



City of Pittsburgh Operating Policies

Policy: Driver's License/Loss of License	Original Date: 8/2008
	Revised Date: 3/2010

PURPOSE: To ensure the safety of our workforce and the public.

POLICY STATEMENT: It is the policy of the City of Pittsburgh that employees without a current, valid PA Driver's License are not permitted to drive a City vehicle or their own vehicle during work hours or when acting in any official capacity.

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

POLICY

Employees holding a position that requires a PA Driver's License (Commercial or Class C) must maintain a current, valid license throughout employment.

PROCEDURE

If an employee loses his/her license or their license is suspended, they must notify their supervisor immediately. Employees without a current, valid PA Driver's License are not permitted, under any circumstances, to operate a City vehicle or their own personal vehicle during working hours or when acting in any official capacity. Some bargaining agreements may include more specific language or restrictions (see attachments for PJCBC and AFSCME).

The procedures that follow cover the following employee groups.

1. Non-Union employees
2. AFSCME employees
3. PJCBC employees

1. NON-UNION EMPLOYEES - LOSS OF LICENSE POLICY

A. **The City shall discharge any employee found to have driven on City time without a valid driver's license. This policy shall apply regardless of whether the employee holds a CDL or standard driver's license.**

B. In the event an employee required to have a driver's license by his/her job description loses his/her driver's license, **but does not drive for the City during the period when the license was suspended**, then the disciplinary policy set forth below shall apply.

1. Employee **Discloses** license suspension in written correspondence to Department Director before start of suspension:

a. If employee's driving privileges are reinstated within 12 months: Employee shall be suspended without pay and/or benefits for duration of license suspension.

Entirely at the discretion of the Department Director, an employee may be offered compatible work for the duration of a suspension, but no longer than 12 months, during which the employee shall accept the salary of the assigned work or the position from which he/she was suspended less 20% of his pay rate, whichever is less. This clause shall not serve as a guarantee of work and shall not be offered except at the Department Director's discretion. Participation or non-participation in this program shall not be grievable under any circumstances.

b. If employee's driving privileges are not reinstated within 12 months the employee shall be discharged. These facts shall establish just cause for discharge.

2. Employee **Fails to Disclose** license suspension, but does not drive during suspension:

a. If employee's driving privileges will be reinstated within 12 months from date of suspension* the employee shall be suspended for the duration of his suspension. Additionally, an employee failing to disclose the suspension shall not be eligible for alternative work as set forth above and prior to returning to work shall serve an additional suspension equal in duration to that period of time/length of suspension during which the employee failed to notify the City. (For example, an employee fails to disclose a loss of license for three months. After 3 months the City discovers the suspension during a license check. The employee in question shall be suspended for the remaining license suspension time and upon obtaining a renewed license shall serve an additional three

months suspension for the period of time when the City was not notified of the suspension. If employee fails to notify the City of a 5-day license suspension, the employee shall serve a 5-day suspension upon the City's discovery of the suspension.)

b. If employee's driving privileges are not reinstated within 12 months of the date of suspension* the employee shall be discharged. These facts shall establish just cause for discharge.

* - date of suspension shall be that date when the Department of Transportation provided the employee with notice of the suspension.

C. Application of this policy for any employee shall be limited to three suspensions during any consecutive five year period. Any employee receiving a third suspension, regardless of duration of any of the suspensions, in a five year period shall be immediately discharged.

2. AFSCME EMPLOYEES - LOSS OF LICENSE POLICY

A. **The City shall discharge any employee found to have driven on City time without a valid driver's license. This policy shall apply regardless of whether the employee holds a CDL or standard driver's license.**

B. In the event an employee required to have a driver's license by his job description loses his driver's license, **but does not drive for the City during the period when the license was suspended**, then the disciplinary policy set forth below shall apply.

1. Employee **Discloses** license suspension in written correspondence to Department Director before start of suspension:

a. If employee's driving privileges are reinstated within 12 months: Employee shall be suspended without pay and/or benefits for duration of license suspension.

Entirely at the discretion of the Department Director, an employee may be offered compatible work for the duration of a suspension, but no longer than 12 months, during which the employee shall accept the salary of the assigned work or the position from which he/she was suspended less 20% of his pay rate, whichever is less. This clause shall not serve as a guarantee of work and shall not be offered except at the Department Director's discretion. Any terms of the CBA inconsistent with this provision shall be waived for the duration of the employee's license suspension. Participation or non-participation in this program shall not be grievable under any circumstances.

b. If employee's driving privileges are not reinstated within 12 months the employee shall be discharged. The parties agree that these facts shall establish just cause for discharge.

2. Employee **Fails to Disclose** license suspension, but does not drive during suspension:

a. If employee's driving privileges will be reinstated w/in 12 months from date of suspension* the employee shall be suspended for the duration of his suspension. Additionally, an employee failing to disclose the suspension shall not be eligible for alternative work as set forth above and prior to returning to work shall serve an additional suspension equal in duration to that period of time/length of suspension during which the employee failed to notify the City. (For example, an employee fails to disclose a loss of license for three months. After 3 months the City discovers the suspension during a license check. The employee in question shall be suspended for the remaining license suspension time and upon obtaining a renewed license shall serve an additional three

months suspension for the period of time when the City was not notified of the suspension. If employee fails to notify the City of a 5-day license suspension, the employee shall serve a 5-day suspension upon the City's discovery of the suspension.)

b. If employee's driving privileges are not reinstated within 12 months of the date of suspension* the employee shall be discharged. The parties agree that these facts shall establish just cause for discharge.

* - date of suspension shall be that date when the Department of Transportation provided the employee with notice of the suspension.

C. Application of this policy for any employee shall be limited to three suspensions during any consecutive five year period. Any employee receiving a third suspension, regardless of duration of any of the suspensions, in a five year period shall be immediately discharged and waives all rights to appeal his/her discharge via the grievance procedure.

3. PJCBC EMPLOYEES - LOSS OF DRIVER'S LICENSE POLICY

A. **The City shall discharge an employee found to have driven on City time without a valid driver's license. This policy shall apply regardless of whether the employee holds a CDL or standard driver's license.**

B. In the event an employee loses his driver's license, **but does not drive for the City during the period when the license was suspended**, then the disciplinary policy set forth in I and II below shall apply:

1. Non-CDL Employee (Job description **does not** require CDL license, but **does** require valid driver's license):

a. Employee **Discloses** license suspension in written correspondence to Department Director before start of suspension & Job Responsibilities Do Not Focus on Driving, e.g., Laborer:

i. If employee's driving privileges are reinstated within 12 months: Employee shall be demoted to heavy custodian pay rate while license is suspended and assigned laborer's duties.*

ii. If employee's driving privileges are not reinstated within 12 months the employee will be discharged.

b. Employee **Fails to Disclose** license suspension:

i. If employee's driving privileges will be reinstated within 12 months: 3-day suspension on first violation (progressive discipline thereafter) and employee shall be demoted to the heavy custodian pay rate for duration of license suspension.*

ii. If employee's driving privileges are not reinstated within 12 months the employee will be discharged.

2. CDL Employee (Job description requires CDL license; statutory duty to disclose license suspension to employer – job cannot be performed w/o ability to drive)

a. Employee **Discloses** license suspension in written correspondence to Department Director before start of suspension:

i. If employee's driving privileges are reinstated within 12 months: Employee shall be demoted to heavy custodian pay rate while license is suspended and assigned laborer's duties.*

ii. If employee's driving privileges are not reinstated within 12 months the employee will be discharged.

b. Employee **Fails to Disclose** license suspension:

i. Employee shall be discharged.

*Employees assigned to Heavy Custodian pay rates for the duration of a license suspension shall be assigned laborer's duties, but shall be paid the custodial rate given that they do not have a license as required by the laborer's job description. These employees SHALL NOT be entitled to seek acting pay as a laborer. Further, said employees shall not be eligible for overtime or other premium pay during their temporary assignment unless all other employees in the laborers job title at the work location in question fail to fulfill the OT needs of the City.

C. Application of this policy for any employee shall be limited to three suspensions during any consecutive five year period. Any employee receiving a third suspension, regardless of duration of any of the suspensions, in a five year period shall be immediately discharged and waives all rights to appeal his/her discharge via the grievance procedure.