

	STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		POLICY AND PROCEDURE NUMBER 08.02.010	PAGE 1 of 3
	Policy and Procedure		EFFECTIVE DATE June 15, 1992	
SUBJECT Loss of Driver's License		SUPERSEDES		DATED
TITLE Personnel Administration	CHAPTER Personnel	APPROVED BY Signature on File		

PURPOSE AND SCOPE

This procedure describes the steps to be taken by employees and management when a department employee whose position requirements include the operation of a motor vehicle(s) encounters a pending or actual loss of driver's license.

This procedure only applies to those employees whose position requirements include the operation of a motor vehicle(s).

DISTRIBUTION

All holders of the Department of Transportation & Public Facilities Procedures Manual.

PROCEDURE

A. Notification of Pending and Actual Loss

Employees are responsible for providing notification to their immediate supervisor at any time that they are issued a citation which may lead to a loss of driver's license, including the dates of any scheduled or rescheduled court hearings on the citation. Employees must immediately notify their immediate supervisor upon revocation of driver's license. Operation of any state vehicle in the absence of the required license is strictly prohibited. Violation of this procedure is grounds for immediate discharge.

B. Disciplinary Review Procedures

Usually, losses of driver's licenses are the result of off-duty misconduct which renders employees unable to perform their regular duties. Such off-duty misconduct has a readily discernable harmful effect on the state's operations. Consequently, loss of license subjects an employee to potential disciplinary action.

In most cases, loss of driver's license for employees covered by this procedure will result in disciplinary leave without pay (LWOP) for the period of license suspension, up to ninety (90) days. However, loss of license may result in action ranging from temporary reassignment of duties to dismissal from state service, depending upon the specific circumstances in each case. Except as specifically provided below, normal disciplinary policies and procedures will be followed in determining an appropriate course of corrective action, with full regard for an employee's contractual and due process rights.

1. Upon a loss of driver's license, the employee will automatically be placed on disciplinary LWOP unless and until some other course of corrective action is decided upon.
2. Upon notification of a loss of driver's license, the employee's supervisor must immediately notify the employee's division director of the license suspension/revocation.
3. The employee's division director will assign one designee (preferably within the employee's chain of command) to work with the regional/system personnel officer to determine what corrective action is appropriate under the circumstances. The director's designee and the personnel officer will recommend any corrective action other than disciplinary LWOP to the director as quickly as possible thereafter. The division director will make the final decision. The employee will be advised of the decision in writing (with notice to the employee's union as appropriate).
4. During the process of this review, the employee will be afforded the opportunity to provide any relevant information which may bear upon the final decision. An employee in a bargaining unit is entitled to union representation upon request during any meeting to discuss the matter with state officials.

C. Range Of Alternatives

As previously noted, disciplinary LWOP is the appropriate action in most instances of loss of driver's license for periods of ninety (90) days or less. Revocation or suspension of license for periods exceeding ninety (90) days will automatically result in termination. Other alternatives to LWOP for periods of less than ninety (90) days are:

1. Temporary reassignment of duties, when such reassignment is in the best interests of the state. In determining whether or not a reassignment of duties is a reasonable alternative, the following factors must be considered:
 - a) Availability of meaningful work to be performed during the reassignment.
 - b) Direct cost to the state, including additional overtime costs.
 - c) Indirect cost to the state, including productivity loss and training/orientation costs.

- d) Adverse impact on other workers, including required schedule changes or additional hours of work.
- 2. Permanent transfer or demotion, when temporary reassignment is unreasonable. When circumstances permit, an employee may be offered a voluntary transfer or demotion to a position not requiring a driver's license. In a very few circumstances, it may be appropriate to involuntarily transfer or demote for cause as a result of loss of license.
- 3. Termination/Discharge, when the period of license revocation/ suspension exceeds ninety (90) days, or when the loss of license is a repeat offense, and no permanent transfer/demotion options reasonably exist. Barring extraordinary circumstances, it is not in the state's best interest to make temporary arrangements to accommodate an employee for any period exceeding ninety (90) days. Likewise, it is not in the state's best interests to repetitively make temporary arrangements for employees whose driving histories result in multiple license suspensions of shorter individual duration.

D. Substance Abuse Related Suspensions

Many license suspensions will stem from substance abuse related incidents. Frequently, license suspensions will be accompanied by court-ordered participation in inpatient or outpatient treatment programs. Although we may be unable to reasonably accommodate a temporary or permanent change in duties, an employee may have some or all of the LWOP period converted to authorized sick/medical leave while participating in an inpatient or outpatient treatment program offered by an approved treatment facility. Sick leave may be authorized for attendance in substance abuse programs, whether treatment is ordered by the courts or is by voluntary request of the employee.

For purposes of this procedure an approved treatment facility is any which is licensed by the state in which it is located.

To be eligible for use of sick/medical leave for the treatment period, the employee must show evidence of successful completion of the treatment, including successful completion of any required aftercare. If an employee fails to successfully complete required treatment and aftercare during the period of license suspension, all subsequent absences from work will be charged to LWOP.

Some or all costs associated with completion of a substance abuse program may be covered by the state group health plan or an employee's union health trust plan. However, any noncovered costs are the responsibility of the employee.