

Policy on Driver's License and Record Checks	Issued	January 13, 2009
	Revised	July 13, 2012

OVERVIEW

Policy Statement	Many state employees are required to drive a state vehicle or drive their personal vehicles on state business, 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.
Scope	This policy applies to employees in state agencies who drive a state vehicle or their personal vehicle on state business. Agencies are encouraged to adapt the statewide policy to cover the specific needs of their agencies.
Definitions	<p>A. Alcohol/drug related driving offense. Any violation of Minnesota Statutes Chapter 169A (Driving while impaired) or Minnesota Statute 169A.52 (Test Refusal or Failure).</p> <p>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.</p> <p>C. Driver's License Record (DLR). Refers to the historical record maintained on each driver by the Department of Public Safety (DPS), Driver and Vehicle Services (DVS) division. Includes equivalent records from searches of other states driver's license records repositories. Records include violations, revocations, and suspensions of driver's licenses.</p> <p>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 from performing current job duties, or expiration.</p> <p>E. Major violations. Major violations include: driving under the influence of alcohol/drugs, reckless or careless driving, attempting to elude the police, leaving the scene of an accident, and driving while license is suspended/revoked.</p> <p>F. State vehicle. An automobile, truck, or other equipment which is the property of the State and requires the operator to have a State driver's license.</p>
Statutory References	M.S. 169A. Driving While Impaired https://www.revisor.mn.gov/statutes/?id=169

GENERAL STANDARDS AND EXPECTATIONS

I. DRIVER'S LICENSE REQUIREMENT

State employees must have an active, valid, appropriate driver's license if they drive a state-owned or leased vehicle or drive their personal vehicles on state business; 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 bus or taxi, etc.

II. DRIVER'S LICENSE VERIFICATION AND REVIEW OF DRIVER'S LICENSE RECORDS

A. FOR DRIVERS OF STATE-OWNED VEHICLES:

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 license 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: For employees who drive state-owned vehicles, a driver's license record must be obtained from the state of Minnesota, and should be obtained from another state where a driver holds a license to ascertain that the employee has an active, valid, appropriate driver's license and to review the employee's driving record. After obtaining employees' driver's license data and authorization, agencies may ask the Risk Management Division of the Department of Administration to perform this search for all employees who drive state vehicles.

The driver's license records check information will be reviewed by the Risk Management Division. If there are concerns about the driver's 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.

B. FOR DRIVERS OF LEASED OR PERSONAL VEHICLES:

Job Applicants: Prior to finalizing an offer to a job candidate where driving is a requirement of the job, the agency must ensure that the individual has the required license and must ensure that the driver's license record is reviewed.

Employees who regularly drive personal vehicles on state business: After consulting with MMB Labor Relations Division, agencies **may** obtain verification from their employees who regularly drive a personal vehicle on state business that they have active, valid, proper driver's licenses. Agencies **may** request each driver to complete a vehicle use agreement. After obtaining employees' driver's license and record check authorization data, agencies **may** request the Risk Management Division of the Department of Administration to review the driver's license records. The criteria to be used in determining whether to request a review of the driver's license record may include, but is not limited to:

1. Frequency and duration of driving trips;
2. Time of day or season (such as night time driving, winter driving, or driving in rush-hour or otherwise congested traffic);
3. The presence or absence of passengers (such as state clients or charges of the state);
4. The need to travel outside of Minnesota (where the state's limits on liability do not apply);
5. Past findings of driver's license loss, major violations, motor vehicle accidents, or past disciplinary actions related to driving;
6. Complaints from the public regarding past driving practices; or
7. The presence or absence of other state efforts to mitigate driving risk (such as driver training, directly observing and supervising driving practices, or other policies or procedures to minimize driving risks).

Employees who occasionally/infrequently drive a personal vehicle on state business:

After consulting with MMB Labor Relations Division, agencies may, based on the criteria above, request that employees who occasionally/infrequently drive on state business complete a vehicle use agreement and may request the Risk Management Division of the Department of Administration to review driver's license records.

III. DRIVER'S LICENSE REVOCATION OR SUSPENSION

Employees whose jobs require the use of a state vehicle or who must regularly drive their personal vehicles on state business shall immediately inform their supervisor of any driver's license loss, including but not limited to suspended, revoked, cancelled, disqualified or expired. 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.

IV. RELATED EMPLOYMENT ACTIONS

The Department of Public Safety Driver's License database, and, when applicable, equivalent systems in other states, are the State's systems 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 Driver's License (or other state's equivalent) database.

Although this policy requires State agencies to check 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. The following list contains examples of infractions that may lead to disciplinary action, up to and including discharge. This list is not exhaustive.

- A. Revocation or suspension of driver's license for driving under the influence of alcohol or a controlled substance (e.g., illegal drugs).
- B. Other revocations or suspensions of driver's license.
- C. Driving/operating a vehicle with a revoked, suspended or cancelled driver's license.
- D. Refusing a blood, breath or urine test.
- E. Leaving the scene of an accident involving a motor vehicle.
- F. Using a motor vehicle to commit a felony.
- G. Committing more than three (3) traffic violations during the past three-year period.
- H. Committing a major traffic violation in the past five-year period. Major traffic violations are:
 - 1. Reckless or careless driving
 - 2. Fleeing a peace officer
 - 3. Traffic offenses committed in connections with a fatal traffic accident

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 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 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 discharge.

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

V. 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 driver's license record of former employees must be reviewed. When there are violations identified on the driver's license record, approval to hire should be discussed by Human Resources and the hiring supervisor. If it is determined that the former employee was discharged from state employment, the former employee's name should be removed from consideration for rehire. If the agency determines that the applicant is a current or former state employee who has been suspended or otherwise disciplined during state employment, it may eliminate the applicant from any further consideration if it determines that the issues leading to the disciplinary action will impact the applicant's ability to satisfactorily perform the job duties.

RESPONSIBILITIES

<p>Employees are responsible for:</p>	<p>Employees whose job duties require an active, valid/appropriate driver's license or who drive a state vehicle must:</p> <ul style="list-style-type: none"> A. Be familiar with the State's and agency's Driver's License and Record Checks 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, disqualification or expiration. D. Abstain 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 own vehicles if used for work purposes. G. Enter data for each driver's license held in the last five years into Self Service. H. Delete data from Self Service relating to any previously held driver's license which has been invalid for at least five years (includes suspended, revoked, canceled, disqualified or expired).
<p>Managers/Supervisors are responsible for:</p>	<ul style="list-style-type: none"> A. Be familiar with the State's and agency's Driver's License and Record Checks 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.
<p>Human Resources Office is responsible for:</p>	<ul style="list-style-type: none"> A. Confer with agency supervisors and managers to determine appropriate actions when an employee loses his/her license or when the employee's driver's license 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.

FORMS and INSTRUCTIONS

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.

The information on this form will be accessible to your supervisor and other system personnel who need the information for their assigned work.

The completed form should be returned to the individual designated.

Department/Division: _____ Dept. Contact: _____

Driver's Name: Last: _____ First: _____ Middle: _____

Driver's Phone #: _____ - _____ - _____ (Circle: home / work / mobile)

Driver's E-mail: _____ (Circle: home or work)

Driver's License Number: _____ Issued by the State of _____

Driver's Responsibilities:

Driver agrees to:

- A. Be familiar with the State's and agency's Drivers' License and Record Checks policy.
B. Maintain an active, valid, and appropriate driver's license; and drive responsibly and adhere to all traffic laws.
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 driving on state-owned or leased property if you do not have an active, valid/appropriate driver's license.
E. Maintain liability insurance on your own vehicle if you use it for work purposes.
F. Enter data for each driver's license held in the last five years into Self Service.
G. Delete data from Self Service relating to any previously held driver's license which has been invalid for at least five years.

I acknowledge that I have read and understand the Driver's Responsibilities noted above, and agree to abide by all applicable policies and guidelines.

I AUTHORIZE THE _____ (agency) TO OBTAIN MY DRIVER'S LICENSE RECORD FROM ANY STATE WHERE I HAVE HELD A DRIVER'S LICENSE IN THE LAST 5 YEARS.

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

Table with 2 columns: Contacts, References. Content includes RISK Management Division, Department of Administration and a URL for background checks.

DRIVERS LICENSE POLICY OVERVIEW

	REQUIRED TO DRIVE STATE-OWNED VEHICLES AS A CONDITION OF JOB	REGULARLY DRIVE PERSONAL VEHICLES ON STATE BUSINESS	OCCASIONALLY/ INFREQUENTLY DRIVE PERSONAL VEHICLES ON STATE BUSINESS
APPLICANTS	<p>MUST verify valid license by completing vehicle use agreement or equivalent</p> <p>MUST conduct DLR review</p>	<p>MUST verify valid license by completing vehicle use agreement or equivalent</p> <p>MUST conduct DLR review</p>	<p>MAY verify valid license by completing vehicle use agreement or equivalent</p> <p>MAY conduct DLR review (after conferring with MMB Labor Relations Division)</p>
CURRENT EMPLOYEES	<p>MUST verify valid license by completing vehicle use agreement or equivalent</p> <p>MUST conduct DLR review</p>	<p>MUST inform employees that a valid license is required for any driving done on state business</p> <p>MAY verify valid license by completing vehicle use agreement or equivalent</p> <p>MAY conduct DLR review (after consulting with MMB Labor Relations Division)</p>	<p>MUST inform employees that a valid license is required for any driving done on state business</p> <p>MAY verify valid license by completing vehicle use agreement or equivalent</p> <p>MAY conduct DLR review (after consulting with MMB Labor Relations Division)</p>