

Virginia State University
Policies Manual

Title: Driver's License and Record Checks Policy

Policy: 5100

Purpose

The policy is to establish the requirement that all Virginia State University employees, students, contractors, and vendors, who operate University-owned vehicles, including golf cart-type vehicles and tractors, and rental vehicles possess a valid, verifiable driver's license in the Commonwealth of Virginia, state of legal residence, or the District of Columbia. This policy does not assume that all faculty, staff, and other Virginia State University employees are authorized to drive University vehicles and as such they are all subject to the checks and verifications outlined in this policy.

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

Annual guidelines that will govern all Virginia State University employees regarding a certification process of their motor vehicle operator licenses and driving records, which will authorize them to operate University owned, leased, and rented commercial vehicles on state business.

Authority, Responsibility, and Duties

1. Employees

Employees whose job duties require an active, valid/appropriate driver's license or who may during the course of their job duties drive a state, leased or rented vehicle must:

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

2. Managers/Supervisors

- A. Be familiar with the State's and University'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 Human Resources.
- C. When an employee who is required to have a driver's license has the license suspended, revoked, or cancelled, managers and supervisors must follow the appropriate procedure as provided by this policy and consult with and take appropriate action in consultation with Human Resources.

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 and used as intended under the law.
- C. **Driving record.** The historical record maintained on each driver by the Virginia Department of Motor Vehicles. It includes violations, revocations, and suspensions of Virginia State driver's licenses.
- D. **Driver's license loss.** In this policy, the term "driver's license loss" refers to suspension, revocation, cancellation, disqualification and restrictions that prevent the employee from performing current job duties, or expiration.
- 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.** An automobile, truck, or other equipment which is the property of the State and requires the operator to have a driver's license.

Requirements

Many state employees are required to drive leased, rental and state vehicles on state business and are therefore required to possess an active, valid, and appropriate Commonwealth of Virginia driver's license. State employees have a personal obligation to comply with the law by not driving with an inactive, cancelled, suspended or revoked license, by refraining from driving under the influence of alcohol or drugs, by abiding by license restrictions, and by driving safely and courteously. The public must have confidence in State employees who drive as part of their job.

1. **Driver's License Requirement**

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

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. This could include, but is not limited to, cycling, carpooling, riding a bus or riding in a taxi.

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

A. **For Drivers of State-Owned Vehicles:**

- i. **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, the University Risk Management Office (URMO) must ensure that the individual has the required license and must ensure that the driver's license record is reviewed. If the individual is given a timeframe to obtain a license after hire, the University must ensure that the individual obtains the required license within that time frame as condition of continued employment.

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- ii. **Current Employees:** For employees who drive state owned vehicles, a motor vehicle record (MVR) must be obtained from the Commonwealth of Virginia, and should be obtained from another state 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. After obtaining employees' driver's license numbers, URMO will perform this search for all employees who drive state vehicles.

The driver's license records check information will be reviewed by the URMO. Concerns about the driver's driving records will be presented to the Vice President of Administration and Finance for his review. The Virginia State University Vice President Council will decide what action will be taken.

B. For Drivers of Leased or Rented Vehicles:

- i. **Job Applicants:** Prior to finalizing an offer to a job candidate where driving is a requirement of the job, the University must ensure that the individual has the required license and must ensure that the driver's license record is reviewed.
- ii. **Employees who regularly drive leased or rented vehicles on state business:** The University will obtain verification from employees who regularly drive a leased or rented vehicle on state business that they have an active, valid, proper driver's license. The University may request each driver to complete a vehicle use agreement. After obtaining employees' driver's license numbers, the University may request the University Risk Management Office to review the driver's license record. The criteria to be used in determining whether to request a review of the driver's license record may include, but is not limited to:
 - a. Frequency and duration of driving trips;
 - b. Time of day or season (such as night time driving, winter driving, or driving in rush-hour or otherwise congested traffic);
 - c. The presence or absence of passengers (such as state clients or charges of the state);
 - d. The need to travel outside of Virginia (where the state's limits on liability do not apply);
 - e. Past findings of driver's license loss, major violations, motor vehicle accidents, or past disciplinary actions related to driving;
 - f. Complaints from the public regarding past driving practices; or
 - g. The presence or absence of other state efforts to mitigate driving risk (such as driver training, directly observing and supervising driving practices, or other policies or procedures to minimize driving risks).

3. Driver's License Revocation or Suspension

Employees whose jobs require the use of a state vehicle or who must regularly drive leased or rented vehicles on state business shall immediately inform their supervisor of any driver's license loss affecting their ability to perform their job. Failure to do so shall constitute just cause for disciplinary action, up to and including discharge.

4. Related Employment Actions

The Department of Motor Vehicle (DMV) Driver's License data base is the Commonwealth's system of record for situations involving driver's licenses. Employment consequences related to a driver's license loss

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will take place after the University has learned that the adverse event is recorded in the DMV Driver's License data base.

Although this policy requires URMO 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 availability of other employees to drive, and whether accidents have occurred on the job. The following list contains examples of infractions that may lead to disciplinary action, up to and including discharge. This list is not exhaustive.

- i. Revocation or suspension of driver's license for driving under the influence of alcohol or a controlled substance (e.g., illegal drugs).
- ii. Other revocations or suspensions of driver's license.
- iii. Driving/operating a vehicle with a revoked, suspended or cancelled driver's license.
- iv. Refusing a blood, breath or urine test.
- v. Leaving the scene of an accident involving a motor vehicle.
- vi. Using a motor vehicle to commit a felony.
- vii. Committing more than three (3) traffic violations during the past-three year period.
- viii. Committing a major traffic violation in the past five-year period. Major traffic violations are:
 - a. Reckless or careless driving.
 - b. Fleeing a police officer.
 - c. Traffic offenses committed in connections with a fatal traffic incident.

A. General Factors: The University 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 driver's license loss.
- 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. The Department of Motor Vehicles 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. The frequency with which the employee must drive as part of his or her job.
- 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 or plow)?
- ix. Whether restrictive driving privileges have been granted or denied by a Court or DMV.

B. Possible Actions: Decisions about actions are made by the Virginia State University Vice President Council in consultation with Human Resources and University Legal Counsel, taking into account the factors listed above. An employee 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 and the University community. The need for disciplinary action will be reviewed on a case-by-case basis.

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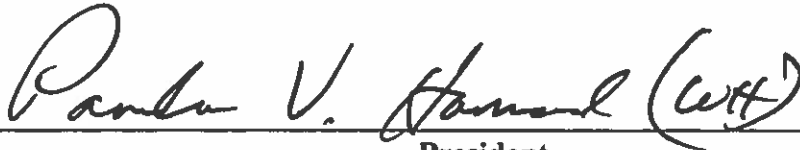
As in other situations with employees, the particular circumstances will dictate the final decision. Possible actions include:

- i. No action.
 - ii. The employee may be counseled.
 - iii. Employee may be required to complete a driving improvement course.
 - iv. The employee may be prohibited from driving other employees or clients.
 - v. The employee driving privileges may be suspended for a pre-determined length of time.
 - vi. In extreme circumstances, the Virginia State University Vice President Council may decide that overall, the employee's driving record presents too much risk to the University, and the employee may not drive a state-owned or leased car or rental. In this case, the Virginia State University Vice President Council must further decide whether the employee's employment may be terminated if their inability to drive a University vehicle prevents the employee from performing their job duties.
 - vii. For consistency, the rationale for any of these actions must be documented. Actions considered solely on the basis of a driver's license record check should be discussed with Human Resources and Vice President Council.
5. **Reemployment or Former Employees Where Essential Duties of Position Requires a Driver's License**
Care should be taken in considering rehire of a former employee who lost his or her license due to an alcohol/drug offense while on duty. Where essential duties of the position require a driver's license, driver's license status as well as the motor vehicle record of former employees must be reviewed. When there are violations identified on the driver's license record, approval to hire should be discussed by Human Resources, University Legal Counsel and the University Executive branch.

References

Office of Fleet Management Services Policies and Procedures Manual
University Policy 5702 Fleet Operation

Approval By:



President

Date:



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Exhibit A
Sample Vehicle Use Agreement

The information you are being asked to provide will be used by the Virginia State University Risk Management Office to determine your qualification to drive vehicles 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 vehicles on state business.

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 Department of Motor Vehicles for each state where you have held a driver's license in the past five years.

The completed form should be returned to the individual designated.

Department/Division: _____ Dept. Contact: _____

Drivers Name: Last: _____ First: _____ Middle: _____

Driver's Phone #: _____ - _____ - _____ (Circle: home / work / mobile)

Driver's E-mail: _____ (Circle: home or work)

Driver's License Number: _____ Issued by the State of _____

Driver's Responsibilities:

Driver agrees to:

- A. Be familiar with the State's procedures and University's Driver's License and Record Check policy.
- B. Maintain an active, valid/appropriate driver's license.
- C. Notify the supervisor no later than the beginning of your next shift after losing your driver's license through suspension, revocation, cancellation, disqualification or expiration.
- D. Abstain from driving a state vehicle and/or on state-owned or leased property if you do not have an active, valid/appropriate driver's license.
- E. Drive responsibly and adhere to all traffic laws.

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 VIRGINIA STATE UNIVERSITY 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 UNIVERSITY 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 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

Revision Date: 07/21/15

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**VIRGINIA STATE UNIVERSITY
OFFICE OF THE PRESIDENT
PETERSBURG, VIRGINIA**

MEMORANDUM

**TO: Dr. W. Weldon Hill
Mr. Hubert Harris**

**FROM: Dr. Pamela Hammond
Interim President**

SUBJECT: Delegation of Authority

DATE: July 14, 2015 (On-going)

In an effort to keep signature items moving at any time that I am away from the University, I am delegating authority to sign off on transmittals relative to your respective areas to Dr. W. Weldon Hill, Provost and Vice President for Academic Affairs and Mr. Hubert Harris, Chief of Staff. Please ensure that all documents that require my signature are sent to Dr. Hill's or Mr. Harris' attention, as they will have full signing authority over the University any time I am away from campus. This authority cannot be re-delegated to anyone else.

Please distribute this memorandum as you see fit to accomplish the mission of the University. Also, please remember to attach a copy of this memorandum with each transaction that requires my signature while I am away and forward it accordingly to Dr. Hill or Mr. Harris for their approval. Thank you.

PVH: csw

The authority delegated in this document shall not be transferred to another person.

**Cc: Mrs. Joanne Curtis-Taylor
Mr. Kevin Davenport
Mr. Henry DeBose
Dr. Letizia Gambrell-Boone
Mr. Hubert Harris
Dr. W. Weldon Hill
Ms. Ramona Taylor
Mr. Jesse Vaughan
Mrs. Hattie Wilkins**