THIS VEHICLE USE AGREEMENT.

I agree to update this Agreement in the event of a change to any of the data supplied above. I also agree to inform my supervisor in the event of license revocation, restriction, or suspension.

\_\_\_\_\_  
*Applicant's Signature*

\_\_\_\_\_  
*Date*