

	<h2>MOTOR VEHICLE OPERATIONS</h2>
<p>Approved:</p> 	<p>Supercedes: October 10, 2007</p> <p>Effective: June 30, 2008</p> <p style="text-align: right;">Page 1 of 4</p>

The City of Duluth must ensure the safe operation of motor vehicles being used for City business purposes. Employees and agents of the City must operate motor vehicles in a safe and courteous manner. An agent of the City is a person who is performing duties on behalf of the City, with the knowledge and consent of the City, and over which the City has the authority to control and direct. The operation of both City and employee vehicles and equipment expose the organization to a great deal of liability. In order to minimize our risk, the following procedures are required for employees and others who are expected to operate City motor vehicles or **their own vehicles** as part of their position requirements. **This includes all full-time, part-time, and temporary employees, and interns and volunteers.**

### Applicants

1. Human Resources will conduct a motor vehicle record check and drug/alcohol test on applicants for all paid and volunteer positions unless the supervisor sends written notice confirming that the applicant will **not** be operating vehicles or equipment as part of his/her position.
2. Prior to the final interview process, applicants must complete the "[Motor Vehicle Record Request](#)" form and submit it to Human Resources. Promotional applicants are required to complete this form only if there is not one currently on file. Once received, Human Resources will conduct a motor vehicle record check at no cost to the applicant.
3. Applicants with any drug or alcohol related moving violations in the last thirty-six months or with more than one non-drug or alcohol related moving violation within the last twelve months will not be hired into positions when driving/operating vehicles or equipment is an essential job function. Human Resources will notify the applicant of this decision by following the procedures in the "Adverse Action" section of this policy.
4. Current employees will be considered applicants under this policy, and consequently must meet the requirements of item 3 above.
5. Applicants younger than 18 years of age will not be considered for positions that require operation of a vehicle as a part of the job.

### Employees/Interns/Volunteers

1. The department/division shall ensure that only competent vehicle operators use City of Duluth vehicles and equipment. Those expected to operate motor vehicles as part of their positions are required to possess a valid driver's license for the class of vehicle/equipment they will be operating. Anyone with an invalid license is not allowed to operate a City or personal vehicle for City business.



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2. The department/division must provide proper training to its equipment operators to ensure safe operation of motorized equipment. Operators must demonstrate proficiency prior to operating equipment, and the proficiency must be documented by the supervisor. Assistance developing a training program is available from the Safety & Training Specialist.
3. City vehicles are to be used only for official City business; use of City vehicles for personal business is prohibited.
4. No passengers are allowed when operating City or personal vehicles for City business, except for authorized City employees, agents, or those participating in an officially sanctioned city program.
5. Employees/interns/volunteers using their personal vehicles for City business are required to keep the vehicle properly insured in accordance with Minnesota law, maintain the vehicle in safe operating condition, and remain compliant with all laws regulating safe vehicle operation. When operating any vehicle or equipment for City business, employees or agents must comply with established City policies, safety rules and all state traffic laws and regulations.
6. Prior to operating a City vehicle or a personal vehicle for City business, all operators must complete a defensive driving course. It is the Division Manager's responsibility to contact the Safety & Training Specialist to schedule this course or to obtain the video and study guide if a course is not available. A refresher defensive driving course will be provided every three years or when deemed necessary by the City.
7. Prior to the initial operation of City or personal vehicles or equipment, the operator's supervisor must ensure that the operator is made aware of the following policies and procedures:

Drug and Alcohol Use  
Drug Testing  
Seat Belt Use  
Smoking  
Backing-Up  
Towing

On-the-Job Injury/Illness  
Accident/Incident Reporting  
Motor Vehicle Operations (this policy)  
Vehicle Inspection (CMVs)  
Vehicle Safety Checklist (non-CMV)  
Repair Protocol

- a. Assigned service shop
- b. Preventive maintenance schedule

Documentation of both the method used to familiarize the operator with these policies and the date this information was provided must be sent to the HR office within five working days of the operator's hire date. This documentation must include the new employee's signature stating he/she has read and understands the information.

8. When operating a vehicle that is classified as a **commercial** motor vehicle, the driver must perform a pre-trip inspection and record it in the vehicle inspection book as per 392.7, 396.13 of the Federal Motor Carrier Safety Regulations.



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9. Before operating any **non-commercial** City or personal vehicle for City business, the driver must perform a vehicle safety check to ensure the vehicle is operating properly and safely, using the [Vehicle Safety Checklist](#). The driver must inform his/her supervisor of any vehicle malfunctions/problems that may affect safe job performance. It is the supervisor's responsibility to make sure this check is being completed.
10. All employees who are expected to drive as a part of their position will be required to complete a [Motor Vehicle Record Request form](#), which will be used to conduct periodic driving record reviews. The Safety & Training Specialist will review employees' driving records periodically, track all inquiries, report results to the supervisor and discuss with the supervisor any issues that arise. The reports will be retained in personnel files. If an employee faces an adverse action as a result of the information in the report, the supervisor will notify Human Resources prior to implementing such action, as described below.

### Adverse Action

1. Human Resources will send a "[Pre-Adverse Action Notification](#)" to the applicant/employee, along with a copy of "[A Summary of Your Rights Under the Fair Credit Reporting Act](#)."
2. No action will be taken for at least one week from the date the [Pre-Adverse Action Notice](#) is sent. At that time, Human Resources will send an "[Adverse Action Notification](#)."

### Driving Citations

1. All employees who are required to drive as part of their job duties must immediately upon return to work report to their supervisor any conviction that results in the suspension, restriction, cancellation, disqualification or revocation of the employee's driving privilege and/or any citation for being under the influence of alcohol or a controlled substance or refusal to take an alcohol test. Failure to report such convictions/citations shall be treated as a severe breach of discipline and will result in disciplinary action. Upon notification, the supervisor must inform Human Resources.
2. When an employee loses his/her license and driving is an essential function of the position, one of the following actions will occur ("A" and "B" require the recommendation of the Department Director based on the criteria listed in #3 below **and** approval of the Chief Administrative Officer).
  - A. If approved by the Civil Service Board, demotion to a lower level non-driving position if a vacancy exists and the employee is qualified to fill the position. The employee's name will be placed on a re-appointment list if the required driver's license is reinstated.



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- B. Unpaid leave of absence for up to one year. The employee's name will be placed on a re-employment list upon expiration of the leave if the required driver's license has been reinstated.
  - C. Termination.
3. Criteria to be considered by department director in determining whether to recommend demotion or leave of absence include, but are not limited to:
- A. Whether employee voluntarily notified supervisor of license loss.
  - B. Employee's driving record (frequency and severity of offenses).
  - C. Employee's work record (performance evaluation, longevity, discipline history).
  - D. Staffing considerations and operational needs.
  - E. Length of time the license will be lost.
  - F. Employee attitude toward the situation.
4. Employees may be required to complete other remedial actions prior to returning to their original position, as determined by the Division Manager and the Safety & Training Specialist. Remedial actions may include:
- A. Safety/risk management discussion with Division Manager, including impact of further convictions or violations on his/her employment with the City.
  - B. Defensive driving course.
  - C. Driving observation.
  - D. Driving probation for the next year.
  - E. Substance abuse assessment and treatment, if warranted.