

Policy #: <b>444</b>
Title: <b>DRIVER'S LICENSE AND RECORDS CHECKS</b>
Date of Initial Approval: 03/26/2015
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Reviewers: MSA Superintendent; MSA Human Resources

I. **PURPOSE**

Many Minnesota State Academy employees are required to drive a state vehicle; drive their personal vehicles on state business; or transport other employees, students, parents, etc. to off-campus locations either in a state or personal vehicle. They are therefore required to possess an active, valid, and appropriate driver's license. State employees whose job duties require driving 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 Statutes Chapter 169A (Driving while impaired) or Minnesota Statute 169A.52 (Test Refusal or Failure).
- B. **Active/Valid/Appropriate license.** A current motor vehicle operator's license issued under the laws of the state of issuance and used as intended under the law.
- C. **CDL with School Bus Endorsement Driver.** An employee with a Commercial Driver's License (CDL) who transports students in the yellow bus.
- D. **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.
- E. **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.
- F. **Major traffic violations.** Major 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.
- G. **State vehicle.** An automobile, truck, or other equipment which is the property of the State and requires the operator to have a driver's license.
- H. **Type III School Bus.** Passenger cars, station wagons, vans, SUVs, and buses having a maximum manufacturer's rating sitting capacity of 10 or fewer

people including the driver, and a gross vehicle weight rating of 10,000 pounds or less. The vehicle may not be more than 12 years old.

- I. **Type III Driver.** Any employee who transports students in a Type III School Bus/Vehicle.

### III. **DRIVER'S LICENSE REQUIREMENT**

All Minnesota State Academies employees must have an active, valid, appropriate driver's license if they drive a state-owned, rented or leased vehicle, or personal vehicle on state business including transporting other employees, students, parents, etc. An employee who drives on state business without an active, valid, appropriate driver's license will be subject to disciplinary action, up to and including discharge. The Minnesota State Academies Human Resources Office will verify each year that their employees have appropriate driver's licenses.

In 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 may include carpooling or riding a bus or taxi, etc.

### IV. **FOR DRIVERS OF STATE-OWNED, LEASED OR PERSONAL VEHICLES**

**Job Applicants:** Prior to hiring an individual who will be required to drive a state vehicle or a personal vehicle in positions which driving is a requirement of the job, MSA must verify that the individual has the required license and that the driver's license record is reviewed. The agency 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.

If the individual is given a timeframe to obtain a license after hire, the employee's supervisor must ensure that the individual obtains the required license within that time frame. 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.

**Current Employees:** At least annually, MSA must verify that employees whose positions require driving as a job function have an active, valid, and applicable 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 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.

If there are concerns about the driver's license data, Human Resources will work with the employee's department manager/supervisor to determine an appropriate course of action. The Academies require drivers to complete a vehicle use agreement authorization. After obtaining employees' driver's license and record check authorization data, the Human Resources office will review the driver's license records.

**V. TYPE III SCHOOL BUS/VEHICLE DRIVERS**

Required Training: Type III School Bus/Vehicle Drivers who transport students in Type III vehicles are mandated to perform the following annually:

- A. Training on proper operation of a Type III school bus/vehicle;
- B. Behind the wheel evaluation;
- C. Evaluation of ability to perform pre-trip inspections;
- D. Certification from a Type III Instructor indicating a passing score on Type III training

**VI. DRIVER DISCLOSURE REQUIREMENTS OF DWI, DISQUALIFYING OFFENSES AND MOVING VIOLATIONS**

Employees who drive on state business shall inform their supervisor of any status change affecting driver's licenses, including but not limited to suspension, revocation, cancellation, disqualification or expiration, or any license restrictions immediately, or no later than the beginning of the next shift. Employees must also notify their supervisor if they have been arrested or cited for any alcohol/drug related driving offense or a major moving violation within 48 hours.

Type III School Bus/Vehicle Drivers must inform their supervisor of any moving violations in writing within 10 days of conviction.

All Employees must inform their supervisor of all moving violations or citations received while driving state vehicles within 48 hours.

Employees who fail to report moving violations/citations as listed above within required timelines will be subject to disciplinary action, up to and including discharge.

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

Authorization for Driver's License Verification: Prior to obtaining a driver's license record of any individual, MSA HR will receive a signed authorization form from the individual, allowing the employer to obtain a driver's license record. (See Appendix 444-A)

**VIII. RELATED EMPLOYMENT ACTIONS**

The Academies follows the guidelines in the Statewide Policy on Driver's License and Records Checks when taking employment actions for infractions of this policy and consults with MMB labor relations before taking action.

IX. **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 MSA's Driver's License and Records Checks policy.
- B. Maintain an active, valid/appropriate driver's license.
- C. Complete required training as assigned.
- D. 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.
- E. Abstain from driving a state vehicle if the employee does not have a valid/appropriate driver's license.
- F. Abstain from transporting students in personal vehicles without prior approval from their supervisor, with the exception of emergency situations.
- G. Drive responsibly and adhere to all traffic laws.
- H. Maintain liability insurance on their own vehicles if used for work purposes.
- I. Enter data for each driver's license held in the last five years into Self-Service.
- J. 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).
- K. For Type III Drivers – submit a hard copy of current driver's license to Human Resources

**Managers/Supervisors**

- A. Be familiar with the State's and Agency's Driver's License and Records 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 reviewed.
- C. When an employee who is required to have a driver's license has the license suspended, revoked or canceled, follow the appropriate procedure as provided by this policy and consult with Human Resources before taking appropriate action.

**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 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 (MMB) to make sure actions are consistent with similar situations at other agencies.
- D. Collect and retain a signed authorization form (Appendix 444-A) from employees who drive state vehicles.

**Legal References:**

*M.S. 171.02 Sub. 2b - Driver's Licenses Classification, Endorsements, Exemptions*  
*M.S. 169A - Driving While Impaired*

**Cross References:**

*Policy #1419 - MN Department of Administration & Minnesota Management and Budget*  
*Statewide Policy on Driver's License and Records Checks*

**Appendix:**

*Appendix 444-A – Driver's License Review Authorization*