



ADMINISTRATIVE DIRECTIVE

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	EFFECTIVE DATE August 1, 2020	

I. PURPOSE

To set forth a commercial driver policy for City employees who operate a commercial vehicle requiring a commercial driver’s license (CDL) as defined in the City’s job classification.

This Administrative Directive (AD) is designed to supplement and complement Administrative Directive 6.01-6 Driver’s License Policy. CDL holders are considered primary drivers by designation and definition.

II. POLICY

Employees operating a commercial vehicle for City business will obtain and maintain a valid Arizona driver’s license and required endorsement(s) for the position.

A City employee whose license is restricted, suspended, revoked, canceled or expired will be placed into a non-driving status until the license is legally restored. 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 (HR) and/or The Safety Group (TSG). Any violation of this policy may result in discipline up to and including discharge from employment. **A City employee whose license is revoked, canceled or expired may be subject to immediate discipline, up to and including termination.**

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. **CDL Driver Qualification File** – Maintained by The Safety Group. Refer to CFR §391.51.
- D. **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.
- E. **Clearinghouse** –A FMCSA database under the agency’s administration that will contain information about violations of FMCSA’s drug and alcohol testing program, for the holders of commercial driver’s licenses.
- F. **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.



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- G. **FMSCA** – Federal Motor Carrier Safety Administration.
- H. **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.
- I. **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.
- J. **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.
- K. **Motor Vehicle** – For purposes of this AD, all motor vehicles (to include City vehicles 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.
- L. **MVR** – Motor Vehicle Record is the official 39-month printout of a driving or vehicle record obtained through the Arizona Department of Transportation.
- M. **NIDA** – National Institute on Drug Abuse (NIDA) Drug Screen is regulated by the Federal Government and the drug screen includes testing for the following five categories: Marijuana, Cocaine, Phencyclidine, Amphetamines and Opiates.
- N. **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.
- O. **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.
- P. **Restricted Driving Status** – Employee is restricted from operating any commercial vehicle or equipment, but still maintains a valid Class D license.
- Q. **TSG – THE SAFETY GROUP** – The City’s Safety Manager and Staff whose responsibilities include overall City safety policies, training requirements, accident and injury prevention, general OSHA compliance and related reporting.
- R. **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.



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IV. **RESPONSIBILITIES**

A. **Department Responsibility**

1. In consultation with HR, departments will identify and maintain a list of classifications requiring a CDL.
2. 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 no less than 90 calendar days and no more than 120 calendar days to achieve compliance.
3. Incumbent employees may apply for a promotional opportunity if they meet all of the position requirements except for a CDL or required CDL endorsement. An employee who does not have the required license may be conditionally selected and advised of the requirement that they obtain the required license within 90 calendar days of the conditional notification of selection. Conditional notifications will be in accordance with Administrative Directive 2.02-1, Certification of Equal Employment Opportunity (CEEO). The approved CEEO and Personnel Action Request Form (PARF) will be forwarded to HR. The PARF will be processed upon notification from the department that the employee has obtained the required driver's license or endorsements and completed the required training. See VII. Training.
4. Appointing authorities will not hire or promote *any* candidate or employee (including intermittent, temporary or seasonal) into a position requiring a CDL until the following documents required for the CDL Driver Qualification File have been received and reviewed by TSG:
 - Driver-specific application for employment
 - Photocopy of a valid Arizona driver's license
 - Original 39-month Motor Vehicle Record (MVR)
 - Medical Examiner's Certificate showing medically qualified
 - Negative NIDA drug test
 - Safety Performance History Data form
 - Signed FMCSA Clearinghouse consent form and portal access to the City of Tucson within 24 hours

Non-cooperation or misinformation on the part of a prospective employee is grounds for termination of employment or the application process by the department in consultation with HR.



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5. Candidates applying for positions carrying a CDL driving designation are required to obtain a valid Arizona CDL within 90 days of hire. The CDL must be of the appropriate classification, with endorsements as required by the job classification.
6. The candidate's driving information in the Clearinghouse will be reviewed as part of the CDL pre-employment process.
7. Extenuating circumstances of the employee or the Clearing house system will allow for exceptions as requested by the Department Director.

B. Employee Responsibility

1. Employees operating a commercial vehicle while on City business 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).
2. Employees will not operate a commercial vehicle while impaired by alcohol or drugs, operate a commercial vehicle with a breath alcohol concentration of greater than .02. Reference Administrative Directive 2.02-22, Drug and Alcohol Use: Impaired Employees, Physical Evaluation; Applicant Testing and S-030 CDL and Safety Sensitive Random Drug/Alcohol Testing Procedure, for further guidelines on City policy. *NOTE: Federal laws may preempt some protections for card holders under the Arizona Medical Marijuana Act.*
3. All City of Tucson CDL operators must have a FMCSA Clearinghouse portal account.
4. All City of Tucson CDL operators must provide authorization to the City of Tucson to run their queries in the Clearinghouse by signing a consent form (attached).
5. Any City of Tucson CDL operator that refuses to register and give consent to the City of Tucson in the Clearinghouse will be prohibited from performing safety sensitive functions, including operating a commercial vehicle or motorized equipment.
6. Failure to comply will result in a non-driving status and disciplinary action, up to and including termination.

V. DRIVER'S LICENSE MONITORING

- A. TSG will monitor the licenses of employees in a CDL assignment to ensure compliance with state law. In addition to the criteria specified in AD 6.01-6, TSG will complete a MVR check on employees in these assignments by electronically accessing the Arizona State



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Department of Transportation (ADOT) Motor Vehicle Records, through the Arizona Secure Access Gateway. The employee's MVR must contain the status "CDL Medically Certified." This check will be performed within 15 days of CDL medical certification renewal.

- B.** Employees with a CDL medical revocation who still maintain a valid Class D license will be placed into a restricted driving status and may operate a non-commercial motor vehicle or motorized equipment if there are no other driving restrictions. For questions on employees' driving status, contact TSG.

VI. DRIVING UNDER THE INFLUENCE (DUI) POLICY

Citation/Arrest – In addition to Administrative Directive 6.01-6 and specific to CDL holders, subsequent to any legal hearing or conviction, the court will *usually* impose license suspension and/or restrictions including an Ignition Interlock Device (IID) requirement for a specified period of time and the removal of a CDL endorsement for a period of 12-months from the date of the citation. The consequences of this incident will have the effect of a continued non-driving status for the City of Tucson. A City employee whose license is restricted, suspended, revoked, canceled or expired and is placed into a non-driving status may be subject to immediate discipline, up to and including termination.

VII. TRAINING

Departments will ensure CDL drivers complete the "CDL Drug Abuse and Alcohol Misuse" training course within 30 days of hire, or when they obtain their CDL endorsement.

- A.** After completing the training course, the CDL driver will sign a Certificate of Training form and forward to Risk Management within 30 days of hire, to be placed into the City of Tucson's CDL Driver Qualification File.

VIII. CDL MEDICAL EXAMINATION PROCESS

- A.** Employees and new applicants must be examined and medically cleared by the City Physician to determine whether Federal Motor Carrier Safety Administration (FMCSA) physical requirements for CDL licensing are met.
 - 1.** All physical examinations conducted by the City Physician as a required condition of the Medical Examiner's Certificate process will be conducted on City time, at City expense. Any additional examination, testing or documentation required by the City Physician to complete the Medical Examiner's Certificate process are subject to the employee's health insurance, if applicable, and on the employee's own time.



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2. For new applicants, the City Physician will provide results of the physical examination to the applicant and TSG. TSG will notify the applicant's department representative of the results. If hired, the results will be maintained in both the CDL driver qualification file and the employee's medical record.
3. For existing employees, the City Physician will provide results of the physical exam to the employee and TSG. TSG will maintain the results in the CDL driver qualification file. The employee will provide a copy of their Medical Examiner's Certificate to their department and to the Arizona Motor Vehicle Department.
4. Employees who fail to maintain the requisite license for their position because of a medical disability, will be evaluated under Administrative Directive 2.05-2, Reasonable Accommodation of Applicants and Employees with Disabilities.

IX. CDL REQUIRED TESTING (NON-MEDICAL)

- A. CDL applicants will be tested by ADOT on the type(s) of commercial vehicle operated in performance of City job duties.
- B. If the City determines an employee is qualified to operate a commercial vehicle, the employee will be allowed to use a City vehicle for the ADOT testing process.
- C. Departments will make necessary arrangements for City vehicle use for license testing.
- D. All portions of CDL testing will be conducted during working hours and within the employee's regularly assigned shift. Overtime and/or Compensatory Time are not authorized for this purpose.

X. LICENSE FEES AND RENEWALS

- A. Employees are responsible for all costs and fees required to obtain and renew a Class D driver's license. Employees may submit a reimbursement request for all costs and fees required to obtain or renew the CDL endorsement(s) within 60 days of obtaining the CDL endorsement.
- B. When required to obtain a CDL within 90 days of hire or promotion, employees are responsible for all associated license costs and fees. Employees may submit a reimbursement request for all costs fees required to obtain or renew the CDL endorsement(s) within 60 days of obtaining the CDL endorsement. This is in reference to the CDL endorsement, not the Class D driver's license.
- C. Employees who are required to maintain a CDL and specific endorsements as a condition of continuing employment will be on paid time for required written exams and/or road testing and reimbursed by the City for all fees and associated costs.



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Attachments City of Tucson Vehicle Operator Record
 CDL Drivers Clearinghouse Acknowledgement & Consent for Limited
 Queries

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
- 6.01-6 Driver's License Policy

Review Responsibility and Frequency The Human Resources Department and Risk Management will review this
 directive as needed.

Last review date: January 6, 2016.

Authorized

8/7/2020

 City Manager
 Michael J. Ortega

 Date

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 **Restrictions** **Endorsements**
(CDL, D, D/M, M) **(D,H,M,N,P,T, or X)** **(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, Secondary): _____

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

Attention CDL Drivers:

The DOT Drug & Alcohol Clearinghouse arrives January 6, 2020

What is it? An online database providing employers, licensing agencies, and enforcement officers with real-time information about truck and bus drivers who have violated DOT drug or alcohol testing rules. Employers must check the Clearinghouse when hiring each new CDL driver and *every year* for existing CDL drivers like you. **The Clearinghouse will affect you in several ways:**

1 You will need to register on the Clearinghouse website (available Fall 2019) in order to comply with item #2 below. Registration is optional unless you switch employers or have a DOT drug or alcohol violation. Registration will give you free access to your own Clearinghouse record.

clearinghouse.fmcsa.dot.gov

2 You will need to go to the Clearinghouse to grant electronic consent whenever your employer is required to purchase a full Clearinghouse report on you. You will not be allowed to continue operating a commercial motor vehicle (CMV) or perform other safety-sensitive duties if you refuse to grant this consent (§382.703(c)).

3 You will need to sign a separate consent form (annually or one-time) to allow your employer to obtain "limited" Clearinghouse reports that indicate whether there is information about you in the Clearinghouse (if there is, then a full report will be required – see #2 above) (§382.701(b)).

4 If you commit any of the following DOT violations or complete any of the following steps after January 6, 2020, it will be reported to the Clearinghouse:

- Any verified positive, adulterated, or substituted drug test
- Any confirmed alcohol test result of 0.04 or higher
- Any refusal to submit to a DOT-required test
- Any verified and documented "actual knowledge" that you violated the drug/alcohol rules:
 - Any on-duty alcohol use, including any citation for DUI/DWI while driving a CMV
 - Any alcohol use within 4 hours before going on duty
 - Any alcohol use within 8 hours of an accident or before a post-accident test is complete (whichever occurs first)
 - Any prohibited drug use while on duty
- Successful completion of the return-to-duty process following treatment*
- Any negative return-to-duty test*
- Successful completion of follow-up testing*

**Only reported if the underlying violation occurred after January 6, 2020.*

5 You will be notified whenever information about you in the Clearinghouse is added, removed, or revised. You can specify how you want to be contacted when you register.

I hereby acknowledge receiving educational information about the CDL Drug & Alcohol Clearinghouse as required under §382.601(b)(12).

Driver's name: _____ Date: _____

Driver's signature: _____

DRUG & ALCOHOL CLEARINGHOUSE CONSENT FOR LIMITED QUERIES

NOTICE TO DRIVER: The Commercial Driver's License (CDL) Drug & Alcohol Clearinghouse is a federal database containing information about CDL drivers who have violated the Federal Motor Carrier Safety Administration's (FMCSA's) drug or alcohol regulations in 49 CFR Part 382. Whether you have committed such a violation or not, each motor carrier for whom you drive is required to check whether the Clearinghouse has any information about you, both at the time of hire and annually. When conducting an annual inquiry, the motor carrier has the option to request a "limited" report that only indicates whether the Clearinghouse has any information about you. Before a motor carrier may request a limited report, they must have your written authorization, per §382.701(b). This authorization may be valid for more than one year. If a limited query ever reveals that the Clearinghouse has information about you, you will be required to log in to the Clearinghouse website within 24 hours to grant electronic consent for the motor carrier to obtain your full Clearinghouse record.

NOTICE TO MOTOR CARRIER: This consent form authorizes you to run a "limited query" to check whether the Clearinghouse has information about the driver identified below. If it does, then you must obtain a full Clearinghouse record within 24 hours, per §382.701(b). This consent form must be retained until 3 years after the date of the last limited query you perform for this driver, based on the authorization below.

AUTHORIZATION

I, _____, hereby authorize
(Driver's printed name)

(Name of motor carrier)

to conduct limited annual queries of the FMCSA's Drug & Alcohol Clearinghouse, to determine if a Clearinghouse record exists for me. This consent is valid from the date shown below until my employment with the above-named motor carrier ceases or until I am no longer subject to the drug and alcohol testing rules in 49 CFR Part 382 for the above-named motor carrier.

I understand that if any limited query reveals that the Clearinghouse contains information about me, I must grant electronic consent within 24 hours, via the Clearinghouse website, for the motor carrier to obtain my full Clearinghouse record. Refusal to provide such consent will result in my removal from safety-sensitive duties.

Driver's Signature: _____

ID Number: _____ Date: _____