



## ADMINISTRATIVE REGULATION

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Effective Date: January 10, 1996

Administrative Regulation: 1-35

Revision Date: April 12, 2018

Supersedes: November 13, 2017

Approved By: William H. Ashton II

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Subject: Employee Driving Records

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### I. Purpose

This administrative regulation applies to all employees and volunteers who drive town-insured motor vehicles on any public roadway or public right-of-way or applicants who are applying for such positions and is intended to:

- A. Establish minimum driving standards for the drivers of all motor vehicles insured by the Town of Herndon;
- B. Provide for a regular driving record and license status review for the drivers of town vehicles;
- C. Define reporting procedures for circumstances that may detrimentally affect an employee's driving record or status; and
- D. Establish procedures dealing with employees with unacceptable driving records or license status.

### II. Minimum Driver Requirements

- A. All drivers must possess a valid driver's license issued by their state of residence appropriate for the class of vehicle operated by the employee.
- B. All drivers must be eligible to drive in the Commonwealth of Virginia.

### III. Standards for Positions Requiring Driving

An employee, volunteer or applicant's record that indicates a trend over the past three (3) year driving period of reckless disregard in following the law in the operation of a motor vehicle, or who has been convicted of driving under the influence, is not eligible to drive a town vehicle. The town may choose to not hire an otherwise qualified applicant.

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Upon recommendation by the Director of Human Resources, the Town Manager shall have the authority to waive these criteria if there are unusual mitigating circumstances and the town manager believes the waiver is in the best interests of the town.

CDL drivers whom the town has prohibited from driving commercial vehicles may also be prohibited from driving town non-commercial vehicles. If this is the case, the driver will be notified in writing.

### IV. Training

Personnel who are included on the town's liability coverage will participate in an approved defensive driver's training course as required and additional training required for operation of specific types of vehicles.

### V. Responsibility

- A. All personnel who operate motor vehicles owned, leased, or insured by the Town of Herndon are responsible for compliance with the requirements of this regulation.
- B. Department heads are responsible for the implementation and continued compliance with this directive.
- C. All personnel subject to this regulation shall report any driving infraction, change in their license status or ability to drive in the Commonwealth of Virginia to their department head through their immediate supervisor, no later than their next workday. Failure to report such an incident may result in discipline and/or revocation of town driving privileges. Dependent upon the circumstances of the failure to report, this may include dismissal. Employees must also report, no later than their next workday, any offense charged for the following violations:
  - 1. Driving under the influence of drugs or intoxicants;
  - 2. Refusal to submit to a blood or breath test for determination of drug or alcohol content;
  - 3. Reckless driving;
  - 4. Leaving the scene of an accident; or
  - 5. Any incident involving death or serious injury.

A conviction of any of the above five offenses may result in the loss of driving privileges with the town for at least 3 years from the date of conviction, or greater period of time until a responsible driving record is earned.

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- D. All drivers must promptly report to their immediate supervisor any moving violation or involvement in any accident which occurs while they are operating a town-insured vehicle.
- E. Employees whose driving privileges have been revoked or suspended will lose their town driving privileges.

If driving is an essential function of the employee's job, the employee may be placed in a probationary status, demoted, or disciplined, including dismissal. The employee may also apply for and compete for another vacant non-driving position.

1. The Director of Human Resources may suspend or terminate driving privileges of any employee charged with an offense involving operation of a motor vehicle, if the department head or Director of Human Resources determines after suitable investigation that continued driving would jeopardize the safe conduct of town operations.
2. If the suspension or revocation was imposed by any court or the Department of Motor Vehicles for non-moving violations, the privilege to drive town vehicles shall be immediately suspended. Such suspension shall last for the duration of suspension or revocation of the employee's license.
3. The Director of Human Resources, in consultation with the department head, may elect to alter an employee's responsibilities or otherwise accommodate the employee during the period of a suspension or other ineligibility, for failure to meet the criteria established by this regulation. Prior to the end of any suspension or period of ineligibility, the employee must complete any training required by the town, at his/her own expense and provide proof of such training.
4. Should the decision to revoke an employee's town driving privilege be made, the employee will be notified in writing of the length of the revocation. If the employee serves in a position that requires driving and the employee's restrictions cannot be accommodated within his/her responsibilities, the Director of Human Resources in consultation with the department head will consider placing the employee in a vacant non-driving position for which the employee is qualified. If there is no such position available, the employee may be dismissed.

If such change in the employee's job status, other than dismissal, is within a lower grade, the change shall be considered a demotion and will be handled as outlined in Administrative Regulation 1-26, Employee Status Changes.

5. Immediate supervisors will be held accountable by the appropriate department head for monitoring the driving abilities and safety records of their immediate
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subordinates. Supervisors shall therefore have the responsibility of reviewing all accidents and unsafe driving reported or noted of their subordinates. The supervisors shall therefore have the authority to recommend remedial training, probation, or disciplinary action (including dismissal).

VI. Department of Motor Vehicles Records Review

- A. The Department of Human Resources will annually review the record of all employees subject to this policy with the appropriate issuing authority. The employee and department head will be notified of failure to meet the applicable criteria, and the employee will be provided with a copy of the DMV record upon request.
- B. At the time of interview, prospective new employees shall either provide a recent copy of their DMV record or authorization for the town to access DMV records.
- C. Current employees shall also provide authorization. Employee authorization forms shall be maintained in the Department of Human Resources.
- D. All records obtained pursuant to this regulation shall be confidential personnel records.



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William H. Ashton II  
Town Manager