

HR/LR Policy #1419
Driver's License and Record Checks

Issued 01/13/2009
Revised 12/01/2014
Authority Enterprise Human Resources

OVERVIEW

Objective	This policy is jointly administered by Minnesota Management and Budget (MMB) and the Department of Administration. The objective is to ensure that state employees who are required to drive a state vehicle or their personal vehicle on state business possess an active, valid, and applicable driver's license, and to ensure that agencies review driving records of employees who are required to drive on state business.
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 applicable driver's license. State 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, 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 jobs.
Scope	This policy applies to employees of executive branch agencies and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.
Definitions	<p>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>Active/Valid/Applicable license – 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>Driver's License Record (DLR) – The historical record maintained on each driver by the Department of Public Safety (DPS), Driver and Vehicle Services 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>Driver's license loss – Expiration, suspension, revocation, cancellation, disqualification, or restrictions that preclude the employee from performing current job duties.</p> <p>Finalist(s) – The person or persons under final consideration in the selection process.</p> <p>Major traffic violations – Include, but are not limited to, 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>State vehicle – An automobile, truck, or other equipment which is the property of the state, or is leased or rented by the state, and requires the operator to have a driver's license.</p>
Exclusions	N/A
References	M.S. Ch. 169A, Driving While Impaired

OVERVIEW

M.S. Ch. 171, Drivers' Licenses and Training Schools
Department of Administration – Risk Management Guidelines

GENERAL STANDARDS AND EXPECTATIONS

I. DRIVER'S LICENSE REQUIREMENT

State employees must have an active, valid, applicable driver's license if they drive a state-owned, rented, leased, or personal vehicle on state business. An employee who drives on state business without an active, valid, applicable driver's license will be subject to disciplinary action, up to and including discharge.

Agencies must verify at least once each year 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 and/or Essential Function of Position Require 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 also obtain and review the individual's driver's license record for any state in which the individual has held a driver's license in the previous five (5) years.

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

ii. Current Employees

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.

Agencies must also annually obtain and review the employee's driver's license record for any state in which the employee holds a driver's license. If the agency has not previously performed a driver's license record review for the employee, the agency must also obtain and review the employee's driver's license record for any state in which the employee has held a driver's license in the previous five (5) years.

b. Employee Drives on State Business, but Not Minimum Qualification or Essential Job Function

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

The criteria agencies may consider may include, but are not limited to:

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

GENERAL STANDARDS AND EXPECTATIONS

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).

After consulting with MMB Labor Relations division, the agency may obtain verification that the individual has a valid, active, applicable driver's license. The agency may also obtain and review the individual's driver's license record for any state in which the individual has held a driver's license in the previous five (5) years.

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

Employees who drive on state business shall immediately inform their supervisor of any status change affecting their driver's license, including but not limited to suspension, revocation, cancellation, disqualification, expiration, or any license restrictions. Employees who fail to do so will be subject to disciplinary action, up to and including discharge.

If the employee has lost his or her license but obtains a limited license, supervisors may allow the employee to drive for work within the DPS designated driver's license restrictions, if applicable.

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, employers must receive a signed authorization form from the individual, allowing the employer to obtain a driver's license record. See Sample Driver's License Review Authorization, below.

b. Risk Management

Agencies may request Risk Management, Department of Administration (Risk Management) to perform a driver's license and record search. If there are concerns about the driver's driving records, Risk Management will contact the employing agency's human resource office.

Agencies that use a service other than Risk Management to conduct driver's license and records checks may consult with Risk Management when there are concerns about the driver's records. If no consultation is sought, such agencies are responsible for assuring that each decision whether to allow or not allow an employee to continue to drive on state business is made consistent with Risk Management guidelines.

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 MMB before taking action.

RESPONSIBILITIES

Agencies are responsible for:	Implementing this policy and ensuring that finalists and current employees have valid, active, applicable driver's licenses as necessary, and obtaining driver's license record checks as provided in this policy. Agencies must take applicable action when an employee loses his or her 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.

FORMS AND INSTRUCTIONS

Sample Driver's License 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 but if you do not do so you will not be approved to drive vehicles on state business. A refusal may result in your removal from consideration for hire or from employment in the subject position with the requesting agency.

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 may be used to obtain a driver's license record from the Driver and Vehicle Services Division 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: _____

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 applicable 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 of any status change affecting your driver's license, including but not limited to suspension, revocation, cancellation, disqualification, expiration, or any license restrictions.
D. Abstain from driving a state vehicle or a vehicle leased or rented by the state, driving on state-owned or leased property, and/or driving personal vehicles on state business or property if you do not have an active, valid and applicable driver's license.
E. 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.
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 (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.

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 ALSO UNDERSTAND THAT MY DRIVER'S LICENSE RECORD MAY BE OBTAINED AND REVIEWED 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

Contacts	Risk Management Division, Department of Administration Human Resource Management, Minnesota Management & Budget
References	Minnesota Department of Administration, Risk Management Division: http://www.mn.gov/admin/government/risk/