

Purpose

Employees of Cottonwood County are expected to retain a valid/proper driver's license necessary to perform their jobs. Employees are prohibited from driving either a county or personal vehicle for county business without a valid/proper license. Employees who drive without a valid/proper driver's license will not be considered as acting within the scope of their employment and will be subject to disciplinary action, including discharge.

Alcohol/drug related driving offense is defined as any violation of Minnesota Statutes Chapter 169A (various levels of driving while impaired and refusal to test)."

Valid/proper license is defined as an operator's license or any other license or permit to operate a motor vehicle issued under laws of the State of Minnesota by the Commissioner of Public Safety.

On county business is defined as being on county paid time (other than paid leave time).

Additionally, employees are considered to be on county business while driving a county owned vehicle regardless of whether they are on county paid time or not.

Employees who have an alcohol/drug related driving offense while driving a county vehicle will be discharged from employment with Cottonwood County.

Loss of Driving Privileges

All employees whose job requires a valid driver's license must notify their supervisor of any loss of driving privileges. Notification by the employee must take place prior to the start of his/her next shift immediately after being notified of a suspension/revocation or pending suspension/revocation.

Loss of driving privileges, the following can be considered:

- Does the employee's position require driving, and if so, is it a substantial part of the job duties.
- Position requires driving, but some accommodations can be made for a limited period of time.
- Position requires only occasional driving.
- The Employees attitude toward the situation during the investigation.

For any employee who is required to hold a Minnesota Driver's license and it is a substantial part of his/her job duties, as determined by their department head, any suspension of driving privileges in excess of ninety (90) days will normally result in an employee being discharged for just cause.

During the license revocation, an employee will be allowed to report to work only when the department head determines work is available that doesn't require a drivers license. The rest of the time the employee may use vacation for hours that the employee is unable to work because of license suspension (other than any hours included in disciplinary suspension), or request time off without pay. There may be occasions where sick leave is appropriate (e.g. inpatient chemical dependency treatment). An employee should address specific issues with his/her department head.

For employees who are required to hold a Minnesota driver's license and a substantial part of his/her job duties, as determined by their department head, requires driving, any subsequent suspensions of driving privileges in excess of thirty (30) days within five (5) years of a previous disqualification of thirty (30) days or more will normally result in an employee being discharged.

Commercial Driver's License (CDL) Requirements

For all employees who are required to hold a CDL, employees are required to comply with DOT Regulations including 49 CFR Section 383.31 which states:

§ 383.31 Notification of convictions for driver violations.

- (a) Each person who operates a commercial vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation) in the State or jurisdiction other than the one which issued his/her license, shall notify an official designated by the State or jurisdiction which issued such license, of such conviction. The notification must be made within thirty (30) days after the date that person has been convicted.
- (b) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation), **shall notify current employer of such conviction**. The notification must be made within thirty (30) days after the date that the person has been convicted. If the driver is not currently employed, he/she must notify the State or jurisdiction, which issued the license according to 383.31 (a).
- (c) **Notification.** The notification to the State official and employer must be made in writing and contain the following information:
 - (1) Driver's full name;
 - (2) Driver's license number;
 - (3) Date of conviction;
 - (4) The specific criminal or other offense(s), serious traffic violation(s), and other violation(s) of the State or local law relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, or cancellation of certain driving privileges which resulted from such conviction(s);
 - (5) Indication whether the violation was in a commercial motor vehicle;
 - (6) Location of offense; and
 - (7) Driver's signature.

Failure to report pursuant to this Regulation will normally result in an employee being discharged for just cause.

For the loss of a CDL, the same factors listed under Loss of Driving Privileges will be considered. Any employee who is required to hold a CDL, and a substantial part of his/her job duties, as determined by their department head, require driving a CMV (Commercial Motor Vehicle), any disqualification from driving a CMV in excess of ninety (90) days will normally result in an employee being discharged for just cause.

During the time the employee is without a CDL, the employee will be allowed to report to work only when the department head determines work is available that doesn't require a CDL. The rest of the time the employee may use vacation for hours that the employee is unable to work because of license suspension (other than any hours included in disciplinary suspension), or request time off without pay. There may be occasions where sick leave is appropriate (e.g. inpatient chemical dependency treatment). An employee should address these issues with his/her department head.

For any employee who is required to hold a CDL, and a substantial part of his/her job duties, as determined by their department head, requires driving a CMV, any subsequent disqualification from driving a CMV in excess of thirty (30) days within five (5) years of a previous disqualification of thirty (30) days or more will normally result in an employee being discharged for just cause.