

**CITY OF WAUKESHA
HUMAN RESOURCES POLICY/PROCEDURE**

POLICY E-8 – Commercial Driver’s License

The City of Waukesha, in the interest of its tax paying citizens and in the interest of its employees, diligently acts to keep liability exposure to a minimum and in doing so complies with the Commercial Motor Vehicle Safety Act of 1986.

Employees of the Streets Department, Parks Department, and certain employees of the Waste Water Treatment Plant are required by the City to obtain and maintain a valid Commercial Driver’s License.

Employer Notification Program - ss. 343.245(2) Wis. Stats.:

Employees who operate commercial motor vehicles must notify the State Department of Transportation and the City of any traffic conviction, other than parking violations, within thirty (30) days after conviction. Employees who operate commercial motor vehicles must notify the City of any suspension/revocation or out-of-service order before the end of the first business day after receiving such notice. Failure to timely notify may result in a fine of up to \$2,500.

Any employee who does not comply will subject him/herself to disciplinary action up to and including termination.

To insure that the City is kept apprised of any traffic conviction of employees holding Commercial Drivers Licenses, the City participates in the Employer Notification Program. By participating in this program, the State of Wisconsin Department of Transportation automatically generates information for any activity on the employees' driver records to include accidents, convictions, or license withdrawal.

An abstract of the violation will be sent immediately to the Human Resources Department. A copy of same will be forwarded to the employee, the employee's department head, and to the City Attorney's Office for review and possible action.

Out-Of-Service Order - ss. 346.63(7) Wis. Stats.:

No person may operate a commercial motor vehicle or be "on duty time" while having any measured alcohol concentration above 0.0 or within four hours of having consumed or having been under the influence of an intoxicating beverage. Violators of ss. 346.63(7) are given a 24 hour out-of-service order.

Employees who are given a 24 hour out-of-service order will subject him/herself to disciplinary action up to and including termination.

Disqualifying Offense and Serious Traffic Violations - ss. 343.315(2) Wis. Stats.:

Disqualifying Offenses and Serious Traffic Violations are those committed while operating a commercial motor vehicle for which employees will be disqualified from operating a commercial motor vehicle from sixty (60) days to life. No occupational license is available for a disqualified operator.

Should a City of Waukesha employee commit a disqualifying offense, the employee would be placed on an unpaid leave of absence for a period of six (6) months and be subject to the disciplinary process.

**Policy E-8
Commercial Driver's License**

If a commercial driver's license is obtained sometime within a six (6) month period, the employee will wait for the next available opening in his/her former classification to return to a City position.

If the commercial driver's license cannot be obtained within the six (6) month period, the employee is terminated six (6) months from the date of the conviction of the offense.

Leaves of absence exceeding thirty (30) days shall result in an adjustment of the employee's seniority date.

If an Employee Reports to Work Impaired or Becomes Impaired While at Work - ss. 346.63(7)(a) Wis. Stats.:

No person may operate a commercial motor vehicle or be "on duty time" while having any measured alcohol concentration above 0.0 or within four hours of having consumed or having been under the influence of an intoxicating beverage.

No supervisor may knowingly allow any employee to operate a commercial motor vehicle if the supervisor suspects that the employee is in an impaired state; under the influence of alcohol or other drugs. The supervisor shall confront the employee and have another supervisor confirm and document the suspicion of impairment. The supervisor shall have the right to utilize every means possible to determine the employee's condition including drug testing. If the employee is determined to be under the influence, the employee is suspended without pay pending an investigation where appropriate disciplinary action up to and including termination could be imposed.

Discharge of Drunk Drivers - ss. 346.64 Wis. Stats.:

The City shall discharge from employment any operator of a commercial motor vehicle convicted of operating while intoxicated committed while operating a commercial motor vehicle.

CDL-occupational license ss.343.10 Wis. Stats.:

Should a City of Waukesha employee be convicted of an offense in their private motor vehicle which would result in suspension or revocation of their commercial driver's license, the employee would be placed on an unpaid leave of absence for a period of sixty (60) calendar days and be subject to the disciplinary process. **No occupational license is available for a disqualified operator.**

~~The employee would be expected to seek and obtain a CDL Occupational License. The CDL Occupational License would give the employee the privilege of driving a commercial motor vehicle during hours and at locations specified in a petition filed with the court.~~

~~If a CDL Occupational License is obtained sometime within the sixty (60) day period, the employee may return to work immediately but still be subject to the disciplinary process.~~

~~If the CDL Occupational License cannot be obtained within the sixty (60) day period, the unpaid leave of absence will be extended for six (6) months from the date of conviction.~~

If **the commercial driver's license** ~~an CDL Occupational License~~ is obtained sometime within the six (6) month period, the employee will wait for the next available opening in his/her former classification to return to a City position.

If the **commercial driver's license** ~~CDL Occupational License~~ cannot be obtained within ~~a~~ the six (6) month period, the employee is terminated six (6) months from the date of the conviction of the offense.

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Leaves of absence exceeding thirty (30) days shall result in an adjustment of the employee's seniority date.

Passed this _____ day of _____ 2018.

Approved this _____ day of _____ 2018.

Mayor

ATTEST:

City Clerk/Treasurer