



DRIVER'S LICENSE AND RECORD REVIEW

POLICY HR015, EFFECTIVE 2015-07-17

POLICY STATEMENT

The Minnesota Department of Transportation (MnDOT) requires employees and job finalists whose job requires driving have an obligation to comply with the law and maintain a valid and appropriate driver's license.

Employees who drive a state or personal vehicle on state business without a valid and appropriate license will be subject to disciplinary action, up to and including discharge.

REASON FOR POLICY

- Ensure MnDOT employees who are required to drive a state or personal vehicle on state business possess a valid and appropriate driver's license.
- Ensure MnDOT completes an annual verification of driver's license and a review of driving records, if appropriate, for employees who are required to drive on state business and to ensure employees comply with the [MMB Driver's License and Record Checks, HR/LR Policy #1419](#).

WHO NEEDS TO KNOW THIS POLICY?

- Managers and supervisors
- Office of Human Resources (and designees)
- All employees and job finalists

DEFINITIONS

Alcohol or drug related driving offense

A violation of [Minnesota Statutes §169A](#), "Driving While Impaired" and [Minnesota Statutes §169A.52](#), "Test Refusal or Failure: License Revocation."

Commercial Driver's License (CDL)

[CFR 49, §383.5](#), "A driver is required to obtain a CDL to operate any of the following vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is

SENIOR OFFICER

Tracy Hatch

Deputy Commissioner/CFO/COO

POLICY OWNER

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POLICY CONTACT

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POLICY HISTORY

*1997-02-11, Established
2003-06-30, Revision 1
2015-07-17, Revision 2*

[MnDOT Policy Website](#)

greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

- Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of *hazardous materials* as defined under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.”

Driving restrictions

Examples include but are not limited to license expiration, suspension, revocation, cancellation, and disqualification that preclude an employee from performing the essential function of the job.

Job Finalist

An individual involved in the hiring process who is among the final candidates competing for the job.

Major traffic violation

Examples 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, or operating a vehicle with a suspended or revoked driver’s license.

State vehicle

An automobile, truck, or other equipment that is the property of the state (owned, leased, or rented by the state) and requires the operator to have a valid and appropriate driver’s license.

Valid and Appropriate Driver’s License

A driver’s license issued under the laws of the state of issuance, which allows an employee to perform the essential functions of his or her job

PROCEDURES

Driver’s License Verification and Review of Driver’s License Records

Current employees and job finalists must sign the [Driver’s License Review Authorization Form](#) before Human Resources works with the Minnesota Department of Administration – Risk Management Division to obtain the driver’s license record of that employee or job finalist.

When a minimum qualification or an essential function of the job require driving:

Job Finalist

- Prior to hiring an individual for a position that includes driving as a minimum qualification or essential function of the job, Human Resources will send driver’s license information to the Minnesota Department of Administration – Risk Management Division to verify the individual has a valid and appropriate driver’s license;
- Minnesota Department of Administration – Risk Management Division **will review and notify** Human Resources regarding the **driver’s license record from any state in which the individual has held a driver’s license within the previous five (5) years;**
- **Any job offer for such a position is contingent upon driver’s license verification and approval from the Minnesota Department of Administration – Risk Management Division after review of the driver’s record.**

Current Employees

Human Resources (districts and Central Office) will annually coordinate with the Minnesota Department of Administration – Risk Management Division to verify employees have a valid and appropriate driver’s license.

- When an employee drives on state business but driving is not a minimum qualification or an essential function of the job. **Human Resources district offices will consult with Human Resources (Labor Relations) to determine whether to obtain a driver’s license verification or record based on the following criteria:**

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

- ***When an employee's driver's license is inactive, suspended or revoked***

An employee who drives on state business **must** immediately inform their supervisor as soon as reasonably possible, but no later than the beginning of his or her next shift, after their driver's license becomes inactive, suspended or revoked. An employee who fails to do so will be subject to disciplinary action, up to and including discharge.

If applicable, a supervisor may allow an employee to drive on state business if the employee has lost his or her license but has obtained a limited or restricted license from the Minnesota Department of Public Safety (DPS).

- ***Human Resources Actions***

Human Resources district offices may take the following actions after consulting with Human Resources (Labor Relations):

- **Non-alcohol or non-drug related driver's license loss.**
 - Obtain the employee's limited or restricted license from the DPS;
 - Assign the employee to appropriate non-driving functions at the discretion of MnDOT management and in consultation with Human Resources (Labor Relations);
 - Allow the employee to use a leave of absence, vacation leave, personal leave, medical leave or sick leave, as appropriate;
 - Allow the employee to resign or retire;
 - Offer the employee union representation and interview him/her. If the facts support non-alcohol/non-drug related driver's license loss, take appropriate disciplinary action, which may include discharge.
- **Alcohol or drug related driver's license loss while driving a state or personal vehicle on state business.**
 - Immediately notify Human Resources (Labor Relations) of the driver's license loss;
 - Offer the employee union representation and interview him/her. If the facts support alcohol/drug related driver's license loss while driving a state or personal vehicle on state business, discharge the employee.
- **Alcohol or drug related driving offense while driving a personal vehicle off the job.** If the minimum qualifications or essential function of the job requires a driver's license and **the employee loses his or her license for 90 days or less.**
 - Immediately notify the Office of Human Resources (Labor Relations) and follow its guidance;
 - Accept an employee's limited or restricted license on an interim basis;
 - If the employee is ineligible for a limited or restricted license allow the employee to take a leave of absence, vacation leave, personal leave, medical leave, or sick leave as appropriate; or
 - At the discretion of MnDOT management and in consultation with Human Resources (Labor Relations), assign the employee to appropriate non-driving functions.
- **Alcohol or drug related driving offense while driving a personal vehicle off the job.** If the minimum qualifications or essential function of the job require a driver's license and the **employee loses his or her license for more than 90 days.**
 - Immediately notify Human Resources (Labor Relations) of the driver's license loss;
 - Offer the employee union representation and interview him/her. If the facts support the employee has lost his or her license for more than 90 days, discharge the employee; or
 - Allow the employee to resign or retire if applicable.

Note: MnDOT must reinstate a discharged employee if he or she is able to obtain a valid and appropriate license within the 90-day period and is seeking reinstatement as a MnDOT employee. Immediately notify Human Resources (Labor Relations) if the discharged employee obtained his or her license within the 90-day period.

Rehire of an employee who violated this policy

With the approval of Human Resources (Labor Relations), MnDOT may rehire a former employee who violated this policy. Rehire under this section is limited to employees who lost their license due to an off-duty violation. MnDOT will not rehire an employee who lost their license due to an alcohol/drug related driving offense while on duty.

RESPONSIBILITIES

Employee

- **Required to drive a state vehicle as a minimum qualification or an essential function of the job:**
 - Be familiar with the MnDOT *Driver's License and Record Review policy*;
 - Maintain a valid and appropriate driver's license;
 - Notify supervisor as soon as is reasonably possible, but no later than the beginning of their next shift, after his or her driver's license becomes inactive, suspended or revoked;
 - Abstain from driving a state or personal vehicle on state business if the employee does not have a valid and appropriate driver's license;
 - Adhere to all state, federal, and applicable laws;
 - Maintain driver's license information located in Self Service for all driver's licenses held within the last five (5) years (including invalid, suspended, revoked, disqualified or expired licenses).

- **Drive a state or personal vehicle on state business:**
 - Be familiar with the MnDOT *Driver's License and Record Review policy*;
 - Maintain a valid and appropriate driver's license;
 - Notify supervisor as soon as is reasonably possible, but no later than the beginning of the next shift, after his or her driver's license becomes inactive, suspended or revoked;
 - Abstain from driving a state vehicle or personal vehicle on state business if the employee does not have a valid and appropriate driver's license;
 - Adhere to all state, federal, and applicable laws;
 - Maintain driver's license information located in Self Service for all driver's licenses held within the last five (5) years (including invalid, suspended, revoked, disqualified or expired licenses).

Manager/Supervisor

- Be familiar with the MnDOT *Driver's License and Record Review policy*;
- Annually review which employees are required to maintain a CDL, and confirm proper endorsements on an annual basis;
- For employees who drive a state or personal vehicle on state business as a minimum qualification or essential function of the job, an annual review will be conducted by Human Resources to confirm possession of a valid and appropriate driver's license;
- Take appropriate action as recommended by Human Resources (Labor Relations) for violations of this policy.

Human Resources offices

- Be familiar with the MnDOT *Driver's License and Record Review policy*;
- Collect Driver's License Review Authorization form from all covered employees;
- Ensure private information, such as home address, telephone number, driver identification number and date of birth is maintained in the personnel file;
- Send information to the Minnesota Department of Administration - Risk Management Division for job finalists and current employees who are required to drive a state or personal vehicle on state business as a minimum qualification or an essential function of the job. The Minnesota Department of Administration will:
 - Confirm the existence of a valid and appropriate driver's license;
 - Conduct a review of the driver's record prior to hire.

FORMS/INSTRUCTIONS

[Driver's License Review Authorization Form](#)

RELATED INFORMATION

[Minnesota Statutes §13.69](#) Public Safety Department Information

[Minnesota Statutes §169A](#) *Driving While Impaired*

[Minnesota Statutes §169A.52](#) *Test Refusal or Failure; License Revocation*

[Minnesota Statutes §171.07](#) *Information on License and Identification Card*

[Minnesota Statutes §171.12](#) *Driving Record; Filing; Private Information*

[Minnesota Statutes §171.168](#) *Notice of Violation by Commercial Driver*

[18 U.S.C. §2721](#) *Prohibition on Release and Use of Certain Personal Information from State Motor Vehicle Records*

[CFR 49, §383.5](#) *Commercial Driver's License Standards; Requirements and Penalties (Definitions)*

[CFR 49, §383.31](#) *Commercial Driver's License Standards; Requirements and Penalties (Notification of Convictions for Driver Violations)*

[MnDOT Supplemental Policy on Alcohol and other Drug Use Policy](#)

[MMB Driver's License and Record Checks, HR/LR Policy #1419](#)

POLICY OWNERSHIP AND AUTHORIZATION

Policy Ownership and Authorization

Policy Owner

Karin van Dyck, Director, Office of Human Resources

 7-9-15
Signature and Date Signed

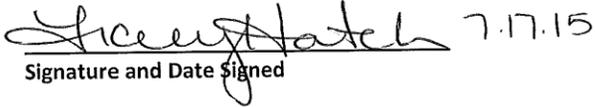
Governance Council

Sue Stein, Director, Corporate Services Division

 7-16-15
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Responsible Senior Officer

Tracy Hatch, Deputy Commissioner/CFO/COO

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