

ADMINISTRATIVE ORDER NUMBER 2-32

SUBJECT: Driver Standards Policy

Responsible Department: Personnel Services

Date Issued: October 13, 2016

Date Revised:

Approved: *Signature on File*

Purpose

The purpose of this policy is to provide direction to employees who are required to drive on City business regarding the maintenance of a valid driver's license and the impact of a suspended or revoked license. To ensure compliance with this policy all employees who drive on City business will be enrolled in the Department of Motor Vehicles Employer Pull Notice program. The responsibility for implementing this policy, including the review of motor vehicle records obtained through the Employer Pull Notice program is delegated to Risk Management.

Policy

The safe operation of motor vehicles by licensed drivers is a vital function of many aspects of City operations. To that end, employees who are required to drive on City business are required to comply with applicable driving laws, rules and regulations, as well as maintain a valid driver's license at all times. Each Department Head is responsible for ensuring all officers, employees, and other drivers within their respective departments comply with this policy and take corrective action when appropriate.

All employees required to drive on City business are required to sign an Authorization for Release of Driver Record Information to authorize the Department of Motor Vehicles (DMV) to provide the City with a current driving record. The City will be subsequently notified due to motor vehicle code violations, suspension or revocations, annual updates or any other action affecting an employee's driving privileges. Individuals considered for employment in a position that required driving will be required to provide evidence of a valid driver's license and a current copy of their motor vehicle record as part of the reference check and background investigation process.

Driver Responsibilities

1. Vehicles used in the course and scope of City business must be operated in a safe, reasonable, courteous, and prudent manner in accordance with all state and local laws.
2. All employees who are required to have a valid driver's license to operate vehicles or equipment on official City business, shall immediately report any

suspension, revocation, or restriction of driver's licenses to their supervisor. Failure to do so may result in disciplinary action.

3. Prior to vehicle use, all drivers are responsible to ensure, to the best of their knowledge, that the vehicle can be operated safely, where required a pre and post trip inspection report is to be completed. If the vehicle is not in safe operating condition, notify your supervisor.
4. The driver of a City-owned vehicle shall report every noted defect of the City vehicle or its operation to the immediate supervisor so the issue can be addressed with the Fleet Maintenance Division as soon as possible to assure proper maintenance and safety.
5. Employees operating their personal vehicle for City business have a responsibility to ensure their vehicle is maintained so that it can be safely operated while conducting City business.
6. All vehicle accidents and/or damages involving City vehicles, or involving personal vehicles while on City business, must be immediately reported to the department supervisor or manager and local law enforcement for the investigation and completion of a police report. See Administrative Order 2-4 for additional information on vehicle accident reporting requirements while on City business.
7. The driver of a vehicle shall operate the vehicle only after the safety belts have been properly fastened by the driver and the passengers in the vehicle. These safety belts shall remain fastened at all times while the vehicle is in motion.
8. All vehicle code violation citations issued while on City business must be reported to your supervisor. If an employee is issued a citation for violations relating to the driver's license, seatbelt, parking, toll, speeding, driving under the influence (DUI), or any other violation over which the employee has complete control, the corresponding fines and/or fees are the sole responsibility of the City employee to either pay or successfully contest.
9. Citations or tickets issues for such things as deficient equipment, proof of insurance, proof of registration, and/or other "fix-it" related violations to a City employee while driving a City-owned motor vehicle must be sent to the Fleet Manager.
10. The Department Director or Designee will be notified of delinquent citations and/or tickets received due to an employee's failure to pay the corresponding fines or fees.
11. Drivers shall remain attentive to driving at all times. Use of hand held cellular phones, including texting, while operating a motor vehicle is prohibited (California

Vehicle Code Section 23123). Distractions are to be avoided while the vehicle is moving. This section does not apply to an emergency services professional using a wireless telephone while operating an authorized emergency vehicle, as defined in California Vehicle Code Section 165, in the course and scope of his or her duties (California Vehicle Code Section 23123(d)).

12. Smoking is not permitted in any City-owned motor vehicle at any time, by anyone.
13. Driving a vehicle on official City business while under the influence of alcohol, drugs, or other intoxicants is strictly prohibited and may be subject to disciplinary action.
14. Drivers are prohibited from altering City owned equipment that is not recommended by the manufacturer, or attempting to alter or disable GPS or any other equipped technology.

Employer Pull Notice Program

1. The Employer Pull Notice (EPN) program was established to provide employers with a means of promoting driver safety through ongoing review of driver records.
2. The State of California requires that employers enroll any driver employed for the operation of any vehicle, of the driver is required to have any of the following:
 - a. Class A License;
 - b. Class B License;
 - c. Class C License with Hazardous Materials Endorsement;
 - d. Class C with Special Certificates, issued pursuant to CVC Section 12512, 12517, 12519, 12520, and 12523.5; or
 - e. Any driver of a passenger vehicle having a seating capacity of not more than 10 persons, including the driver, operated for compensation by a charter-party carrier of passengers.
3. The City of Fresno requires all employees who drive while performing business for the City to be enrolled in the EPN program. Enrollment requires the employee to complete and sign the *Authorization for Release of Driver Record Information* form (Attachment A).
4. The Employer Pull Notice program automatically generates a driver record when any of the following actions or activities occurs:
 - a. Upon enrollment of driver in the program;

- b. Annually;
- c. When a driver has any of the following added to his/her driver record:
 - i. Convictions;
 - ii. Failure to appear;
 - iii. Accidents;
 - iv. Driver license suspensions or revocations; or
 - v. Any other action taken against the driving privilege.
- 5. All employer Pull Notice program notices will be sent to the Risk Management Division. Risk Management will review the notices and contact the appropriate Department concerning any of the following:
 - a. Failure to Appear;
 - b. Revocation of license;
 - c. Suspension of license; and
 - d. Restriction of license or any other action taken against the driving privilege.
- 6. The employee's Manager or designee will review the facts of the case and meet with the employee to address the presenting issues. Where appropriate, the employee will be provided with a Notice of Proposed Disciplinary Action up to and including termination of employment.
- 7. As a remedial step, employees may be required to attend a defensive driving course following at-fault employee accidents while on City business.
- 8. The Department Director or Designee is required to notify Personnel Services when an employee is no longer required to drive as part of their employment. Personnel Services will then remove the employee from the DMV Employer Pull Notice Program.

Driver Qualifications

Any driver designated as a "Negligent Operator" by the California DMV shall not operate any City vehicle or use a personal vehicle while acting on behalf of the City and may be subject to disciplinary action up to and including termination of employment. A "Negligent Operator" is defined by the DMV as a person whose driving record shows a

violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months.

Individuals applying for positions which require driving motor vehicles must provide the City with proof of a valid driver's license and a current copy of their driving record. Applicants for such positions shall be rejected if convicted of any of the following:

- One (1) or more DUI violations in the last three (3) years;
- One (1) or more hit and run driving violations within the last three (3) years;
- One (1) or more failure to appear in court violations in the last four (4) years;
- Two (2) or more reckless driving violations in the last three (3) years;
- Three (3) or more at fault motor vehicle accidents; or
- Four (4) or more moving violations within the last three (3) years.

References

- Administrative Order 2-2 Transportation Allowance and Mileage Reimbursement Policy
- Administrative Order 2-4 City Vehicle Accident Procedures

ATTACHMENT A



A Public Service Agency

EMPLOYER PULL NOTICE PROGRAM

AUTHORIZATION FOR RELEASE OF DRIVER RECORD INFORMATION

I, _____, California Driver License Number, _____ hereby authorize the California Department of Motor Vehicles (DMV) to disclose or otherwise make available, my driving record, to my employer, _____ COMPANY NAME

I understand that my employer may enroll me in the Employer Pull Notice (EPN) program to receive a driver record report at least once every twelve (12) months or when any subsequent conviction, failure to appear, accident, driver's license suspension, revocation, or any other action is taken against my driving privilege during my employment.

I am not driving in a capacity that requires mandatory enrollment in the EPN program pursuant to California Vehicle Code (CVC) Section 1808.1(k). I understand that enrollment in the EPN program is in an effort to promote driver safety, and that my driver license report will be released to my employer to determine my eligibility as a licensed driver for my employment.

EXECUTED AT: CITY COUNTY STATE

DATE SIGNATURE OF EMPLOYEE X

I, _____, of _____ AUTHORIZED REPRESENTATIVE COMPANY NAME

do hereby certify under penalty of perjury under the laws in the State of California, that I am an authorized representative of this company, that the information entered on this document is true and correct, to the best of my knowledge and that I am requesting driver record information on the above individual to verify the information as provided by said individual. This record is to be used by this employer in the normal course of business and as a legitimate business need to verify information relating to a driving position not mandated pursuant to CVC Section 1808.1. The information received will not be used for any unlawful purpose. I understand that if I have provided false information, I may be subject to prosecution for perjury (Penal Code Section 118) and false representation (CVC Section 1808.45). These are punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment. I understand and acknowledge that any failure to maintain confidentiality is both civilly and criminally punishable pursuant to CVC Sections 1808.45 and 1808.46.

EXECUTED AT: CITY COUNTY STATE

DATE SIGNATURE AND TITLE OF AUTHORIZED REPRESENTATIVE X

To obtain a driver record on a prospective employee you may submit an INF 1119 form. To add this driver to the EPN Program you must submit the applicable forms: INF 1100, INF 1102, INF 1103, INF 1103A form. You may obtain forms at our website at www.dmv.ca.gov/otherservices, or by calling 916-657-6346.

THIS FORM MUST BE COMPLETED AND RETAINED AT THE EMPLOYER'S PRINCIPAL PLACE OF BUSINESS AND MADE AVAILABLE UPON REQUEST TO DMV STAFF.

DO NOT RETURN THIS FORM TO DMV.