


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

Memorandum

subject: Loss of Driver's License

date: June 13, 2014

to: All Employees

from: Vicki Arpin 
Agency Human Resources Administrator

PERSONNEL MEMORANDUM NO. 90-2 (REVISED and REISSUED from July 9, 2012)

The purpose of this memorandum is to update existing policy concerning the loss of driver's licenses for both CDL and non-CDL license holders and to inform Connecticut Department of Transportation (CTDOT) employees of the impact of a loss of driver's license on their jobs. This policy applies to all CTDOT employees who drive as a part of their regularly assigned job duties and responsibilities who may lose their driver's license for any reason. For the purposes of this memorandum, "loss" of driver's license refers to restriction, suspension, revocation, disqualification or any other invalidation of a driver's license.

Any employee who drives as a part of regularly assigned job duties and responsibilities whose license is restricted, suspended, revoked, disqualified, or invalidated for any reason **must** immediately notify his/her supervising manager of any incident involving or loss of the employee's driver's license if the incident/loss (hereinafter "action") occurs while the employee is working or no later than the start of the next business day following the action if it occurs during non-work hours. Failure to notify the supervising manager of any action related to the driver's license within the allotted time may result in disciplinary action up to and including termination. The obligation to report any action regarding the license of a CDL operator is clearly indicated in [Federal Motor Carrier Regulations 49 CFR § 383](#) and [Connecticut General Statutes §14-44j](#). Failure to report any action will result in discipline up to and including termination and ineligibility to resign in good standing.

Once notified, supervising managers must immediately inform their manager who must notify their Human Resources Liaison. Employees and their supervising managers are responsible for keeping their chain of command informed of the status of the employee's driver's license throughout the process and any change in the circumstances regarding the license. Failure of supervising managers in the chain of command to notify their manager or HR Liaison may result in severe disciplinary action.

Any loss of or restriction on the employee's driver's license will result in a fact-finding and discipline up to and including termination. Unique situations, which do not correspond with any of the following sections, will be evaluated on a case-by-case basis and will be handled consistent with the intent of the provisions outlined below. Loss of license, combined with potential violations of other Department policies, will be handled in accordance with all applicable policies and may result in more severe discipline up to and including termination.

1. Loss of License during Initial Working Test Period - An employee who drives as part of regularly assigned job duties or responsibilities whose driver's license is restricted, suspended, revoked, disqualified or invalidated for any reason such that the employee cannot perform the driving functions of his or her job during the initial 6-month working test period will be considered to have failed that working test period and will be terminated.
2. Loss of License for 90 Days or Less
A permanent employee who drives as part of regularly assigned job duties or responsibilities who loses his or her license for 90 days or less will be reassigned to non-driving duties either at their current work location or to one within a reasonable traveling distance from his or her home. Since the employee cannot perform all of the duties and responsibilities of his or her job, a fact-finding will be conducted and if determined appropriate, disciplinary action at a minimum level of a written warning will result.

The employee may lose the opportunity for overtime because of his or her inability to drive. A loss of driver's license for 90 days or less and any resulting discipline will be reflected on the next service rating as a "Fair" rating in the "Other Elements," "Dependability," or "Cooperativeness" category, with a notation "loss of driver's license for 90 days or less."

It will be the employee's responsibility to commute to and from work and to report for any overtime work as assigned. Any application for a [Special Operator's Permit](#) from the Department of Motor Vehicles (DMV) must be submitted to the CTDOT's Safety Division in Newington for completion and approval. An employee whose job requires a non-CDL license may be returned to his or her permanent job if and when granted a [Special Operator's Permit](#) which allows the employee to perform all of the duties and responsibilities of his or her job. In accordance with [DAS General Letter 115](#), such employee will be precluded from driving any State vehicle while there are restrictions on his or her license. Concurrent with the request to DMV for a Special Operator's Permit, the employee must sign an acknowledgement that he or she will maintain his or her personal vehicle(s) in compliance with any restriction/requirements placed on him or her by the DMV or through the judicial process in order to operate a vehicle in the State of Connecticut. This acknowledgement shall include notice that failure to meet this criteria in the performance of his or her job duties or responsibilities shall result in disciplinary action up to and including termination.

The Department will not consider any request to accommodate installation of ignition interlock systems or other attachments in State vehicles to permit driving for employment purposes. Use of a personal vehicle with an installed interlock ignition system for State business will be evaluated on a case-by-case basis. The Department assumes no liability or responsibility for installing, maintaining or ensuring the use of any devices on a personal vehicle.

In addition to the above, an employee who drives as part of regularly assigned job duties or responsibilities in a promotional working test period who loses his or her license for 90 days or less will have their working test period extended for a length of time equivalent to the time his or her duties are restricted and any disciplinary suspension that may occur.

3. Non-CDL Driver – Loss of License for more than 90 Days

An employee who drives as part of regularly assigned job duties or responsibilities that does not require a CDL license who loses his or her driver's license for more than 90 days may apply for a [Special Operator's Permit](#) from the Department of Motor Vehicles, which must be submitted to the CTDOT's Safety Division in Newington for completion and approval. While the application is pending and for a maximum of 90 days, the employee will be reassigned to non-driving duties either at his or her current work location or to one within a reasonable traveling distance from his or her home. It will be the employee's responsibility to commute to and from work and to report for any overtime work as assigned. The employee may lose the opportunity for overtime because of his or her inability to drive. A fact-finding in addition to any resulting disciplinary action will be held in abeyance until the first of these actions occur:

- a. the Special Operator's Permit is granted by the 90th day of the loss of license allowing the employee to perform his or her full duties on or before the 91st day after the loss of license;
- b. the employee, in writing, states that he or she will not apply for a Special Operator's Permit or fails to apply for a Special Operator's Permit by the 90th day of the loss of license;
- c. the Special Operator's Permit is denied by DMV;
- d. the Special Operator's Permit is granted by the 90th day of the loss of license but with restrictions which do not allow the employee to perform his or her full duties or responsibilities on or before the 91st day after the loss of license;

- e. the Special Operator's Permit is not granted by the 90th day of the loss of license.

If the Special Operator's Permit is granted to a non-CDL driver who drives as part of regularly assigned job duties or responsibilities, the employee must sign an acknowledgement consistent with item #2 above and may be returned to his or her permanent job. Since the employee was unable to perform all of the duties and responsibilities of his or her job for a period of time, a fact-finding and disciplinary action will result. The loss of driver's license and any resulting discipline under this paragraph will be reflected on the next service rating as a "Fair" rating in the "Other Elements," "Dependability," or Cooperativeness" category with a notation "loss of driver's license for more than 90 days."

An employee whose job duties or responsibilities require a non-CDL license and who loses his or her driver's license for more than 90 days will be terminated from State service if a Special Operator's Permit allowing him or her to perform all of the duties and responsibilities of his or her job on or before the 91st day after the loss of license is not granted.

4. CDL Driver – Loss of License for more than 90 Days

Employees whose regularly assigned job duties or responsibilities require them to drive with a CDL license and who lose their driver's license for more than 90 days will be terminated from State service.

Separation Process

Except as provided in paragraph 2 of this Policy, employees may resign in good standing in lieu of being terminated, by submitting a written letter of resignation to their supervising manager. For future use, permanent employees who resign may choose to complete a Rescind of Resignation Request form and send it to the Department of Administrative Services (DAS) within one year of resignation (see Department of Administrative Services General Letter 177).

Reemployment Process

Permanent employees who resign may be considered for reemployment within two (2) years of their separation of employment as appropriate positions become available, provided that their driver's license is reinstated, the employee has informed the Department of any developments throughout the licensing process, and the applicant otherwise meets all employment requirements. If the loss of license was for driving under the influence of alcohol and/or drugs (DUI), in order for a CDL driver to be eligible for reemployment, he or she must also have taken positive successful steps to deal with his or her alcohol and/or drug problem, which must be confirmed by the Department's EAP Coordinator; pass a pre-employment drug/alcohol test; and must sign a stipulated agreement that includes, but is not limited to, agreement to submit to unannounced drug and alcohol testing.

If re-employed, the employee must successfully complete a special six (6) month probationary period. This probationary period will be treated as an initial working test period under the contract. An employee who loses his or her license at any time after having been reemployed in accordance with the above provisions will be terminated with no "reemployment" rights.

Employee Assistance Program (EAP)

Employees with drug and/or alcohol related problems are advised and encouraged to seek the help of the Department's Employee Assistance Program (EAP). Participation in EAP will not preclude the termination of employment referenced above. For confidential assistance you may contact the Lexington Group EAP at 1-800-676-4357 or visit the website at: <http://www.the-lexington-group.com>.