

3.09 DRIVING RECORDS

Purpose

The purpose of this rule is to limit the City's financial risk and ~~to~~ maximize the safety of drivers, passengers, and the public when vehicles are driven on Auditor's Office City business. This rule applies to ~~City~~ Auditor's Office employees and candidates for positions in which driving is an essential function. This rule covers only the driving of vehicles; it is not intended to cover the operation of equipment. Auditor's Office ~~Bureau~~ managers are responsible for enforcing this rule.

Unless otherwise provided by a collective bargaining agreement or noted herein, this rule defines the minimum standard for ~~all City bureaus~~ the Auditor's Office. Requests to deviate from this policy must be submitted in writing to Management Services. ~~They must be reviewed by the Risk Manager, and~~ approved by the ~~Bureau Director~~ City Auditor after consultation with Risk Management. Nothing herein shall be construed to limit ~~the Auditor's Office~~ a bureau from setting higher standards ~~as needed to meet the particular needs of that bureau~~.

It is the responsibility of Management Services in consultation with Risk Management ~~It is the responsibility of individual bureaus to notify Risk Management~~ to evaluate driving records in accordance with this administrative rule. The Auditor's Office in consultation with Risk Management will maintain ~~the~~ responsibility for the development and administration of rules related to eligibility criteria, for driving on Auditor's Office City business, as outlined in Supplement A (see attached), and safety and loss control issues for employees driving on behalf of the City Auditor's Office.

Motor Vehicle Record Review

Every person filling a position in which driving is an essential function must meet the City's eligibility criteria of the Auditor's Office. The driving record of all applicants under consideration for a position in which driving is an essential function may be subject to evaluation. Meeting the eligibility criteria is a job requirement for new hires, recalls, and when an employee moves from a non-driving position to a position where driving is an essential job function. This rule applies to permanent, temporary and seasonal appointments. Volunteers and other designees must also meet the City's eligibility criteria to drive on Auditor's Office City business. The following procedure shall be used.

1. All recruitments for positions requiring driving as an essential job function shall be identified prior to any job announcement.
2. Job announcements for positions requiring driving will include the City's driving record requirements of the Auditor's Office.
3. Prior to making a job offer, Management Services ~~the hiring bureau~~ must ensure that the applicant submits a current (within 30 days), court-certified driving record to the City Auditor ~~Risk Management~~ that shows at least the most recent 5-year driving history.
4. The City Auditor or a designee in consultation with Risk Management will evaluate the record, as noted below, to determine and advise the bureau whether

the record meets the ~~City~~ eligibility criteria. ~~Bureaus may not evaluate records without Risk Management's approval.~~

5. ~~The a~~Applicant's' driving histor~~iesy~~ shall be compared to the ~~City~~ eligibility criteria to ensure they meet the standard. The ~~Citywide~~ eligibility criteria is attached as Supplement A to this rule.

City Eligibility Criteria

The eligibility criteria attached as Supplement A to this rule is the standard used ~~citywide~~ to determine applicants qualified to drive on ~~City Auditor's Office~~ business.

**Administrative Rule
History**

~~Adopted by Council March 6, 2002, Ordinance No. 176302~~

~~Effective April 5, 2002~~

~~Revised October 15, 2002~~

~~Revised July 9, 2007~~

~~Revised November 4, 2011~~

~~Revised April 25, 2016~~

Motor Vehicle Record Evaluation

As of the date of this evaluation, applicant:

- Meets eligibility criteria
- DOES NOT** meet eligibility criteria

This form shall be applied to any employment position that is being filled in which driving is an essential job function¹ and to all other designees² (as defined by **Administrative Rules 3.09 and 4.13**) authorized by ~~the Auditor's Office any bureau~~ to drive any vehicle on ~~behalf of the Auditor's Office, City business.~~

Bureau: _____ **Bureau contact:** _____ **Ext:** _____

Applicant's name: _____ **Driver's license number:** _____

Date of motor vehicle record: _____

The applicant must hold a valid unrestricted drivers license and be at least 18 years old: **Yes** **No (Disqualified)**

Category	Type of offense	Allowance (as applied from date of conviction to date of evaluation)	Description	Date of conviction ⁴	Points (circle all that apply)
I.	Any traffic crime ³ the applicant was convicted of within the last 36 months:	None allowed	1.		<input type="checkbox"/> Disqualified
	All traffic crimes the applicant was convicted of within the last 60 months:	1 within the past 60 months	1.		2
		2 or more within past 60 months are not allowed	2.		<input type="checkbox"/> Disqualified
II.	All Class A, B or C traffic violations ⁵ that the applicant has been convicted of as a driver, owner, or operator of a vehicle, and conviction of any traffic violations listed under OAR 735-064-0220 ⁶ :	1 within the past 12 months	1.		1
		2 or more within the past 12 months are not allowed	2.		<input type="checkbox"/> Disqualified
		2 within the past 36 months	1.		1
			2.		1
	3 or more within the past 36 months are not allowed	3.		<input type="checkbox"/> Disqualified	
III.	Any Class D traffic violations ⁷ that the applicant has been convicted of that are not listed under OAR 735-064-0220, and conviction of any traffic violation listed under OAR 735-072-0035 ⁸ .	2 within the past 12 months	1.		1
			2.		1
		3 or more within the past 12 months are not allowed	3.		<input type="checkbox"/> Disqualified
			3 within the last 36 months	1.	
		2.			1
3.		1			
	4 or more within the past 36 months are not allowed	4.		<input type="checkbox"/> Disqualified	
IV.	Diversion Agreement ⁹ :	Completed	No more than 1 within the past 60 months		2
		Not Completed	None allowed		<input type="checkbox"/> Disqualified
V.	Interlocking-Ignition Device (IID)	Currently Required	Not allowed		<input type="checkbox"/> Disqualified
TOTAL POINTS OF ALL CATEGORIES: (may not exceed 3 points or the applicant does not meet eligibility criteria)					

Evaluation completed by: _____ **Date of evaluation:** _____

Definitions and examples:

- "Essential job function"** means that driving is required to do the job as indicated on the job description.
- "Other designee"** means any person authorized by a bureau to drive a City vehicle. Examples include, but may not be limited to, vendors and contractors working on behalf of the City, participants in official City business and programs, officers and agents representing the City, representatives of other governmental agencies working within the City, and volunteers who enter into the service of the City by their own free will and without pay, *Administrative Rule 4.13, Vehicle Loss Control Program.*
- "Traffic crime"** means a conviction of any traffic offense that is punishable by a jail sentence, *ORS 801.545.* Examples include, but are not limited to: criminal driving while suspended; reckless driving; driving under the influence of intoxicants; and, failure to perform duties of a driver to injured persons in the event of a collision.
- "Conviction"** means finding or determination of guilt based on a plea of guilt or equivalent (such as a no contest plea) or a verdict of guilt.
- "Class A, B or C Traffic Violations"** means conviction of a traffic offense that is designated as a traffic violation in the statute defining the offense, or any other offense defined in the Oregon Vehicle Code (or its equivalent in any other state) that is punishable by a fine but that is not punishable by a term of imprisonment, *ORS 801.557.* Examples include, but are not limited to: violation of the basic rule; failure to obey a traffic control device; illegal U-turn; driving while uninsured; and driving a vehicle without driving privileges.
- "OAR 735-064-0220"** refers to Type A Traffic Offenses which fall under the Oregon Department of Motor Vehicles Adult Driver Improvement Program.
- "Class D Traffic Violation"** means conviction of a traffic offense that is designated as a traffic violation in the statute defining the offense, or any other offense defined in the Oregon Vehicle Code (or its equivalent in any other state) that is punishable by a fine but that is not punishable by a term of imprisonment, *ORS 801.557.* Examples include, but are not limited to, unlawful use of a disabled parking permit or parking space; failure to notify of name and/or address change; and, no or defective equipment (examples: brakes, rearview mirror or windshield wipers).
- "OAR 735-072-0035"** refers to Type B Traffic Offenses which fall under the Oregon Department of Motor Vehicle's Adult Driver Improvement Program.
- "Diversion agreement"** means a conviction of Driving While Under the Influence of Intoxicants (DUII) until completion of a court-approved program as set forth in ORS 813.250. Please contact Risk Management at 823-5101 for further information.