# Policy 0510

## From Human Resources

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| **PERSONNEL POLICY MANUAL** |
| **MoDOT Personnel Policy Title**: Commercial Driver's License<br>**Policy Number**: 0510 **Chapter Title**: Employment<br>**Effective Date**: June 15, 2015<br>**Supersedes Policy Number**: 0510 **Dated**: September 1, 2014 |
| **Approved By**: Micki Knudsen, Human Resources Director<br>(Signature on file) |

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## POLICY STATEMENT

As required by the Commercial Motor Vehicle Safety Act, state legislation was enacted requiring everyone who operates a commercial motor vehicle to have a Commercial Driver's License (CDL). The specific class of CDL required depends upon the type of commercial motor vehicle operated.

## DEFINITION

Upgrade: To increase licensing qualifications by either acquiring a higher class of license or by acquiring additional endorsements and/or acquiring no air brake restriction status.

Interstate Designated Status: Either excepted or non-excepted as defined below:

Excepted Interstate: "A person must certify that he/she operates or expects to operate in interstate commerce, but engages exclusively in transportation, … and is therefore not required to obtain a medical examiner's certificate …" 49 C.F.R., Section 383.71(b)(1)(ii). MoDOT work in a MoDOT CDL vehicle falls under this definition.

Non-Excepted Interstate: "A person must certify that he/she operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R. part 391, and is required to obtain a medical examiner's certificate…" 49 C.F.R., Section 383.71 (b)(1)(i). This definition may apply if an employee is using his/her CDL in a capacity other than performing MoDOT work in a MoDOT CDL vehicle.

## PROCEDURES

1. Employees in the following categories are required to obtain a CDL:

A. All employees who operate field equipment with a gross vehicle weight rating greater than 26,000 pounds. Employees in this category are required to obtain at least a Class B CDL with no air brake restriction, tanker endorsement, and interstate designated status; however, they are encouraged to upgrade to a Class A CDL while maintaining the no airbrake restriction, tanker endorsement and interstate designated status to allow more flexibility in terms of equipment operation. To meet equipment operation requirements, some employees may be required to obtain a Class A CDL while maintaining the no air brake restriction, tanker endorsement, hazardous material endorsement, no manual transmission restriction, and interstate designated status. Each respective district/division/office will determine which employees fall into this category.

B. Employees in divisions other than the maintenance division who operate field equipment with a gross vehicle weight rating greater than 26,000 pounds during emergency snow removal. Employees in this category are required to obtain a Class B CDL with no air brake restriction and interstate designated status. Each respective district/division/office will determine which employees fall into this category. To meet equipment operation requirements, some employees may be required to obtain a Class A CDL with no airbrake restrictions and interstate designated status.

2. Employees who are in jobs that require a CDL are responsible for maintaining their driving status. Should an employee have a loss of driving privileges or fail to maintain the required CDL status as stated in paragraph 1A or 1B of this policy, the department will follow procedures as described in Personnel Policy 2509, "Driving Privileges".

3. Due to the unique work requirements that divisions/districts/offices experience, the time limits for obtaining a CDL stated in this personnel policy may vary, but in no case can it exceed those time limits as listed below.

Employees may apply for a CDL instruction (temporary) permit through the Missouri Department of Revenue after passing the appropriate written tests. This temporary permit allows an employee to operate department CDL equipment, but only when a fully licensed CDL employee is also in the vehicle. Employees with a CDL instruction permit cannot operate a CDL vehicle by themselves.

The following procedures outline when employees are required to obtain their CDL:

A. Salaried Employees

Salaried employees hired into a position where their normal work duties require the operation of field equipment (paragraph 1A) must pass all of the required written tests for the CDL, including any required endorsements and restriction tests prior to their hire date, but they have up to 60 days after their hire date to obtain interstate status and to pass the driving portion of the CDL exam. All salaried employees who do not obtain their CDL and/or interstate status within 60 days from employment will be released from employment or may be transferred to a job not requiring a CDL, at the district's/division's discretion and if such job is available. It is not intended for districts/divisions/offices to create positions specifically for this purpose.

Salaried employees hired into a position that requires the operation of field equipment only for purposes of snow removal duties (paragraph 1B) must obtain interstate status, pass all of the required written tests of the CDL (including the no air brake restriction test), and pass the driving portions of the CDL exam by the end of their probationary period. In some cases, districts/divisions/offices may request that the probationary period be extended to allow additional training time.

Employees who refuse to obtain their CDL or perform snow removal duties will be subject to disciplinary action, up to and including dismissal.

B. Emergency Employees

Emergency employees included under the provisions of paragraph 1B must pass the required written tests of the CDL exam (including the no airbrake restriction test) and have interstate status prior to the effective date of employment. In addition, the only allowed working time, prior to receiving their full CDL, will be time necessary for snow removal training and/or taking the CDL driving test. These employees will not be allowed to begin emergency work assignments until they have obtained their full CDL.

C. Seasonal Employees

Seasonal employees included under the provisions of paragraph 1A must pass all of the required written tests of the CDL exam (including any required endorsement and restriction

tests) prior to their hire date, but they have up to 60 days after their hire date to obtain interstate status and pass the driving portion of the CDL exam.

Seasonal employees included under the provisions of paragraph 1B must pass all of the required written tests of the CDL exam (including the no air brake restriction test) the driving portions of the exam, and obtain interstate status prior to the next snow removal season.

Seasonal employees who refuse to obtain their CDL or to perform snow removal duties will be subject to disciplinary action, up to and including dismissal.

D. Summer Employees

Summer employees are not required to obtain a CDL.

E. Promotions/Transfers

If an employee is in a position not requiring a CDL and is promoted or transferred into a position requiring a CDL, the employee will not have to obtain a CDL prior to the effective date of the promotion or transfer. The employee will be given a conditional offer and must pass all of the required written tests of the CDL (including any required endorsements and restriction tests) the driving portions of the CDL exam, and obtain interstate status as soon as practical, but no later than 60 days after the effective date of the promotion or transfer for employees covered in paragraph 1A, and the start of the next snow season for employees covered in paragraph 1B.

For employees who currently possess a CDL and are promoted or transferred into a position that requires their CDL to be upgraded, the employee will be given a conditional offer until they obtain the upgraded CDL. The employee must obtain the upgraded CDL no later than 60 days after the effective date of the promotion or transfer.

If the above employees fail any portion of the CDL exam, they may be allowed to remain in the job they held prior to the promotion or transfer if not refilled, or to another job not requiring a CDL or an upgraded CDL.

F. Transfers From Wage To Salaried Status

Employees who transfer from a wage to salary status (in the same job title) have the same CDL requirements as other salaried employees in that job title as covered in paragraph 3A above.

4. Reimbursement Eligibility

The department will not reimburse any fees or costs to obtain or renew a license or endorsement that was the result of employee driving convictions or other violations of law.

A. Initial CDL

Salaried employees, seasonal employees, wage to salary transfers and emergency employees will not be reimbursed for the initial cost of obtaining a CDL. Although summer employees are not required to obtain a CDL, it may be to the department's advantage if summer employees obtain a CDL. In these cases, with approval of the appropriate district engineer or division leader/state engineer or appointed designee, the department will reimburse all costs for obtaining a CDL except the regular license fee.

Any employee whose current job does not require a CDL, but is subsequently required by the department to obtain a CDL license or a specific endorsement for a business need, will be eligible for reimbursement as follows. Reimbursement will include all costs for obtaining the CDL except the regular license fee. In such cases, reimbursements for any subsequent renewals are not automatic and are to be reviewed by the department to determine whether or not it is still necessary for the employee to have the CDL and/or endorsements. Final authority for approval resides with the appropriate district engineer or division leader/state engineer.

B. Renewals and Upgrades:

Salaried employees, wage to salary transfers, and seasonal employees who are required to have a CDL and/or related endorsements will be reimbursed for all costs to obtain their CDL renewal except for the cost of the regular license fee.

Seasonal employees who are not employed with the department at the time their CDL license was renewed but are subsequently rehired, will be eligible for reimbursement for all CDL costs except for the regular license fee, provided their re-employment is no more than six months from the renewal date of the license and as long as reimbursement has not been made by another employer.

Emergency employees are not eligible for reimbursements of renewals or upgrades.

When an employee is selected to fill a position that requires his/her CDL to be upgraded, or when an employee desires to upgrade his/her CDL for future promotional purposes, or if a change in equipment or other changes by the department would require his/her CDL to be upgraded, reimbursement will be for all costs required to obtain the upgraded CDL except the regular license fee.

C. Other Costs or Fees:

The Missouri Department of Revenue requires CDL licenses be kept up-to-date regarding the operator's home address. Employees who have a change of address due to a transfer initiated by the department will be eligible for reimbursement for the cost of obtaining a new CDL license to keep it current. The cost of a new CDL license will not be reimbursed when employees or the postal service initiates address changes or an employee has a name change.

The department will not reimburse any costs or fees for obtaining duplicate licenses or for taking medical certification exams.

D. Forms and Documentation:

Reimbursement can be obtained by completing Form FS-563 and providing a receipt or, if available, an itemized receipt from the licensing office. Reimbursements (including permits) will be made only after the license is obtained.

5. CDL Testing Procedures

Salaried employees, seasonal employees, wage to salary transfers, and employees who are required or volunteer to have their CDL upgraded due to promotion or transfer, will be allowed to take the CDL written exams as many times as necessary; however, they will be granted paid time off for not more than three test sessions. In addition, the maximum time off allowed will be four hours per session. If an employee is unsuccessful after three test sessions, the employee must utilize vacation or compensatory time or, in the case of wage employees who do not earn vacation or compensatory time, take time off without pay to take the test.

The above employees may take the driving portion of the CDL exam in department vehicles. The Missouri State Highway Patrol administers both the written and driving portions of the CDL exam. On renewals of a CDL, there are no written or driving tests required except in the case of a hazardous materials endorsement. In this case, employees must retake the written portion of the exam that pertains to hazardous materials. As noted above, employees will be allowed paid time off to take the hazardous materials endorsement written test for up to three times at no more than four hours per test. No paid time off will be granted for renewals except to take the exam for hazardous materials.

Emergency employees will have already passed the written test prior to the effective date of employment. They will, however, be allowed three attempts to take the CDL driving test in department vehicles. If they have not passed within three attempts, their employment will be terminated and they will not be considered again for employment unless they obtain a full CDL at their expense.

## CROSS REFERENCES

Personnel Policy 2509, “Driving Privileges”

Commercial Motor Vehicle Safety Act (http://www.reginfo.gov/public/do/DownloadDocument?documentID=8873&version=1)

49 C.F.R., Section 383.71(b)(1)(ii) (http://www.gpo.gov/fdsys/granule/CFR-2011-title49-vol5/CFR-2011-title49-vol5-sec383-71/content-detail.html)

## FORM

Employee Invoice, Commercial Driver's License.” (http://sharepoint/facilitation/HR/Administration/_layouts/WordViewer.aspx?id=/facilitation/HR/Administration/Admin%20Documents/0510%20FAQ%27s%20%286-15-15%

29.docx&Source=http%3a//sharepoint/facilitation/HR/Administration/Admin%2520Documents/Forms/AllItems.aspx&DefaultItemOpen=1)

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