

Approved:



Department of Transportation

Effective: January 17, 2012
Office: Human Resources
Topic Number: 250-000-010-b

DRIVER'S RECORD REQUIREMENTS

PURPOSE:

This procedure establishes requirements for Department of Transportation (Department) employees in positions that have the operation of a motor vehicle identified as a requirement in their position descriptions, and employees who occasionally operate vehicles (Department, rental, or personal) to perform Department business.

AUTHORITY:

Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

SCOPE:

This procedure applies to hiring managers, Department employees whose positions require driving, and employees who operate vehicles to perform Department business.

1. APPOINTMENT TO POSITIONS THAT REQUIRE DRIVING

- 1.1** Positions that require employees to maintain a driver's license will have the requirement clearly stated on the position description and in any advertisement for the position. The class of license will also be noted. Applicants will not be considered for a position that requires a driver's license unless the applicant currently possesses a valid license in the class required. The Department will not hire new employees or appoint current Department employees who have an unacceptable driving record to positions that require driving.
- 1.2** For purposes of this procedure, an unacceptable driving record is defined as any of the following:

- (A) Three or more moving violations in the past three (3) years that accumulate three (3) or more points per violation under **Section 322.27, F.S.**
 - (B) Any two (2) convictions of reckless driving, regardless of whether suspension or revocation is involved, in the past three (3) years.
 - (C) A suspension or a revocation of the driver's license for moving violation(s) in the past three (3) years. Suspensions for failure to carry insurance, failure to pay child support, under age tobacco use, and other offenses not involving the operation of a vehicle will not be considered an unacceptable driver record provided that the suspension has been resolved and the driver's license has been restored.
 - (D) A suspension or a revocation of the driver's license for refusal to take a sobriety test for alcohol or drugs, or any suspension or revocation of the driver's license for conviction of Driving Under the Influence (DUI), in the past four (4) years.
- 1.3** Applicants with driving records containing violations not listed above will not be disqualified from employment in positions requiring driving, but the violations will be considered in the selection process.

2. REQUIREMENTS FOR EMPLOYEES WHO OCCUPY POSITIONS THAT REQUIRE DRIVING

2.1 Reporting a Suspended or Revoked License

An employee in a position that requires driving, whose license is suspended or revoked is required to report the suspension or revocation to his or her immediate supervisor by the next business day following the suspension or revocation. The employee will immediately cease performing driving duties until further notice by the supervisor. An employee whose driving privilege has been restored on a restricted basis under a hardship provision will not be allowed to operate Department vehicles.

2.2 Suspension/Revocation Not Involving DUI

An employee in a position that requires driving, whose license is suspended or revoked for a reason other than DUI may be reassigned or demoted to an available position not requiring driving, or may have driving duties removed from his or her position. However, depending on the availability of suitable positions, or the length of the suspension or revocation, such an employee also may be dismissed from the Department for inability to perform as a result of the suspension or revocation.

2.3 Revocation Involving DUI/Refusal to Take Test

An employee in a position that requires driving, whose license is suspended or revoked for conviction of a DUI may be dismissed from employment by the Department. An Assistant Secretary or District Secretary may elect to retain the employee for a first DUI conviction if an alternative position that does not require driving is available or if the employee's position can be changed to eliminate the driving requirement. An employee retained under this provision would not be allowed to operate a motor vehicle to perform Department business, or have driving duties assigned to the position, for a period of two (2) years following the date of initial license revocation.

An employee in a position that requires driving, whose license is suspended for refusal to take a test when asked by an officer for suspicion of driving under the influence of alcoholic beverages, chemical substances, or controlled substances will immediately be prevented from performing driving duties for the Department pending the outcome of a review hearing with the Department of Highway Safety and Motor Vehicles. If the suspension is upheld, the employee will normally be dismissed. As noted above, an Assistant Secretary or District Secretary may elect to retain the employee for the first offense if an alternative position that does not require driving is available or if the employee's position can be changed to eliminate the driving requirement.

An employee whose license is suspended or revoked for conviction of a DUI or refusal to take a sobriety test while driving a Department vehicle will be dismissed.

If an employee is retained under this subsection, a second revocation or suspension of his or her driver's license for any reason, other than non-driving related, within (4) years following the first occurrence will result in the employee's immediate dismissal from employment with the Department.

3. REQUIREMENTS FOR EMPLOYEES WHO DRIVE OCCASIONALLY TO PERFORM DEPARTMENT BUSINESS

An employee who occasionally drives to perform Department business in a Department, rental, or personal vehicle, must possess a valid driver license to operate the type of vehicle being driven. A hardship license to drive on a restricted basis will not be accepted by the Department to allow an employee to operate a vehicle on Department business. Operating a Department vehicle or personal or rental vehicle on Department business without a valid license will be cause for disciplinary action up to dismissal.

4. DRIVER RECORD CHECKS

The Human Resources Office will perform monthly driver's license checks on all employees who are required to drive as a condition of employment. If an employee has received a driving violation, the Human Resources Office will notify the employee's manager. If the violation occurred in a Department vehicle or while the employee was performing Department business, the manager will ensure that the employee properly reported the violation. Based on the severity of the violation or a pattern of violations, the manager may determine if the employee needs additional training or take other action as appropriate.

5. TRAINING

No training is required for this procedure.

6. FORMS

No forms are required for this procedure.