



Minnesota State Colleges and Universities
System Procedures
Chapter 5 – Administration
Guidelines associated with Board Policy 5.19

5.19.3.1 Driver’s License Record Check

This guideline sets forth the process to be used by Minnesota State Colleges and Universities to identify acceptable system drivers who may drive system owned or leased vehicles or other equipment requiring a driver’s license. This guideline applies to any individual who wishes to drive a system vehicle, including employees and students. Colleges and universities shall adopt procedures to implement this guideline and provide information to authorized system users about this and other applicable policy standards.

Part 1. Position Statement. Minnesota State Colleges and Universities recognizes the importance of public confidence in individuals authorized under System Procedure 5.19.3, Part 7 Subp. C. to drive system vehicles. Each system college, university and the Office of the Chancellor shall implement procedures consistent with this guideline to conduct driving record reviews for the purpose of identifying acceptable system drivers.

All system employees, driving any vehicle for system-related activities, should take care to comply with applicable laws by: not driving with an inactive, cancelled, suspended or revoked license; maintaining appropriate liability insurance; refraining from driving while distracted or under the influence of alcohol or drugs; abiding by any applicable license restrictions; and driving lawfully and courteously.

Part 2. Definitions.

Alcohol/drug related driving offense. Any violation of Minnesota Statutes Chapter 169A (Driving While Impaired), including, but not limited to, Minnesota Statutes §169A.52 (Test Refusal or Failure).

Acceptable system driver. An authorized system user who has been determined pursuant to this guideline to have a valid, active and appropriate license to operate the applicable system vehicle.

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 state of issuance and used as intended under the law.

Authorized system user. An individual authorized by System Procedure 5.19.3, Part 7, Subp. C. or other applicable policy or procedure to operate or ride in a system vehicle for system activities.

Driver’s license loss. Means suspension, revocation, cancellation, disqualification, restrictions or legal limitations on driving a motor vehicle. A driver’s license loss occurs at the time it is recorded on the driving record.

Driving record. The historical record maintained on each driver by the applicable state department of public safety.

System. Colleges and universities and the Office of the Chancellor that are part of Minnesota State Colleges and Universities.

System vehicle. System owned or leased vehicles or other equipment requiring a driver's license, but not a rental vehicle subject to rental agency driver qualifications.

Part 3. Driver's License Requirement for Acceptable System Drivers. An authorized system user must have an active, valid, appropriate driver's license to be an acceptable system driver. Driving a system vehicle without an active, valid, appropriate driver's license shall constitute a violation of this guideline and may be the basis for discipline under the applicable standard of conduct.

System colleges, universities and the Office of the Chancellor shall implement procedures consistent with this guideline to determine on an annual basis that each acceptable system driver has an active, valid, appropriate driver's license.

Employees who are not required to drive a system vehicle need not authorize a driver's license check under this guideline. Such employees will not be acceptable system drivers but may ride in system vehicles for authorized purposes pursuant to system procedures.

Part 4. Review of Driving Record.

Subpart A. Job Applicants. College, university and Office of the Chancellor human resources offices shall implement procedures to inform applicants, including student workers, of any driver's license requirements for employment positions. Where applicable, candidates shall be informed that a job offer is contingent on verification that the individual has an acceptable driving record.

Prior to hiring an individual who will be required to drive a system vehicle, the human resources office shall obtain verification consistent with this guideline that the candidate has the requisite active, valid, appropriate driver's license. If an employee is given a time frame in which to obtain a license after hire, the human resources office, in coordination with the hiring department, shall verify that the employee has obtained the required license within that time frame; failure to obtain a required license may be grounds for discipline or termination.

The human resources office shall determine, in appropriate consultation with the Office of the Chancellor, whether candidates who are denied employment because of their driving record are eligible for notice and an opportunity to respond pursuant to Minnesota Statutes Chapter 364.

Subpart B. Current Employees or Students Authorization Form. Each authorized system user (employee or student) who wishes to drive a system vehicle must complete a form to permit the college, university or Office of the Chancellor to obtain a driving record from each state in which he/she has held a driver's license in the past five years. Completed authorization forms will be provided to the state Risk Management Division of the Department of Administration (RMD), and that office will obtain driving records from each applicable jurisdiction. A driving record shall be obtained from the state where the driver presently holds a license and each state

in which the driver has held a license in the past five years. Driving records will be checked annually pursuant to written authorization.

Subpart C. Driving Record Information. RMD will review the driving record and determine whether the individual has an active, valid, appropriate driver's license and will communicate that determination to the college, university or Office of the Chancellor designee. Individual driving records will generally not be provided to the system and will be destroyed by RMD when no longer needed for verification purposes.

Information about system drivers shall be maintained as private data on individuals. Supervisors or other system officials shall use such information as needed to determine whether an individual has an acceptable driving record before permitting use of a system vehicle.

Part 5. Driver's License Loss.

Subpart A. Employees. An employee shall immediately inform his/her supervisor of the loss of a driver's license that affects his/her ability to perform assigned work. Supervisors shall obtain a release of information from the employee to obtain a copy of the driving record. Failure to report a loss of a driver's license may constitute a violation of this guideline. An employee who has lost his/her license may be permitted to drive for work purposes only if consistent with the Department of Public Safety's driver's license restrictions. Supervisors shall consult with their human resources department and/or system labor relations if an employee is not permitted to drive for work purposes and driving is an essential function of the position.

Subpart B. Potential Employment Actions Based on Driver's License Loss

1. Factors. Under certain circumstances, loss of a driver's license may be the basis for discipline or other appropriate action for employees. In consultation with human resources and/or labor relations, the following general factors may be considered in determining whether there is just cause to take action:

- a. Whether the employee voluntarily notified the supervisor of driver's license loss.
- b. The circumstances of the violation and nexus to the employee's work, e.g.:
 1. Whether the incident(s) involved a state vehicle or an employee's personal vehicle;
 2. The frequency with which the employee must drive as part of his or her job;
 3. The kind of driving done by the employee – is the employee driving other employees, students, clients? Is the employee driving a vehicle that requires special care – a large truck or plow, for instance?
- c. The Department of Public Safety requirements for the employee. (How long will license be lost? Is a limited license possible?)
- d. The employee's work record (performance evaluation, longevity and discipline history).

2. Possible Employment Actions. Decisions about appropriate actions in response to the loss of a driver's license are made by the employee's supervisor in consultation with human resources and labor relations, taking into account the factors listed above. The appointing authority should document the rationale for its decisions concerning an employee's loss of license. Possible actions include, but are not limited to:

- a. No action;
- b. The employee may be counseled, have his/her driving monitored;
- c. Employee may be required to complete a defensive driving course;

- d. The employee may be prohibited from driving other employees or students or from driving large or complex equipment;
- e. In extreme circumstances, the appointing authority may decide, in consultation with labor relations, that the employee may not drive a system vehicle because of his/her driving record. In such cases, the appointing authority must further decide whether the employee's inability to perform important job duties will result in disciplinary action being taken. Human resources personnel must be consulted to determine whether the employee is entitled to any notice or process pursuant to Minnesota Statutes Chapter 364.

Subpart C. Students. A student who loses his/her license subsequent to having been determined to be an acceptable system driver must immediately report that information to the designated campus official. Students will not be eligible to re-apply to drive a system vehicle until the license is restored or otherwise unrestricted.

Part 6. Reemployment of Former Employees where Essential Duties of the Position Require a Driver's License. Former employees being considered for reemployment in positions where the essential duties require a valid, active and appropriate driver's license are subject to a driving record check under this guideline. Care should be taken in considering rehiring a former employee who lost his or her license due to an alcohol/drug offense while on duty, and consultation with human resources and labor relations is recommended.

Part 7. General Responsibilities.

Subpart A. Acceptable System Drivers. Acceptable system drivers shall:

1. Follow the system's Drivers' License and Record Check guideline and other applicable policies;
2. To the extent required by this guideline, maintain an active, valid/appropriate driver's license;
3. As required by this guideline, immediately notify their supervisor or designated school official of the loss of a driver's license (for employees, no later than the beginning of the next shift);
4. Drive system vehicles responsibly, adhering to all traffic and other laws applicable to the operation of a motor vehicle;
5. Drive system vehicles only for authorized purposes and limit passengers to authorized system users.

Subpart B. Managers/Supervisors. System managers and supervisors shall:

1. Be familiar with the system's Drivers License and Record Check guideline and other applicable policies;
2. Prior to hiring an applicant (including rehiring a prior employee) whose job duties require a driver's license, ensure that the individual has the required license and that his/her driving record is reviewed pursuant to this guideline;
3. When an employee who is required to have a driver's license loses his/her license, follow the appropriate procedures as outlined in this guideline and consult with human resources. Take appropriate action in consultation with human resources and system labor relations;
4. Take appropriate action to limit student access to system vehicles in the event of notice

of a driver's license loss.

Subpart C. Human Resources. System human resources offices shall:

1. Assist system officials in implementing this guideline including, but not limited to: collecting and maintaining driving record information; assisting supervisors in consulting appropriate system resources and determining appropriate actions in the event an employee loses his/her driver's license or in response to other relevant circumstances;
2. Assist system officials in creating and maintaining appropriate documentation of personnel decisions;
3. Confer with system labor relations as necessary in advance of taking action against an employee based on a driving record;
4. Determine and implement, with appropriate consultation with system resources, applicable procedures required by Minnesota Statutes Chapter 364.

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