ADMINISTRATIVE DIRECTIVE

DRIVER'S LICENSE POLICY	NUMBER 6.01-6	PAGE 1 of 10
	EFFECTIVE DATE April 2, 2018	

I. PURPOSE

To set forth the driver's license policy and procedures for employees who drive a City, rental, or personally-owned vehicle (POV) in the course of City business.

II. POLICY

Employees operating a City-owned motor vehicle, rental, motorized equipment, or POV in the course of City business will obtain and maintain a valid Arizona Driver's License and endorsements, insurance, and training required for the position.

A City employee whose driver's license is restricted, suspended, revoked, cancelled, or expired will be placed into a non-driving status until the license is legally restored. The implications to the employee and department of the non-driving status will be determined specifically for each situation and handled by the department, in consultation with Human Resources. Discipline up to and including discharge from employment may be imposed.

III. DEFINITIONS

A. **Accident** – An event or incident involving a city employee, facility, or equipment that results in a loss of or damage to property, person, animal, or fixed object.

B. **ADOT** – Arizona Department of Transportation.

C. **AZDL** – Arizona Driver's License.

D. **Class D License** – An Arizona Driver's License required for operation of any single vehicle less than 26,001 pounds Gross Vehicle Weight Rating (GVWR), any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR, provided the Gross Combined Weight Rating (GCWR) does not exceed 26,000 pounds, and any such vehicle not designed to carry 16 or more passengers, including the driver. The Class D license is not a Commercial Driver's License.

E. **Class M License** – An Arizona Driver's License limited to the operation of a vehicle classified as a motorcycle.

F. **Office of Risk Management, Safety** – The City's Office of Risk Management Safety Team Manager and Staff whose responsibilities include overall City safety policies, training requirements, accident and injury prevention, general OSHA compliance, and related reporting.

G. **Commercial Driver's License (CDL)** – A driver's license required in the United States to operate any type of vehicle weighing 26,001 or more pounds for commercial use, that transports quantities of hazardous materials that require warning placards under Department of Transportation regulations, or that is designed to transport 16 or more passengers, including the driver. This includes, but is not limited to tow trucks, tractor trailers, and buses.

H. **CDL Endorsement** – Authorization added to a CDL permitting operation of specified commercial vehicles. Endorsements include tank vehicle, passenger bus, hazardous material, and double/triple trailer.

I. **Driving Designations**

1. **Primary Driver** – A designation assigned to a position/classification for which the ability to operate a motor vehicle or operate motorized equipment is an essential function of that classification. All CDL operators are considered Primary Drivers.

2. **Incidental Driver** – A driving designation assigned to either a classification or employee requiring the operation of a motor vehicle or motorized equipment, and requires driving on City business at least once per quarter, but not considered an essential function of the classification.

3. **Non-Driving Position/Classification** – A designation assigned to a position/ classification where the ability to operate a motor vehicle or the ability to operate motorized equipment is not a requirement of the position.

J. **Human Resources (HR)** – For purposes of this AD, Human Resources refers to the City Human Resources Department, not an individual department's HR section or division.

K. **Ignition Interlock Device (IID)** – A protective device mandated by law and required to be installed on vehicles that will be driven by a person convicted of an alcohol-related DUI. An IID prevents the operation of the vehicle while under the influence of alcohol.

L. **Invalid License** – A driver's license which is restricted, suspended, revoked, canceled, expired, or any other condition that prevents a person from legally operating a motor vehicle.

M. **Motor Vehicle** – For purposes of this AD, all motor vehicles (to include City vehicles, rental vehicle, and POV) and motorized equipment operated on City business by employees while in the public right-of-way or on private property, including all City-owned property.

N. **MVD** – Motor Vehicle Division of the Arizona Department of Transportation.

O. **MVR** – Motor Vehicle Record is the official 39-month printout of a driving or vehicle record obtained through the Arizona Department of Transportation.

P. **Non-Driving Status** – A status in which an employee is prohibited from operating a City motor vehicle, motorized equipment, or POV while on City business.

Q. **Personally Owned Vehicle (POV)** – A non-City vehicle operated by the employee that may be used in the course of City business with permission of the department director/designee.

R. **Serious Accident** – An accident that results in serious injuries, death(s), injuries to 3 or more persons, hospitalization over 24 hours, property damage greater than $5,000, or significant City liability exposure.

S. **Valid License** – A driver's license without restriction, suspension, revocation, cancellation, expiration, or any other condition that would prevent a person from legally operating a motor vehicle with no legal condition(s) that would prevent or otherwise restrict the operation of a motor vehicle in the public right-of-way and/or private property.

IV. RESPONSIBILITIES

A. Department Responsibility

1. In consultation with HR, departments will develop and maintain a schedule of driver's license requirements for positions/classifications and designate those positions/classifications as a primary, incidental, CDL, motorized equipment, or non-driving assignment.

2. Departments will advise incumbents of the class of driver's license and driving duties required for the position/classification. In consultation with HR, departments may change license requirements specific to positions/classifications. In the event a license requirement is changed, affected incumbent employees will be given not less than 90 calendar days and not more than 120 calendar days to achieve compliance.

3. Appointing authorities will not hire or promote any employee:

   a. into a primary or CDL driving designation until Office of Risk Management, Safety verifies to the department and HR that the prospective employee's license is valid.

   b. into an incidental driving designation until Office of Risk Management, Safety verifies to the department and HR that the prospective employee's license is valid. In the event the appointing authorities hire or promote an employee into an incidental driving designation who has an invalid license, Office of Risk Management, Safety will place the employee into a non-driving status immediately.

Non-cooperation or misinformation on the part of a prospective employee may result in termination of the application process by the department in consultation with HR.

4. An application or promotion process may be terminated if any Motor Vehicle Record (MVR) obtained during the pre-employment or promotional driver's license verification process in a primary, incidental, or CDL driving position contains the following:

   - Legal condition(s) that would prevent or otherwise restrict the operation of a motor vehicle in the public right-of-way and/or on private property.

   - A conviction for DUI or drug related driving offense(s) within the past 24 months.

5. Department directors or designee may authorize an employee to operate a POV while on City business only if the employee maintains a valid Arizona driver's license, registration and insurance in the POV.

6. Departments will monitor each employee's driving behavior in the form of accidents (including property damage), traffic citations, or other unsafe actions including those that do not fall under the administration of state law. These accidents will be documented on the Motor Vehicle Operator's Record and reviewed by the department. Corrective recommendations or disciplinary action taken by the department will be documented for the file. A copy of any/all departmental accident/incident/collision investigation reports will be sent to Risk Management within 48 hours of the incident.

B. Employee Responsibility

1. Employees operating a POV while on City business are required to maintain a valid Arizona Driver's License, registration and insurance in the POV while on City business.

2. Employees will not operate City vehicles, a rental, any motorized equipment, or a POV while on City business, while impaired by alcohol or drugs. Reference Administrative Directive 2.02-22, Drug and Alcohol Use: Impaired Employees, Physical Evaluation; Applicant Testing, for further guidelines on City policy.

3. Employees currently in a primary, incidental or CDL driving designation will have in their possession a valid unrestricted Arizona Driver's License for the class of vehicle being driven. Employees occupying positions/classifications identified by departments as requiring a CDL must possess the appropriate endorsement(s). Refer to AD 6.01-8 for additional information on CDL requirements.

4. Any employee (including an employee in a non-driving position) who operates any vehicle (including a rental or POV) on City business at any time while not in possession of a valid driver's license appropriate to the class/type of vehicle being operated, is subject to disciplinary action, up to and including discharge.

5. Employees are responsible for monitoring and maintaining their driver's licenses and for obtaining the required license or endorsement for their position/classification.

6. All employees in positions carrying a primary, incidental, or CDL driving designation must notify their immediate supervisor, by their next working day, of any motor vehicle citation (moving violation/citation) received while operating a City vehicle, rental, or POV while on City business. Employees are also required to notify their immediate supervisor of any and all changes in driver's license status (including any DUI restrictions) that takes, or may take, them out of compliance with their position/classification license requirement, and/or render them legally unable to operate motor vehicles or motorized equipment for the City or on City business. Failure to notify supervisors by their next working day of any such actions may result in disciplinary action, up to and including discharge.

   Notification must include providing the supervisor with a copy of the motor vehicle citation for inclusion in the employee's MVR for the City.

7. Employees who are issued a citation for vehicle repair (i.e. "fix-it ticket") while driving a City vehicle will immediately return the vehicle to Fleet Services for repair and will provide the citation to the Office of Risk Management, Safety for compliance with the issuing jurisdiction.

8. All employees operating City vehicles, rental, or POVs on City business are responsible for paying traffic fines, parking fines, and all other fines or fees imposed as a result of the employee's driving or during the time the employee was responsible for the City equipment.

IV. INVALID DRIVER'S LICENSE – PRIMARY, INCIDENTAL and CDL DRIVING ASSIGNMENTS

A. Departments will consult with the Office of Risk Management, Safety to take immediate action to place an employee into a non-driving status (including removal from overtime and/or on-call status) based upon:

   1. Disclosure from an employee of any loss of driving privileges.

   2. Disclosure from an employee of any driving restriction(s) or any other circumstance affecting the employee's ability to legally operate a motor vehicle or motorized equipment.

3. Discovery of an employee driving citation, arrest, conviction or any other driving restrictions that affects an employee's ability to legally operate a motor vehicle or motorized equipment that results in the loss of driving privileges.

B. Employees in a primary, incidental, or CDL driving assignment, whose required license is restricted, suspended, revoked, canceled or expired by reason of violation(s) may be subject to disciplinary action, up to and including discharge.

C. Probationary employees in a primary, incidental, or CDL driving assignment with the City, whose license becomes restricted, suspended, revoked, canceled or expired, may be subject to discipline, up to and including discharge.

D. Employees in a probationary promotional status whose license is required and driving is an essential function of their position may or may not pass probation if their license is restricted, suspended, revoked, canceled or expired, or the employee is restricted from driving while at work.

E. Employees who fail to maintain the requisite license for their position because of a disability will be evaluated under Administrative Directive 2.05-2, Reasonable Accommodation of Applicants and Employees with Disabilities.

V. DRIVER'S LICENSE MONITORING

A. The Office of Risk Management, Safety will monitor the licenses of employees in a primary, incidental, or CDL assignment to ensure compliance with state law. The Office of Risk Management, Safety will complete a MVR check on employees in these assignments by electronically accessing the Arizona State Department of Transportation (ADOT) MVR's, through the Arizona Secure Access Gateway. This check will be performed:

- At the time of hire.
- At the time of promotion with a change in driving status.
- Annually, during the employee's birth month.
- In the event of a motor vehicle accident.
- For specific cause at the request of the department.
- When a Notice of Violation is received during operation of a City vehicle.
- For verification of Driver's License reinstatement.

Employee information required to perform the driver's license check will be obtained from the employee's official personnel record maintained by HR.

B. Any invalid license (restricted, suspended, revoked, canceled or expired) discovered during the verification of AZDL status will be forwarded to the employee's department

for review and consideration of potential disciplinary action, up to and including discharge from employment. The printed AZDL record will be retained in the permanent employee personnel file for any employee designated as a primary, incidental, or CDL driver.

C. An invalid license will result in the employee being placed into a non-driving status, prohibiting the employee from operating any motor vehicle, rental, or motorized equipment – including a POV while on City business. Departments will take appropriate corrective and/or disciplinary action, up to and including discharge from employment.

D. Employees placed on non-driving status are not eligible for "on-call" or overtime status.

E. The supervisor(s) and employee will meet formally within one (1) workday (excluding weekends and holidays) of receiving an invalid motor vehicle operating record notice. At the formal meeting, the employee and supervisor will sign a Memorandum of Non-Driving Status acknowledging the employee has been placed in a non-driving status.

F. Employees will have two (2) workdays (excluding weekends and holidays) to resolve any and all legal obligations with the State of Arizona directly affecting the employee's ability to operate any motor vehicle or motorized equipment for the City and/or to drive their POV while on City business. Time away from work to resolve the issue must be approved by the employee's supervisor using compensatory time or vacation leave.

G. Employees who provide official verification that they have obtained/restored their valid Arizona Driver's License status within two (2) workdays will provide written documentation to the department and Office of Risk Management, Safety for verification.

H. The Office of Risk Management, Safety will verify the employee's driver's license status and forward the results to their department.

I. Employees who cannot provide official verification of a valid Arizona Driver's License within two (2) workdays will remain in a non-driving status and may be subject to discipline, up to and including discharge.

J. Any employee placed on non-driving status as a result of having an invalid Arizona Driver's License who operates City equipment, a City vehicle, rental or a POV while on City business, is subject to disciplinary action, up to and including discharge.

VI. DRIVING UNDER THE INFLUENCE (DUI) POLICY

A. Citation/Arrest

1. Any employee in a primary, incidental, or CDL driving assignment, or who operates a POV or rental on City business and is cited for a DUI offense, on or off duty, will notify their supervisor by the next working day and will immediately provide a copy of the DUI citation. The employee has a continuing obligation to provide their supervisor with all paperwork relating to the DUI charge and the status of their driver's license. Failure to provide notification of the DUI citation to the supervisor will result in disciplinary action, up to and including discharge from employment. The department will notify The Office of Risk Management, Safety within one (1) workday.

2. The supervisor(s) and employee will meet formally within one (1) workday (excluding weekends and holidays) of the supervisor's notification of an employee's citation for DUI. At the formal meeting, the employee and supervisor will sign a Memorandum of Non-Driving Status.

3. Any employee placed in a non-driving status as a result of a DUI citation/arrest under this section, who operates City equipment, a City vehicle or a POV while on City business will be subject to disciplinary action, up to and including discharge.

B. Court Appearance

1. Any employee in a primary, incidental, or CDL driving assignment with restricted, suspended, revoked or canceled driving privileges due to a DUI arrest will provide notification to their supervisor by the next working day by providing a copy of any and all documentation pertaining to the status of their driver's license. This includes the loss of a CDL license, but retention of a regular motor vehicle operator's license. This applies to a change in driving privileges imposed at an employee's initial court appearance or subsequent court hearings. The employee will be placed into a non-driving status and will be subject to disciplinary action, up to and including discharge.

2. An employee whose driver's license is reinstated by the court during the progression of legal proceedings will provide documentation of reinstatement (including payment of license reinstatement fee) to their department by the next working day. The department will forward the documentation to the Office of Risk Management, Safety within one (1) workday.

C. Conviction

1. Any employee in a primary, incidental, or CDL driving assignment whose driver's license is restricted, suspended, revoked, or limited by the State of Arizona because of a DUI conviction, will not drive a City owned vehicle, rental, or POV on City business. A violation will subject the employee to disciplinary action, up to and including discharge.

2. The employee will sign a Memorandum of Non-Driving Status prohibiting them from operating any motor vehicle, rental, or motorized equipment for the City, including a POV while on City business.

3. Any employee placed in non-driving status as a result of a DUI conviction and who operates City equipment, a City vehicle, rental, or a POV while on City business will be subject to disciplinary action, up to and including discharge.

4. An employee whose driver's license is reinstated by the court must provide documentation of driver's license reinstatement (including payment of license reinstatement fee) to the department by the next working day. The department will forward the documentation to the Office of Risk Management, Safety within one (1) workday.

D. **Interlock Ignition Device (IID)**

1. Any employee who has been convicted of a DUI and has a court order requiring the installation of an Ignition Interlock Device (IID) on vehicles they drive will provide immediate notification to their department in the form of a copy of the court order.

2. Employees convicted of a DUI and required by court order to have an IID installed on any motor vehicle will be placed into a non-driving status and will not be allowed to operate any City motor vehicle, rental, motorized equipment or POV while on City business while under restriction and will be subject to disciplinary action, up to and including discharge.

3. Employees have a continuing obligation to provide their supervisor with all documentation regarding the IID and any additional citations or legal action that may affect the status of their driver's license under the IID restriction.

4. An employee whose IID restriction obligation has been completed, and who has fulfilled all legal obligations to the State of Arizona or other jurisdiction will provide documentation of their IID action completion to their department by the next working day. The department will forward the documentation to the Office of Risk Management, Safety within one (1) workday.

VII. TRAINING

A. Employees who are identified by their classification or department as a primary, incidental, or CDL driver will complete the City Fleet Driving Classroom Course. New employees in these categories must complete the course within 120 days of hire or they will be placed in a non-driving status. Departments will schedule training through

the Office of Risk Management, Safety. Commissioned personnel for Police and Fire are exempt from this requirement.

B. All employees who drive on City business (including POV) are required to complete the Fleet refresher course every three (3) years. Employees identified as primary or CDL drivers who do not complete the Fleet refresher course every three (3) years will be placed in a non-driving status.

C. Employees identified as 15-passenger van operators will be required to complete Van Classroom Training Part I and Van Practical Training Part II to be a City of Tucson eligible van operator. City of Tucson CDL operators will be exempt from Van Practical Training Part II.

VIII. LICENSE FEES AND RENEWALS

A. Employees are responsible for all costs and fees required to obtain, maintain, and renew a Class D or M driver's license.

Attachments City of Tucson Vehicle Operator Record

References
2.02-1 Certification of Equal Employment Opportunity
2.02-22 Drug and Alcohol Use: Impaired Employees Physical Evaluation; Applicant Testing
2.05-2 Reasonable Accommodation of Applicants and Employees with Disabilities
6.01-8 Commercial Driver Policy

Review Responsibility and Frequency The Finance Director and Risk Manager will review this directive as needed.

Authorized

City Manager — Date 4/17/18

Michael J. Ortega

City of Tucson Uniform Vehicle Operator Record

Last Name (please print or type)	First Name (on driver's license)	Middle Initial
Date of Birth	Driver's License Number	Employee No.
Driver's License Class (CDL, D, D/M, M)	**Restrictions (D,H,M,N,P,T, or X)**	**Endorsements (A,B,C)**

Expiration Date: _____

Department: _____ Division: _____

Job title _____ Vehicles Regularly Driven (i.e. passenger car, light truck, motor grader, Lodal, TFD Paramedic van, TPD uniform patrol car, etc.) _____

Driving Assignment (Primary, CDL, Incidental): _____

Initial Fleet Driving Safety Class Date: _____

I _____ am asking for permission to drive my personally-owned vehicle while on city business and have provided proof of insurance or insurance bond (copy attached) to my Department. I also understand that should my driver's license be rendered invalid by the State of Arizona (or any other jurisdiction), that I am required to inform my Department supervisor of my driver's license status within one (1) working day of such notice and I am prohibited from operating any motorized equipment, including my personally-owned vehicle while on City business, until my license is reinstated by the jurisdiction that rendered the license invalid.

Employee Signature	Department Director or Designee

Collision/Incident History

Use the space below to provide a brief narrative of each collision/incident in which this employee has been involved. Indicate the date, case # if any, location, type of accident and if judged at fault or not. Also note if a Board of Inquiry was held.