



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF MILITARY AFFAIRS

Date: May 1, 2016

Policy Number- DMAHR-123-005

### Purpose

Establish the requirement that all Virginia Department of Military Affairs (DMA) state employees who operate agency-owned vehicles rental, leased vehicles, or federal vehicles, must possess a valid, verifiable driver's license from the Commonwealth of Virginia, the employee's state of legal residence, or the District of Columbia. Compliance with applicable licensing and credentialing requirements for operation of equipment such as mowers, tractors, gators, golf carts, etc., will be the responsibility of the manager/supervisor, and when applicable will include possession of a valid driver's license per above. This policy is for all state employees who drive a State vehicle.

This policy complies with the Virginia Department of General Services (DGS), Office of Fleet Management requirement that the state agency, has a process which guarantees any person authorized by the agency to drive state owned or rental vehicles to conduct official agency business must possess a valid driver's license.

Establish guidelines that will govern all DMA state employees required to drive a state vehicle regarding a certification process of their motor vehicle operator licenses and driving records, which will authorize them to operate agency owned, leased, and rented commercial vehicles on state business.

### Definitions:

- A. **Alcohol/drug related driving offense.** Any violation of § 18.2-266 of the *Code of Virginia* (Driving While Impaired), § 18.2-266.1 (Driving under the Age of 21 after Illegal Consumption) or § 18.2 268.3 (Test Refusal or Failure).
- B. **Active/Valid/Appropriate license.** An active, valid, appropriate driver's license means a current motor vehicle operator's license issued under the laws of the Commonwealth of Virginia, other State, Territory, or District of Columbia, and used as intended under State of Virginia law.
- C. **Driving record.** The historical record maintained on each driver by the Virginia Department of Motor Vehicles or another issuing State. It includes violations, restrictions, revocations, and suspensions of driver's licenses.
- D. **Loss of driver's license.** In this policy, the term "loss of driver's license" refers to the suspension, revocation, cancellation, expiration, disqualification and restrictions that prevent the employee from performing required job duties.
- E. **Major violations.** Major violations include: driving under the influence of alcohol/drugs, reckless or careless driving, attempting to elude the police, leaving the scene of an accident, and driving while license is suspended/revoked or restricted.
- F. **State vehicle.** Automobile, truck, golf-cart, tractor, all terrain vehicle, boats or other equipment which is the owned, rented, or leased property of the State/ Federal Government and requires the operator to have a valid driver's license.

## **Authority, Responsibility, and Duties:**

### **1. Employees**

Employees who are **required** to drive a State vehicle or who have an **expectation** to drive one and who are required to have an active, valid/appropriate driver's license must:

- A. Be familiar with the State's and DMA's Driver's License and Record Check policy.
- B. Maintain an active, valid/appropriate driver's license.
- C. Ensure they are in compliance with their Employee Work Profile (EWP).
- D. Notify their supervisors no later than the beginning of the next shift after losing their driver's license through restriction, suspension, revocation, cancellation or disqualification.
- E. Abstain from driving a state/ federal vehicle if the employee does not have a valid/appropriate driver's license.
- F. Drive responsibly and adhere to all traffic laws.
- G. Maintain liability insurance on their own vehicles if used for work purposes.
- H. Operate vehicle in a safe manner and keep it secure at all times.

### **2 Managers/Supervisors**

- A. Be familiar with DGS's and DMA's Driver's License and Record Check policy.
- B. Prior to hiring an applicant whose job duties require a driver's license, ensure that the individual has the required license and that his/her driving record is reviewed by DMA Human Resources (HR) and sent to DMA Virginia Finance and Accounting (VAFA) for processing.
- C. Review all EWP's to validate whether or not having a driver's license is a requirement for the position. Insert the essential language to specify the necessity if it's not currently included.
- D. Managers and supervisors must follow the appropriate procedure as provided by this policy and consult with and take appropriate action in consultation with HR when an employee who is required to have a driver's license has the license restricted, suspended, revoked, cancelled or expired,.
- E. Ensure your employee is aware of the driving requirement per their EWP and that an employee with the expectation of using a state vehicle for travel is also advised of the policy.
- F. Ensure your employees who are not required to drive state vehicles per their EWP, but have an expectation to use a state vehicle while traveling on state business, are also aware of this policy.

## **Requirements:**

### **1. Driver's License Requirement**

State employees must have an active, valid, appropriate driver's license if they drive a state vehicle; otherwise, they will not be considered to be acting within the scope of their employment. Driving a state vehicle without an active, valid, appropriate driver's license shall constitute just cause for disciplinary action, up to

and including termination.

In those cases where a driver's license is not required or is incidental to performing job duties, the employee must be able to provide their own transportation to off-site training sessions, meetings or other business responsibilities.

## **2. Driver's License Verification and Review of Motor Vehicles Record:**

- a. Job Applicants:** Prior to hiring an individual who will be required to drive a state vehicle and, therefore, required to have an active, valid, appropriate driver's license, HR in conjunction with VAFA, must ensure that the individual has the required license and must confirm that the driver's license record is reviewed. If the individual is given a timeframe to obtain a license after hire, the individual will obtain the required license within that time frame as condition of continued employment. If not, the employee is subject to disciplinary action up to termination. The immediate supervisor is responsible for notifying HR of all actions and validating that this requirement has been accomplished within the timeline.
- b. Current Employees:** For employees who currently drive state vehicles, a motor vehicle record (MVR) must be obtained from the Commonwealth of Virginia, other state or Washington DC, where a driver holds a license to ascertain that the employee has an active, valid, appropriate driver's license and to review the employee's driving record. Employees that hold an out-of-state driver's license are required to provide HR with a copy of their driving record for the past five years.

For VA Driver's Licenses- After obtaining employees' driver's license numbers and the appropriate written authorization from the employee, VAFA will perform this search for all employees who drive state vehicles. If the current employee does not provide his/her driver's license information, he/she is subject to disciplinary action up to termination.

The driver's license records check information will be reviewed by VAFA. Concerns about the driver's driving records will be presented to the HR Manager who will process and send to the Director of Personnel and Administration for his/her review, investigation if needed, and determination if any further action needs to be taken.

## **3. Driver's License Revocation or Suspension**

Employees whose job requires the use of a state vehicle on state business shall immediately inform their supervisor of any driver's license change in status affecting their ability to perform their job. Failure to do so shall constitute just cause for disciplinary action, up to and including termination.

## **4. Related Employment Actions**

The Department of Motor Vehicle (DMV) Driver's License data base is the system of record for the status of individual driver's licenses. Employment consequences related to a loss of driver's license will take place after the Agency has learned that the adverse event is recorded in the Driver's License data base.

5. Although this policy requires VAFA to check driver's licenses and review driving records,

it does not specify what, if any, disciplinary actions may result from driving infractions. Those decisions require knowledge of the employee's record, the type of driving done by the employee, the reason for the loss of a driver's license, the length of time for the loss of the driver's license, and whether accidents have occurred on the job.

- A. **General Factors:** The Agency should consider the following general factors in determining whether or not there is just cause to take action:
- i. Whether the employee voluntarily notified the supervisor of a driver's license status change.
  - ii. The employee's driver's license record (frequency and severity of offenses.)
  - iii. The employee's work record (performance evaluation, longevity and discipline history).
  - iv. DMV requirements for the employee. (How long will license be lost? Is a restricted license possible?)
  - v. Whether alcohol/drugs are a factor and whether the employee refused a breath alcohol test.
  - vi. Whether the incident(s) involved a state or an employee's personal vehicle.
  - vii. How the change impacts the employee's ability to perform the work assigned.
  - viii. The kind of driving done by the employee – is the employee driving other employees, clients, students? Is the employee driving a vehicle that requires special care (a large truck, plow, van or bus)?
  - ix. Whether restrictive driving privileges have been granted or denied by a Court or DMV.
- B. **Possible Actions:** Final decisions regarding disciplinary actions are made by the Director of Personnel and Administration in consultation with HR and the employee's supervisor, taking into account the factors listed above and the Standards of Conduct Policy. Employees may be subject to discipline should their driving record show a demerit point balance of zero ("0") or lower or if their infractions show disregard of public safety, poor judgment or continuing risk to the general public. The need for disciplinary action will be reviewed on a case-by-case basis.

6. Per VA State Travel Regulation CAPP Manual Topic 20335, it is mandatory to be fiscally conservative when operating State vehicles both in and outside of Virginia.

References:

Office of Fleet Management Services Policies and  
Procedures Manual  
DHRM Standards of Conduct Policy

Attachments:

A- Virginia Department of Military Affairs Vehicle Use Agreement

**Attachment A**  
**Virginia Department of Military Affairs**  
**Vehicle Use Agreement**

The information you are being asked to provide will be used by the Virginia Department of Military Affairs (DMA) to determine your qualification to drive agency-owned vehicles, including golf cart-type vehicles and tractors, and State rental or leased, or federal vehicles - from this point forward stated as “State vehicle” - on state business. You are not required by law to provide this information, but if you do not do so, you will not be approved to drive a state vehicle on state business. If it is found that you are unable to complete duties assigned in your Employee Work Profile due to the inability to drive a state vehicle, appropriate disciplinary action will be taken.

\* Employees that hold an out of state driver’s license must provide DMA Human Resources with a copy of their driving record for the past five years. At a minimum, this requirement will be completed annually\*

For Virginia Driver’s License holders- The information on this form will be accessible to your supervisor and other system personnel who need the information for their assigned work. Your Driver's License Number will be used to obtain a driver's license record from the Virginia Department of Motor Vehicles (DMV) for the past five years. Per this form – or other forms required by the DMV of Virginia - you authorize DMA to obtain your driving record at the beginning of your employment – or if current, when this policy goes into effect. DMA will then be authorized to obtain a copy of your driving record as a minimum once a year or at any time DMA feels it needs that information to validate you are eligible to drive a state vehicle.

| <b>Employee Information</b>             |       |          |
|---|-------|----------|
| FULL NAME (last, first, middle, suffix) |       |          |
| STREET ADDRESS                          |       |          |
| CITY                                    | STATE | ZIP CODE |

| <b>Employee Driving Record Information</b> |                                  |
|--|----------------------------------|
| EMPLOYEE DRIVER LICENSE NUMBER             | EMPLOYEE BIRTH DATE (mm/dd/yyyy) |

**Driver's Responsibilities:**

Driver agrees to:

- A. Be familiar with the State's and DMA's Driver's License and Record Check policy.
- B. Maintain an active, valid/appropriate driver's license.
- C. Ensure they are in compliance with their Employee Work Profile.
- D. Notify their supervisors no later than the beginning of the next shift after losing their driver's license through restriction, suspension, revocation, cancellation or disqualification.
- E. Abstain from driving a state/ federal vehicle if the employee does not have a valid/appropriate driver's license.
- F. Drive responsibly and adhere to all traffic laws.
- G. Maintain liability insurance on their own vehicles if used for work purposes.
- H. Operate vehicle in a safe manner and keep it secure at all times.

I acknowledge that I have read and understand the Driver's Responsibilities noted above, and agree to abide by such policies and guidelines.

**I AUTHORIZE THE VIRGINIA DEPARTMENT OF MILITARY AFFAIRS TO OBTAIN MY DRIVER'S LICENSE RECORD FROM THE COMMONWEALTH OF VIRGINIA WHERE I HAVE HELD A DRIVER'S LICENSE IN THE LAST FIVE (5) YEARS. IF I HAVE AN OUT OF STATE LICENSE, I WILL PROVIDE THE AGENCY A COPY OF MY DRIVER 'S LICENSE RECORD FOR THE PAST FIVE (5) YEARS. I ALSO UNDERSTAND THAT MY DRIVER'S LICENSE RECORD WILL BE REVIEWED ANNUALLY, At A MINIMUM, IN CONJUNCTION WITH THIS VEHICLE USE AGREEMENT.**

**I agree to update this Agreement in the event of a change to any of the data supplied above. I also agree to inform my supervisor in the event of license revocation, restriction, or suspension.**

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

VAFA Signature \_\_\_\_\_ Date \_\_\_\_\_

HR Signature \_\_\_\_\_ Date \_\_\_\_\_