

## OVERVIEW

### Objective

This policy is jointly administered by Minnesota Management and Budget (MMB) and the Department of Administration Risk Management Division (Risk Management). The objective is to ensure that employees who are required to drive on state business possess an active, valid, and applicable driver's license, and that agencies review the driving records of these employees.

### Policy Statement

Many employees are required to drive state or personal vehicles on state business. These employees are required to possess an active, valid, and applicable driver's license. Employees whose job duties require driving have an obligation to comply with the law by:

- Not driving with an inactive, cancelled, suspended, or revoked license.
- Not driving under the influence of alcohol or controlled substances.
- Abiding by any applicable license restrictions.
- Driving safely, lawfully, and courteously.

The public must have confidence in employees who drive on state business.

### Scope

This policy applies to:

- All employees of executive branch agencies (M.S. 43A.02, subd. 2 & 22).
- Classified employees of the Office of Legislative Auditor, Minnesota State Retirement System, Public Employees Retirement System, and Teachers' Retirement System (M.S. 43A.04, subd. 1(a)).

## Definitions and Key Terms

<b><i>Ter ms</i></b>	<b><i>Definitions</i></b>
<i>Active/Valid/Applicable License</i>	A current driver's license issued and used in accordance with the laws of the state of issuance.
<i>Driver's License Record (DLR)</i>	The historical record maintained on each driver by the Minnesota Department of Public Safety (DPS), Driver and Vehicle Services division. This includes comparable records from searches of other states' driver's license records. Records include traffic violations and revocations and suspensions of driver's licenses.
<i>Driver's License Loss</i>	Expiration, suspension, revocation, cancellation, disqualification, or restrictions of a driver's license.
<i>Finalist(s)</i>	A person or persons under final consideration in the hiring process.
<i>Limited License</i>	A driver's license with conditions for those individuals whose licenses have been suspended, canceled, or revoked due to a DWI or DUI conviction or implied consent violation.
<i>Major Traffic Violations</i>	These include, but are not limited to, driving while impaired by alcohol/controlled substances, reckless or careless driving, attempting to elude the police, leaving the scene of an accident, and driving while license is suspended/revoked/canceled.
<i>State Vehicle</i>	An automobile, truck, or other equipment that is state-owned, rented, or leased, and requires the operator to have a driver's license.

## Exclusions

N/A

## Statutory References

M.S. Ch. 169A, Driving While Impaired

M.S. Ch. 171, Drivers' Licenses and Training Schools

# GENERAL STANDARDS AND EXPECTATIONS

## I. DRIVER'S LICENSE REQUIREMENT

Employees must have an active, valid, and, applicable driver's license if they drive a vehicle on state business. An employee who drives on state business without an active, valid, and, applicable driver's license will be subject to disciplinary action, up to and including discharge.

Agencies must verify at least annually that their employees, whose job duties require driving, have active, valid, and applicable driver's licenses.

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

### a. Minimum Qualifications or Essential Function of Position Requires Driving

#### i. Job Finalists

Prior to hiring an individual for a position which includes driving as a minimum qualification or essential function, agencies must verify that the individual has an active, valid, and applicable driver's license.

Agencies must obtain and review the individual's driver's license record (DLR) for any state in which they held a driver's license in the previous five (5) years. For candidates who have resided in a foreign country or a state which does not provide DLR information, refer to Risk Management's [Driver's License Record Check Guide](#).

Any job offer for such a position must be made contingent upon successful completion of this driver's license verification and record review.

#### ii. Current Employees

At least annually, agencies must verify that employees whose positions require driving as a minimum qualification or as an essential job function have an active, valid, and applicable driver's license.

At least annually, agencies must obtain and review the employee's DLR for any state in which they hold a driver's license. If the agency has not previously performed a DLR review for the employee, the agency must obtain and review the DLR for any state in which the employee has held a driver's license in the previous five (5) years. For employees who have resided in a foreign country or a state which does not provide DLR information, refer to Risk Management's [Driver's License Record Check Guide](#).

### b. Position Involves Driving on State Business: Not a Minimum Qualification or Essential Job Function

If a position involves driving on state business, but driving is not a minimum qualification or essential function of the position, agencies should consult with MMB Labor Relations to determine if the agency should perform a driver's license verification and records review.

Criteria agencies may consider include, but are not limited to:

- Frequency and duration of driving trips
- Time of day or season (e.g. night driving, winter driving, driving in rush-hour or congested traffic)
- Whether the employee is required to transport passengers (e.g. agency clients, charges, or other employees)
- The need to travel outside of Minnesota (where Minnesota's limits on liability do not apply)

- Past driver's license loss, major violations, motor vehicle accidents, or past disciplinary actions related to driving
- Substantiated complaints from the public regarding past driving practices
- The presence or absence of other agency efforts to mitigate driving risk (e.g. driver training, directly observing and supervising driving practices, or other policies or procedures to minimize driving risks)

Agencies may obtain verification that the individual has a valid, active, and applicable driver's license. The agency also may obtain and review the individual's DLR for any state in which they have held a driver's license in the previous five (5) years. For employees who have resided in a foreign country or a state which does not provide DLR information, refer to Risk Management's [Driver's License Record Check Guide](#).

### **III. DRIVER'S LICENSE RESTRICTION, REVOCATION, OR SUSPENSION**

Employees who drive on state business shall inform their supervisor no later than the beginning of their next work shift of any status change affecting their driver's license. This includes but is not limited to suspension, revocation, cancellation, disqualification, expiration, or any license restrictions. Employees who fail to do so may be subject to disciplinary action, up to and including discharge.

If the employee has lost their license but obtains a limited license, agencies, in consultation with their fleet coordinator, Risk Management, and Fleet and Surplus Services (if applicable), may allow the employee to drive for work within any restrictions that apply to the limited license.

### **IV. PROCEDURE FOR DRIVER'S LICENSE VERIFICATION AND DRIVER'S LICENSE RECORD REVIEW**

#### **a. Authorization for Driver's License Verification**

Prior to obtaining a driver's license record of any individual, agencies must receive a signed authorization form allowing the agency to obtain the individual's DLR. Current employees may submit the authorization through Self Service, or agencies can customize the Sample Driver's License Record Authorization form below to meet agency requirements for current employees and for job finalists. The authorization form must be entered on the employee's electronic record (i.e. SEMA4) or maintained in the job finalist's file.

#### **b. Risk Management**

Agencies may request Risk Management to perform a driver's license and record search. Risk Management will verify that the license is valid and assess the risk level of the individual's DLR. The information will then be communicated to the individual's agency human resource office.

Agencies that use a service other than Risk Management to conduct driver's license and records checks should follow Risk Management's [Driver's License Record Check Guide](#). The guide sets criteria agencies can use to assess the risk level of the individual's DLR and determine if the individual should be authorized to drive on state business.

## V. RELATED EMPLOYMENT ACTIONS

Agencies should discuss any disciplinary action based solely on an employee's driver's license record with their labor relations representative or with MMB Labor Relations before taking action.

## RESPONSIBILITIES

### Agencies are responsible for:

Implementing this policy and ensuring that finalists and current employees have valid, active, and applicable driver's licenses as necessary, and obtaining DLR checks as provided in this policy. Agencies must take appropriate action when an employee loses their driver's license.

### MMB is responsible for:

Maintaining and updating this policy as necessary. MMB Enterprise Human Resources and Labor Relations Representatives will be available to confer with agency supervisors and managers regarding this policy.

## REFERENCES

Department of Administration – Risk Management:

- [Agency Guide for Determining Appropriate Vehicle Travel](#)
- [Driver's License Record Check Guide](#)
- [Minimum Fleet Safety Standards](#)

## CONTACTS

Department of Administration Risk Management Division

MMB Enterprise Human Resource Management

# FORMS AND INSTUCTIONS

Sample Driver's License Record Review Authorization and Policy Acknowledgement Forms

## Driver's License Record Review Authorization

Original Authorization      or       Update to Existing Authorization

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. If the requested information is not provided, you will not be approved to drive vehicles on state business. If driving on state business is a minimum qualification or essential function of the position, you may be removed from consideration for hire or subject to discipline, up to and including discharge.

The information on this form, and any resulting driver's license record information, may be shared with state and federal entities including: employees and agents of your employing agency and employees and agents of Minnesota Management & Budget whose work assignments reasonably require access, the Risk Management Division of the Minnesota Department of Administration, the Minnesota Legislative Auditor's Office, the Minnesota Attorney General's Office, the Minnesota Department of Employment and Economic Development, federal and state enforcement agencies with proper authority, and any other person or entity authorized by state or federal law or court order. Your Driver's License Number may be used to obtain a driver's license record from the driver and vehicle services division of 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.

Dept. /Division: Dept. Contact: \_\_\_\_\_

Driver's Name Last: \_\_\_\_\_ First: \_\_\_\_\_ Middle: \_\_\_\_\_

Driver's Phone #: \_\_\_\_\_(home, work or mobile) Email: \_\_\_\_\_(home or work)

Driver's License Number: \_\_\_\_\_ Issued by the State of \_\_\_\_\_

I AUTHORIZE THE \_\_\_\_\_(agency) AND THE RISK MANAGEMENT DIVISION OF THE MINNESOTA DEPARTMENT OF ADMINISTRATION TO OBTAIN MY DRIVER'S LICENSE RECORD FROM ANY STATE WHERE I HAVE HELD A DRIVER'S LICENSE IN THE LAST 5 YEARS. I ALSO UNDERSTAND THAT MY DRIVER'S LICENSE RECORD MAY BE OBTAINED AND REVIEWED AT LEAST ANNUALLY IN CONJUNCTION WITH THIS AUTHORIZATION.

I agree to update this Authorization in the event of a change to any of the data supplied above.

Driver's Signature \_\_\_\_\_ Date \_\_\_\_\_

*Driver's License Record Policy Acknowledgement (for employees)*

*Driver's Responsibilities:*

Driver agrees to:

- A. Be familiar with the state’s and agency’s Drivers’ License and Record Checks policy.
- B. Know and follow the agency’s fleet policy and training requirements.
- C. Maintain an active, valid and, applicable driver’s license; drive responsibly and adhere to all traffic laws.
- D. Notify the supervisor no later than the beginning of the next shift of any status change affecting their driver’s license. This includes and is not limited to suspension, revocation, cancellation, disqualification, expiration, or any license restrictions.
- E. Abstain from driving on state business if they do not have an active, valid, and applicable driver’s license.
- F. Maintain liability insurance on your own vehicle if you use it for work purposes. Liability insurance is required for vehicles per M.S. 65B.48, subd. 1.
- 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).

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

Driver’s Signature \_\_\_\_\_ Date \_\_\_\_\_