

PHOENIX FIRE DEPARTMENT

VOLUME 1 – Operations Manual

DRIVER'S LICENSE

MP102.07 06/19 - R

PURPOSE:

The purpose of this policy is to emphasize to members the need to comply fully with the stipulations outlined in City Administrative Regulation 2.96, and to clarify for members when it is necessary to notify the Fire Department of certain issues that either change, or may change, the status of his/her driver's license.

INTRODUCTION:

A.R. 2.96 states that employees must have the appropriate valid license in their physical possession to drive on City business, and only authorized employees are allowed to drive vehicles on City business. Employees are required to comply with all applicable federal, state, and local laws and regulations, and City policies.

All employees must have at least a valid Class D Operator's License to operate any City vehicle, or to use their personal vehicle for City business.

Each employee assigned to operate any Fire Department vehicle, or who is in a position to operate one at any time, must have their driver's license number, classification, and expiration date recorded with the Fire Department. Prior to promotion or assignment to a position requiring the driving of Fire Department vehicles, employees will be required to have at least a valid Class D Operator's License.

Any employee who is in a driving position, or who is asked to drive a City vehicle or private vehicle on City business, and who **does not** have a current, valid Arizona driver's license, will immediately notify his/her supervisor, and shall not be permitted to drive. Additionally, the employee is required to notify the Fire Department's Personnel Chief that he/she does not have a current, valid Arizona driver's license.

A.R. 2.96 also states that Fire Department management will make certain the driving record of all employees in driving positions are checked, and that those employees not possessing a current, valid license will not operate vehicles on City business, and will not drive City vehicles.

DEFINITIONS:

Driving Position: A job that requires driving a vehicle on City business regularly, on average once a week, and /or employee receives a transportation allowance from the City of Phoenix as part of compensation.

Driver's License: Means a valid license to drive, appropriate for the class of vehicle operated as prescribed by the provisions of Arizona Revised Statutes, Title 28, Chapter 4.

Appropriate Valid License: A driver license of the class required for the vehicle being driven as set forth under Arizona law. (See A.R.S. §§ 28-3151 and 28-3152.) The license must be current and valid and have all endorsements required by the type of equipment, the class of the vehicle being driven, and the load being carried. The license may not have any restrictions that would preclude driving on City business.

Acceptable Driving Record: Means that the driving record of the employee has seven (7) points or less for the previous twelve (12) months. Points are as shown in the current Motor Vehicle Division (MVD) Acceptable Violation Code Table. In addition, the following shall also be considered in determining an acceptable driving record; any cancellation, expiration, refusal, revocation, suspension, or restriction affecting the employee's ability to drive on City business. Work related accidents, or other related factors, such as zero-point violations or a pending DUI charge shall also be considered.

For any individual being considered for a driving position, the following items preclude hiring, promotion, transfer, placement, etc.:

1. Eight points or more in the previous 36 months. Points are shown in the current MVD Acceptable Violation Code Table.
2. More than two chargeable accidents within the previous 36 months.
3. A conviction for driving under the influence within the previous 36 months.
4. The license has been suspended, cancelled, refused, or revoked as the direct result of a moving violation within the previous 36 months.
5. A current suspension, cancellation, expiration, refusal, revocation, or restriction that affects the individual's authorization to drive.

Other factors such as zero-point violations or a pending DUI charge are considered in determining if the individual's driving record is acceptable.

Change in Status: Means that an individual's previously valid driver's license is subsequently expired, refused, cancelled, revoked, suspended, or restricted by MVD.

DUI Charge: Means any arrest or citation received by an employee as a result of his/her alleged violation of any of the A.R.S. Title 28 "Driving Under the Influence" statutes, or for any out-of-state arrest or citation received for a similar infraction.

EMPLOYEE RESPONSIBILITIES:

An employee in a driving position is required to:

1. Possess a valid, appropriate driver's license at all times while operating a vehicle on City business or while operating a City vehicle. (License must be carried **on the person**, when operating a vehicle on City business or while operating a City vehicle.)
2. Maintain current registration and current insurance, in accordance with A.R.S. Title 28, on any personal vehicle he/she may be asked to drive on City business.
3. Comply with any and all restrictions placed on his/her driver's license by MVD at all times while operating a vehicle on City business or while operating a City vehicle.
4. Maintain an acceptable driving record.
5. Notify his/her supervisor and the Fire Department's HR Chief, if assigned to a permanent position of a change in status of his/her driver's license, of a DUI conviction, or of an arrest or citation for any DUI charge. This includes any out-of-state DUI conviction, arrest, or citation received. Such notifications must be made before the start of the employee's next shift.
6. If member is in a roving spot or cannot get a hold of his/her supervisor, member may contact South Deputy or a representative from Local 493, who will represent them and make proper notifications to Fire HR and appropriate supervisor.
7. Refrain from operating a vehicle on City business, or operating any City vehicle, without a valid, appropriate driver's license.
8. Comply with federal, state, local driving laws and regulations, and city policies.
9. Not drive on City business while their license is suspended, cancelled, expired, restricted, revoked, or refused. In addition, employees shall not drive until all required fines and fees are paid and a new license is issued by MVD. Prior to driving on City business, employees must provide a copy of the appropriate valid license to their supervisor.
10. Notify MVD of any change in address within 10 days (per A.R.S. § 28-448).

An employee in a non-driving position is required to:

1. Immediately notify his/her supervisor if the employee does not have a valid driver's license or does not have a valid driver's license in his/her possession at the time he/she is requested to operate a vehicle on City business or operate a City vehicle.
2. If member is in a roving spot or cannot get a hold of his/her supervisor, member may contact South Deputy or a representative from Local 493, who will represent them and make proper notifications to Fire HR and appropriate supervisor.
3. Maintain current registration and current insurance, in accordance with A.R.S. Title 28, on any personal vehicle he/she may be asked to drive on City business.
4. Comply with any and all restrictions placed on his/her driver's license by MVD at all times while operating a vehicle on City business or while operating a City vehicle.
5. Comply with federal, state, local driving laws and regulations, and city policies
6. Notify MVD of any change in address within 10 days (per A.R.S. § 28-448).

7. No employee shall drive on City business after consuming alcoholic beverages or any other substance, including legally prescribed medications, that may impair driving
8. Employees shall immediately report to their supervisor any physical or mental injury or disease that impairs their ability to drive on City business.

MANAGEMENT RESPONSIBILITIES:

All current City employees in driving positions will have their driving records reviewed annually. This review will be conducted at the time of each employee's annual performance review. The "Driving Record" section of the employee's Performance Management Guide (PMG) will be marked "Met" or "Not Met" in accordance with the criteria outlined in A.R. 2.96.

In the event there is a change of status of the driver's license of an employee in a driving position, action will be taken to insure the employee does not operate a vehicle on City business or operate a City vehicle. In addition, A.R. 2.96 outlines the procedures by which an employee's absence will be handled in the event he/she cannot fill his/her driving position due to his/her driver's license being suspended.

An employee in a driving position who has a status change in his/her driver's license for a period not exceeding thirty (30) days will be removed immediately from all driving responsibilities and will be placed on a leave of absence (unpaid leave or previously accrued vacation or comp time). If approved by management, the employee may be placed temporarily in a non-driving assignment if one is available within the department.

If the change of status is for a period of thirty-one (31) days or more, the employee will be removed immediately from all driving responsibilities and will be placed on a leave of absence (unpaid leave or previously accrued vacation or comp time) for up to sixty (60) working days, during which time the employee may seek a transfer to a non-driving position. All such leaves are subject to management approval. If a leave of absence is not approved, the employee shall be terminated. If a transfer occurs, the employee will not be terminated from City employment based solely on the loss of his/her license which gave rise to the transfer. If such a transfer does not occur, the employee shall be terminated.

PERFORMANCE STANDARDS

The Human Resources Department, Safety Section, and the operating department review the driving record of each employee in a driving position at least once per year. This review is conducted immediately before the employee's Performance Management Guide or Performance Achievement Plan is completed using the following criteria:

MVD Points	PMG Rating for Current Driving Record*	Minimum Action**
0 – 5	Met	None
6 – 8	Not Met – Needs Improvement Goal of Zero Points	Supervisory Counseling
9 – 12	Not Met – Needs Improvement Goal of Zero Points	Written Reprimand
13 or more	Not Met	Discipline up to and including suspension, demotion, or termination

*An employee’s entire driving record for the rating period will be considered and could reflect chargeable vehicular accidents and/or license suspensions.

**Any negative work history or prior corrective action may increase any action from the minimum described here.

***An employee will receive the appropriate discipline and be rated during the rating period the conviction(s) is reflected on their motor vehicle record; not necessarily during the rating period the employee is charged with the violation(s).

Employees with 6 or more points at the time of rating will have a goal of zero points set for the next 12 months. Employees are responsible for reporting any additional points to their supervisor immediately.

ADMINISTRATIVE ACTION

The following guidelines along with AR 2.96 and the Personnel Rules should be used when an employee does not follow the requirements of this procedure. No employee will be displaced to accommodate an employee who can no longer remain in a driving position because of a change in status of his/her license or because his/her driving record is unacceptable.

A. Employees in Driving Positions – Guidelines (assumes first offense):

Situation	Action
Violation of any Arizona Revised Statutes concerning DUI, while driving on City business or driving a City vehicle:	Termination
Employee drives on City business after failing to notify supervisor their license is suspended, refused or revoked, or any citation or arrest concerning DUI prior to the beginning of the next normally scheduled shift	Minimum five-day suspension unless the department finds sufficient mitigating circumstances, even if license is presently valid or reinstated
Employee drives on City business without the	Minimum three-day suspension

appropriate class of license, drives contrary to a restriction, and/or drives with an expired or cancelled license:

Employee fails to notify supervisor of a suspended, refused, or revoked license, or any citation or arrest concerning DUI prior to the beginning of the next normally scheduled work shift and does not drive on City business:

Minimum three-day suspension, even if license is presently valid or reinstated

Employee fails to notify supervisor of an expired or cancelled license and does not drive on city business:

Minimum written reprimand

Employee fails to notify supervisor that he/she is not in physical possession of an appropriate valid license, and drives on City business

Minimum written reprimand

Employee's off-work conduct results in the suspension of his/her license, impacting the employee's ability to perform essential functions, burdening co-workers and the employer:

Minimum supervisory counseling

City of Phoenix Driver Qualification form found in AR 2.96

I acknowledge that I have received AR 2.96, City Policy on Driver Qualification. I recognize that, as a City employee, I am responsible for following the provisions outlined in this policy. I understand that if I am found to be in violation of this written policy, I may be subject to disciplinary action.

Name (printed)

Signature _____ Date _____

Original to department personnel file

Copy to employee

