

# ***CITY PERSONNEL POLICY***

## **DRIVER'S LICENSES (CDL & NON-CDL) – REVIEW, VERIFICATION & REVOCATION**

Policy # 33

*Approved by Personnel Board: 2/28/02*

*Cecil Hicks, Personnel Director*

*Approved by City Council: 8/27/02*

*Council President Chuck Sigerson*

Pursuant to the Omaha Municipal Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's e-mail system in the Public Folders under Personnel Department for the latest amendments to this policy.

### **Purpose**

A number of City positions require that the employee operate a motor vehicle in the performance of his/her assigned duties. Some positions by federal and state law require a commercial driver's license (CDL); others require a regular driver's license. This policy applies to both licenses. This policy also applies to those sworn Police positions whose job duties require them to operate a vehicle that, by federal guidelines, requires the possession of a valid CDL. This policy does not apply to other sworn Police and Fire positions because those positions are reviewed pursuant to the operating department's standard operating procedure.

Occasions arise where employees whose City jobs require them to drive and/or hold a particular driver's license, lose the privilege to operate a motor vehicle in the State of Nebraska because of court or administrative action. These employees no longer are able to perform their City duties and, accordingly, could be terminated from their City job. The City does recognize that, sometimes, valuable employees may temporarily lose their driving privileges and this policy governs such loss of licenses to protect the City's investment in trained, experienced, and valuable employees such as this.

The purpose of this policy is to: (1) detail the procedures the City uses to verify that employees are in possession of either a proper, valid driver's license or CDL, (2) assist the City in identifying candidates who have demonstrated by their past driving conduct an ability to legally and safely operate a motor vehicle, (3) identify job classifications requiring a CDL and the endorsements needed herein, and (4) specify the measures for employees to report license revocation and the procedures for the City to respond to such license loss.

### **Positions Requiring Commercial Driver's Licenses (CDL)**

Employees within the job classifications specified below are required to possess a valid CDL. These positions requiring a CDL, except as otherwise approved by the Personnel Department, are as follows:

<u>Classification</u>	<u>Class</u>	<u>Endorsement</u>	<u>Air Brake Test</u>
Automotive Body Repairer	A	X	Yes
Automotive Equipment Operator I	B	N	Yes
Automotive Equipment Operator II *	A or A/O	N	Yes
Automotive Equipment Operator III	A	N	Yes
Automotive Mechanic	A	X	Yes
Automotive Repair Foreman	A	X	Yes
Automotive Servicer	A	X	Yes
City Maintenance Foreman I	B	N	Yes
Compost Operator	B	N	Yes
Landscape Gardener	B	N	Yes
Maintenance Repairer II * (Street Maintenance Division Only)	A or A/O	N	Yes
Park Caretaker I	B	N	Yes
Park Caretaker II	B	N	Yes
Semi-Skilled Laborer	B	N	Yes
Show Wagon Assistant Driver	A/O	N	Yes
Show Wagon Driver	A/O	N	Yes
Traffic Signal Repairer	B	N	Yes
Traffic Signal Technician	B	N	Yes
Tree Trimmer I	B	N	Yes
Tree Trimmer II	B	N	Yes
Welder	A	X	Yes

\* = Individuals in these particular job classifications who have experience operating Class "A" type vehicles (except tractor-trailers) have the option of testing for a Class "A" license with an "O" restriction. These individuals will be required to test for air brake certification and an "N" endorsement. Class "B" required classifications also have the option of testing for a Class "A" license with an "O" restriction if they have experience operating Class "A" type vehicles (except tractor-trailers).

Some employees may be required, on a case-by-case basis, to have a hazardous materials endorsement due to the nature of the particular job they do. If an employee is required to obtain a hazardous materials endorsement, that employee will be informed by their supervisor before the employee is hired.

Employees must have their CDLs with all required endorsements prior to City employment. Employees in the positions of Automotive Servicer, Automotive Mechanic, Park Caretaker I, Park Caretaker II, and Landscape Gardener are required to obtain their CDLs prior to the end of their probationary period. Failure to obtain the required CDL within the specified time frame will result in termination of employment with the City.

As specified in the Federal Motor Vehicle Carrier Safety Regulations, the Personnel Department shall review, on an annual basis, the driving record of all employees possessing a CDL license to ensure that the employees meet the minimum statutory requirements. Employees failing to notify the City of any traffic violations as required by law and City policy or employees discovered not to possess the proper CDL may be subject to disciplinary action up to and including termination.

### **Review & Verification of Employee Compliance**

#### **A. Candidates**

Any time a candidate is referred for a position that requires a valid motor vehicle operator's license (CDL or Non-CDL), the Personnel Department shall review the last three years of the driver's abstract. This applies to all candidates, whether new candidates or current employees on an eligibility list. In so doing, the candidate must complete a "Supplemental Driver's License Form" provided by the Personnel Department.

In reviewing the driver's abstract, the Personnel Department will utilize the State of Nebraska's "point system" described in the Nebraska driver's manual. For applicants from states using a point system different from Nebraska's, the points will be assigned using the Nebraska system.

The driver's abstract, along with the Personnel Department review of such abstract, shall be sent to the hiring department for consideration along with other factors in the hiring decision. All other factors being equal, a candidate with 5 or fewer points will be preferred over candidates who have more than 5 points during the last 2 years. If the review of the abstract indicates that the candidate does not possess a valid license as required by the position, the Personnel Department will disqualify the candidate from consideration for the position. If the candidate has been hired and begun work, the conditional employment will be terminated.

All job postings which require any type of driver's license will indicate that each candidate must submit to the Personnel Department not only a completed Application for Employment form, but also a "Supplemental Driver's License" form. This supplemental form will include a release which will allow the City to obtain the information about a candidate's driving record. This form must be completed, signed, and dated in order for the application process to be complete.

#### **B. Employees**

All employees who are required to possess a valid driver's license must immediately notify their supervisor, and the Personnel Department, of any suspension, revocation, or administrative withdrawal of their driver's license upon such loss. Such employees shall not, under any circumstances, operate a motor vehicle for the City when their driver's license is under suspension, revocation, or administrative withdrawal, or at any time they do not possess a valid driver's license. If an employee operates a motor vehicle for the City without meeting the proper statutory license requirements or fails to notify his/her supervisor and the Personnel Department of loss of license as required hereunder, he/she may be disciplined up to and including termination.

The Personnel Department shall randomly review the driver's abstract of current Non-CDL employees whose positions require a valid driver's license to determine whether such employees have complied with the policy and are in possession of the proper driver's license for the job they hold. If such review determines the employee does not possess the proper driver's license or a past reporting problem is uncovered, the Personnel Department will contact the operating department to determine what action to take. Each situation will be decided on a case-by-case basis.

Division managers, or their representatives, will be responsible for having all employees (full or part-time or seasonal) whose job requires a valid driver's license (CDL or non-CDL) properly execute a "Verification of Driver's License for Employees Whose Job Requires a Driver's License (CDL or non-CDL)" provided by the Personnel Department and available in the Public Folders of the e-mail system. The division manager will maintain copies of the form. The original shall be sent to the Personnel Department, Safety Division, and a copy given to the employee. This form must be resubmitted each time an employee renews his/her license or each time the class of license is changed. State and federal laws further provide that CDL drivers must:

1. Notify the motor vehicle licensing agency in writing within 30 days of any conviction in any state for any traffic violation (except parking violations), no matter what type of vehicle (personal or CDL) was driven.
2. Notify immediate supervisor and the City Personnel Department within 30 days of any conviction for any traffic violation (except parking violations), no matter what type of vehicle was driven. A "Notification of Traffic Violation" form must be processed and submitted through the chain of command.

From time to time, as determined by the division management, the supervisor may require an employee to produce his/her driver's license to ensure such employee possesses a proper, valid license.

Employees are expected to carry on their person at all times the license(s) required for their job.

Failure to comply with the provisions of this policy may result in disciplinary action, up to and including termination from City employment.

### **Employee License Revocation**

#### **A. Employee Duty to Notify**

It is the employee's responsibility to advise his/her supervisor that the employee does not have a valid driver's license or report the loss of driver's license or driving privileges to his or her supervisor as soon as such loss occurs. This applies any time driving privileges are terminated, revoked, suspended, or limited in any way by any court or administrative office of the State of Nebraska, any law enforcement personnel or agency, or any other state or jurisdiction. The supervisor shall report such loss of license to the Personnel Department, Safety Division, and the

City's Labor Relations Director. Failure to promptly report loss of driving privileges may result in discipline, up to and including termination.

## **B. City Response to Revocation of Driver's License**

If an employee loses his/her motor vehicle operating privileges for a specific period of time, and if the employee promptly reports such loss to his/her supervisor, the supervisor will meet with the employee and review all relevant facts surrounding such loss. Those factors include, but are not limited to, the following:

1. the length of the loss of driving privileges; (No accommodation pursuant to this policy will be made for employees who lose their driving privileges for more than one year.)
2. the employee's work record and skill level;
3. any prior loss of driving privilege when the City has accommodated the loss of driving;
4. the employee's commitment to obtain rehabilitation, if necessary, through the Employee Assistance Program if the employee has lost driving privileges due to a substance abuse offense, including alcohol.

After the supervisor has reviewed the facts of the particular case with the employee in light of the above criteria, such supervisor shall review the matter with Labor Relations prior to taking any action. This will ensure consistency in the application of this policy. The action to be taken depends upon the nature of the particular employee's driving activities for the City. For this purpose, employees shall be divided into two categories.

### Group 1: Employees who:

1. are assigned City vehicles;
2. work in job classifications which require a driver's license;
3. drive more than 10 percent of the time during an average work week; or
4. hold commercial drivers' licenses.

### Group 2: All employees not included in Group 1.

Employees in Group 1 will face one of the following actions: temporary demotion; suspension; termination; or reduction in pay to the step that is closest to a 10 percent reduction in current pay. The action taken will be based on the facts of each particular case and the criteria listed above.

Group 2 employees are expected to satisfactorily perform all duties within the scope of their job classification. As a result, a Group 2 employee who loses his/her motor vehicle operating privileges may be required to use a taxicab or other private transportation at the employee's expense to attend meetings or attend to other job-related duties. No City employee while on City time shall drive or transport another City employee who has lost his/her license, or who does not possess a valid driver's license, unless there is a job-related reason for such action.

Failure to comply with the procedures set forth in this policy may result in disciplinary action, up to and including termination.

**SUPPLEMENTAL DRIVER'S LICENSE FORM**

City of Omaha  
1819 Farnam Street  
Omaha, NE 68183

The position of: \_\_\_\_\_  
(Please list position)

requires a current driver's license or commercial driver's license. The job position and job description for this particular job sets forth which particular license is required. If you do not possess the required driver's license, you may not be eligible for this job. It is required that you complete both this "Supplemental Driver's License Form" as well as an "Application for Employment." Failure to complete either of these forms will disqualify you for competing for this job.

It is the policy of the City of Omaha to select for this job only those candidates who can safely and defensively operate a motor vehicle. To this end, the City will review and evaluate your driving record for the last three years, if you are referred for consideration for the above position on either a full-time or seasonal/part-time basis. In reviewing your driving record, the City will utilize the Nebraska "point system" which is described in the Nebraska Driver's Manual. Applicants from other states will have their driving record assessed in the same manner: Points will be assigned considering how the State of Nebraska would have assessed such violations. It is the policy of the City to prefer a candidate with five (5) or fewer points over a candidate that has more than five (5) points during the last three years.

**PLEASE PROVIDE THE FOLLOWING INFORMATION:**  
(Some of this information is required by state and federal laws.)

(Please Print)

1. Name: \_\_\_\_\_  
(Last) (First)  
(Middle)

Address: \_\_\_\_\_ Apt #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

2. Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_  
(Month) (Date) (Year)

(NOTE: Date of birth is necessary to obtain information about your driving record from the Department of Motor Vehicles. Your date of birth WILL NOT affect your opportunity for employment.)

3. Current Driver's License:

a. Number: \_\_\_\_\_

b. State: \_\_\_\_\_

c. Expiration Date: \_\_\_\_\_ Date issued: \_\_\_\_\_

d. Class of License: \_\_\_\_\_ Learner's Permit:  Yes  No If Yes, type: \_\_\_\_\_

e. Endorsements: \_\_\_\_\_ f. Restrictions: \_\_\_\_\_

4. Have you ever held, or do you now hold, a commercial driver's license other than the license listed above (#3)?  Yes  No If answer is yes, please provide the following:

Number: \_\_\_\_\_ State: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Number: \_\_\_\_\_ State: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

5. Within the last three (3) years, have you ever held, or do you now hold, a driver's license from another state(s) other than license listed above (#3)?  Yes  No If answer is yes, please provide the following:

Number: \_\_\_\_\_ State: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Number: \_\_\_\_\_ State: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

6. Within the last three (3) years, have you been convicted (or forfeited bond or collateral) of any violation of the motor vehicle laws or ordinances (except parking tickets) of Nebraska or any other city or state?  
 Yes  No

If the answer to the above question is "yes", you must identify the nature, date, and any facts or circumstances of each traffic conviction and any facts that you feel might be relevant to such traffic convictions. (Attach extra sheets if necessary): \_\_\_\_\_  
\_\_\_\_\_

7. Please list all motor vehicle accidents in which you have been involved as a motor vehicle operator in the last three years. (For each such accident, list the type of accident, whether there was a fatality or personal injury, and whether you were convicted of any traffic violation as a result of the accident.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. List all your home addresses from the last three (3) years:

Address: \_\_\_\_\_ Apt #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Address: \_\_\_\_\_ Apt #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Address: \_\_\_\_\_ Apt #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

9. All employer names, addresses, dates employed, reasons for leaving, and the type of equipment you operated (i.e. buses, truck, semi-trailers, etc.) for the last ten (10) years should be listed on the job application. Attach any additional experience record sheets to the application. The City may use this information to investigate your background and may contact prior employers.

I CERTIFY that all this information was completed by me, and that all entries are true and complete to the best of my knowledge. I understand that should an investigation disclose any misrepresentation, my application will be rejected, my name removed from consideration for employment, and I will be dismissed from City service if already employed.

Sign Here in Ink: \_\_\_\_\_ Date: \_\_\_\_\_

**REMEMBER:** The Personnel Department must receive this "Supplemental Driver's License Form" **AND** the "Application for Employment" by the date indicated on the job announcement.



**AUTHORIZATON FOR RELEASE OF INFORMATION**

I hereby give permission to release the information regarding my driving record on file with your agency to a representative of the City of Omaha and the information provided regarding past employers may be used, and that prior employers may be contacted (as required by 391.23 of the Motor Carrier Safety Regulations). I hereby release your agency from all liability for issuing and receiving such information.

Sign Here in Ink: \_\_\_\_\_ Date: \_\_\_\_\_

Witnessed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Revision date: 11/18/98)

**VERIFICATION OF DRIVER'S LICENSE FOR EMPLOYEES WHOSE  
JOB REQUIRES A DRIVER'S LICENSE (C.D.L. OR NON-C.D.L.)**

I \_\_\_\_\_ understand, as a condition of my employment with the  
Name - Classification  
City of Omaha in the Administrative Services \_\_\_\_\_, that I must at all times, be legally  
Department Division  
licensed to operate a motor vehicle. I hereby certify that I am legally licensed to operate a motor vehicle in the  
State of Nebraska. (THIS DOES NOT NECESSARILY MEAN THAT YOUR LICENSE IS A NEBRASKA  
LICENSE.) I understand that if my driving privileges and/or license is at any time suspended, revoked,  
impounded, or in any other way removed by the State of Nebraska, or any other State, that I must, as a  
condition of future employment with the City, report that fact IMMEDIATELY to my supervisor.

**FOR C.D.L. EMPLOYEES**

Furthermore, my particular job, and Nebraska and Federal laws REQUIRE me to have a Commercial Driver's  
License (C.D.L.). I hereby certify that I currently possess a valid C.D.L. for my particular classification (see  
above).

City Policy and State and Federal laws further provide that:

1. I must notify the motor vehicle licensing agency within 30 days if I am convicted in any other state of  
any traffic violation (except parking). This is true no matter what type of vehicle I was driving.
2. I must notify my supervisor within 30 days of a conviction for any traffic violation (except parking).  
This is true no matter what type of vehicle I was driving.
3. It is my responsibility to notify the Personnel Department within 30 days if I am convicted for any  
traffic violation (except parking). This is true no matter what type of vehicle I was driving.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

C.D.L. REQUIRED POSITION:  YES  NO

LICENSE NUMBER: \_\_\_\_\_ DATE ISSUED: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_ CLASS OF LICENSE: \_\_\_\_\_

ENDORSEMENT (S): \_\_\_\_\_ RESTRICTION (S): \_\_\_\_\_

Further, I understand that this document is an official City record, and that falsification of this document, or  
failure to report loss of driving privileges and/or license in the future, is grounds for my being disciplined.

\_\_\_\_\_  
**EMPLOYEE'S SIGNATURE**

\_\_\_\_\_  
**SUPERVISOR'S SIGNATURE**

**COMMERCIAL DRIVER'S LICENSE  
NOTIFICATION OF TRAFFIC VIOLATION**

**NAME:** \_\_\_\_\_

**DEPARTMENT:** \_\_\_\_\_ **DIVISION:** \_\_\_\_\_

As a holder of a Commercial Driver's License (C.D.L. I am responsible as follows:

1. I must notify the motor vehicle licensing agency within 30 days, if I am convicted in any other state of any traffic violation (except parking). This is true no matter what type of vehicle I was driving.
2. I must notify my immediate supervisor within 30 days of a conviction for any type of traffic violation (except parking). This is true no matter what type of vehicle I was driving.
3. It is my responsibility to notify the Personnel Department within 30 days, if I am convicted for any traffic violation (except parking). This is true no matter what type of vehicle I was driving.

Pursuant to that responsibility, I am hereby notifying you of the following:

**LICENSE NUMBER:** \_\_\_\_\_ **DATE ISSUED:** \_\_\_\_\_

**EXPIRATION DATE:** \_\_\_\_\_ **CLASS:** \_\_\_\_\_

**TYPE OF TRAFFIC VIOLATION:** \_\_\_\_\_

**TYPE OF VEHICLE OPERATED (Check one):**  Personal  C.D.L. \_\_\_\_\_

**Other (please describe):** \_\_\_\_\_

**DATE TICKETED:** \_\_\_\_\_ **CITATION NO.:** \_\_\_\_\_

**DATE OF CONVICTION:** \_\_\_\_\_

**DID VIOLATION RESULT IN LOSS OF DRIVING PRIVILEGES:** YES  NO

**IF YES, EXPLAIN:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Further, I understand that this document is an official City record, and that falsification of this document, or failure to report loss of driving privileges and/or license in the future is grounds for my being disciplined.

Dated this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
**EMPLOYEE SIGNATURE**