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ADMINISTRATION**

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To: Constitutional Officers, State Agency Heads, University of Wisconsin System Officials

From: Patrick Farley, Administrator
Division of Enterprise Operations 

Re: State Vehicle Minimum Driving Standards

Date: June 28, 2005

On May 6, 2005 Secretary Marc Marotta issued a Fleet Driver Policy Directive to you outlining when drivers should have their privileges of driving a state vehicle suspended.

I am forwarding to you with this correspondence a document titled "Minimum Driving Standards and Driver Disqualification or Exemption". This document supports the May 6 directive and provides more specific details regarding the implementation of the directive.

We have greatly appreciated the efforts made by agency staff in complying with the directives and in supporting the effort to update the data in the state Fleet Anywhere database. We trust that we will continue to have your support as we fully implement the Minimum Driving Standards and the May 6th directive.

Please contact Rollie Boeding, Director of the Bureau of State Risk Management, 266-1866 or John Marx, Director of the Bureau of Enterprise Fleet, 267-7693, if you have any questions regarding the enclosed document.

Enclosure

CC: Administrative Officers Council Members
Fleet Managers
Agency Risk Management Contacts
Agency Human Resource Directors

Minimum Driving Standards (MDS) and Driver Disqualification or Exemption

Sections 1.1 through 1.5 of the Fleet Driver and Management Policies and Procedures, effective 11/17/04, specify who may drive a state vehicle. The purpose of the following information is to provide agencies with guidance on applying the minimum driving standards, driver disqualification, and/or exemption. The policies referenced reflect minimum requirements and agencies may have stricter driving standards and criteria for disqualification or exemption.

Only state employees, authorized University of Wisconsin System students and other authorized agents of the state may drive a state vehicle.

Reviewing driver records

Agencies are to check the driver records of those people who have submitted Vehicle Use Agreements (VUA). Agencies with direct access to the Wisconsin DOT database will be responsible for checking their own employees' driving records. Agencies without direct access will request that DOA Central Fleet check driving records upon submission of a VUA or prior to hire.

NOTE: The driver record of a potential new hire who must drive a state vehicle in order to perform routine job duties should be checked for compliance with the Minimum Driving Standards and driver qualifications prior to the agency offering the position. However, the agency may offer such a position with a contingency that the person meets the Minimum Driving Standards and driver qualifications at the time of hire.

Refer to Sections 1.1 through 1.5 of the State Fleet Driver and Management Policies and Procedures Manual for details on the minimum driving standards. Minimum standards are as follows:

- ✓ Must have a valid operator's license.
- ✓ Must have a minimum of two years licensed driving experience, and
- ✓ Must be eighteen years of age.

Driver disqualification includes:

- ✓ Three or more moving violations and/or at-fault accidents in the past two years
- ✓ An Operating While Intoxicated (OWI)/Driving Under the Influence (DUI) citation within 12 months

Guidance on reviewing the driver records and counting the number of moving violations and/or at-fault accidents in the past two years is as follows:

- An at-fault accident that results in the issuance of a moving traffic violation (such as an accident and a failure to yield right of way violation) should be counted as at least one occurrence. Agencies may have stricter driving standards and criteria for disqualification or exemption.
- Multiple moving violations on the same day will have to be researched to determine if they are separate occurrences or stem from one encounter with law enforcement. Each

occurrence should be counted as one. Two moving traffic violations issued due to the same occurrence (such as speeding and deviating from lane of traffic) should be counted as at least one occurrence. Agencies may have stricter driving standards and criteria for disqualification or exemption.

- An OWI or DUI violation is counted as a moving violation when reviewing entries on a driver record for a two-year period.
- A seatbelt violation issued without any other citations is counted as one occurrence.
- A defective speedometer violation is counted as a moving violation.
- An underage drinking violation that does not involve driving but that appears on the driver record should not be counted as a moving traffic violation.
- The driver record of a person with an occupational license should be carefully checked for license restrictions, as they are very specific on the times and reasons the person may drive. The person's driver record should also be reviewed to determine whether they meet the MDS.
- A driver abstract from the state of issuance will have to be obtained and reviewed for a person with an out-of-state license, military license, or international license. The Wisconsin DOT database tracks only Wisconsin-issued licenses. An agency may obtain the abstract directly or assist the employee in obtaining it. Consult the following website that lists all State Departments of Transportation for further information: <http://www.fhwa.dot.gov/webstate.htm>. Contact the Minnesota Department of Public Safety for driver records in Minnesota and the Illinois Secretary of State for driver records in Illinois. Drivers new to Wisconsin are required to apply for a Wisconsin driver license within 30 days of establishing residency.

Agencies with access to Fleet Anywhere will enter the necessary driver data into Fleet Anywhere. Agencies without access to Fleet Anywhere will request DOA Central Fleet to enter necessary driver data.

As noted above, an agency may be more restrictive in how it counts moving violations and/or at-fault accidents on a driver record. The Office of State Employment Relations (OSER) advises that an agency should be consistent, however, in how it addresses the MDS and driver qualifications but that one agency may differ from another agency. Each agency needs to determine how it will notify the person if they are approved to drive; the person cannot assume they can drive just because they filled out a VUA or were hired.

Denial Notice

If the person does not meet the minimum driving standards or driver qualifications, the agency [typically the Human Resource (HR) office] sends a denial notice to the individual with a copy to the person's supervisor. Suggested language for the denial/disqualification letter is as follows:

You are not eligible to drive a state vehicle. *A review of your driving record at the Wisconsin Department of Transportation has disclosed that you do not meet the State Minimum Driving Standards for the following reason(s):*

- ❑ *No valid driver license*
- ❑ *Under 18 years of age*
- ❑ *Less than two years licensed driving experience*
- ❑ *Three or more moving violations/at-fault accidents in the past two years*
- ❑ *OWI or DUI violation(s) within the past 12 months*

Monthly Driver Notification Report

Drivers must inform their supervisor and agency fleet manager/coordinator in writing, as per the VUA, whenever they become disqualified under the policies. Any change in the status of a driver's record resulting in disqualification or the failure to report such change may result in rescission of the person's privilege to drive a state vehicle.

Once a month the agencies will receive the Driver Notification Report from DOT. This report is generated as a result of an automated review of the driver records of all existing active drivers in Fleet Anywhere (FA). Each agency is responsible for ensuring that Fleet Anywhere is up-to-date with their active employees and does not include drivers who are no longer with the agency. The report is sent to DOA Fleet and the agency fleet offices of DOC, DOT, DNR, UWS and UW-Madison. DOA Fleet will redistribute portions of the report it receives to other major vehicle users that have direct access to the Wisconsin DOT database and that have been delegated this responsibility. These agencies will be responsible for reviewing the reports of their own employees.

Agencies that do not currently have access to the Wisconsin DOT database will have their reports reviewed by DOA Central Fleet. The review process for the reports is listed below:

1. The report indicates if the employee passes or needs to be reviewed for compliance with the MDS. The agency should sort the report by the various review categories.
2. After the first report is received, the agency will cross check the DOT report with their list of people who were exempted from the MDS the previous month to make sure these people do not have something new on their driving record that no longer qualifies them for an exemption.
3. If the report indicates any of the following four review categories, DOA or those agencies with direct access to Fleet Anywhere should immediately change the driving status to "inactive". The agency will then send the driver name to HR or other designated person, who then sends a notice rescinding the person's driving privilege. An agency may choose to review and/or print the on-line driver record of the person but it is not mandatory or necessary that it do so.

Review – No drivers license (includes expired, suspended or revoked status. People with out-of-state, military or international licenses will also be listed under this review category.) The Wisconsin DOT database tracks only Wisconsin-issued licenses. A driver abstract from the state of issuance will have to be obtained and reviewed at least annually for a person with an out-of-state license, military license or international license; an agency may choose to request and review these abstracts more frequently. An agency may obtain the abstract directly or assist the employee in obtaining it. Consult the following

website that lists all State Departments of Transportation for further information: <http://www.fhwa.dot.gov/webstate.htm>. Contact the Minnesota Department of Public Safety for driver records in Minnesota and the Illinois Secretary of State for driver records in Illinois. Drivers new to Wisconsin are required to apply for a Wisconsin driver license within 30 days of establishing residency.

Review – DUI

The driver's agency shall immediately investigate whether the offense was committed while the driver was operating a state vehicle and/or conducting state business. The employing agency will immediately report its findings to the Bureau of Enterprise Fleet Director, Division of Enterprise Operations, Department of Administration. The Bureau of Enterprise Fleet will maintain a record of the findings.

Review – 3 Traffic Violations

Review – Less than 2 years licensed driving experience (does not have to be consecutive years)

4. If the report indicates the review category **Review – 3 Traffic Violations including one or more accidents**, the agency sends the driver name to HR or other delegated person, who then sends a notice rescinding the person's driving privilege but providing them with the opportunity of submitting information which would support that the accident(s) were not their fault. If the driver does not provide the accident information within seven working days from the time of notice, agencies with direct access to Fleet Anywhere should change that driver status to "inactive". Agencies without direct access will notify DOA to change the status to "inactive". An accident may be considered 'at-fault' if the driver's actions contributed to or directly caused the accident. *Just because a citation was not issued to the person does not mean the accident was not their fault.* The agency may also wish to check with their Agency Risk Manager or the Bureau of State Risk Management (BSRM) for information in the Property & Liability STARS database on accidents the driver had with state vehicles that may not have met the accident reporting threshold.
5. Agencies with access to Fleet Anywhere will update driver status in Fleet Anywhere. Agencies without access to Fleet Anywhere will request DOA Central Fleet to update Fleet Anywhere. The agency will maintain documentation on any exemptions that are granted. A driver granted an exemption will remain coded as "active" in FA. Drivers who are marked as "inactive" in FA by an agency will have consistent documentation entered in the FA Comments section, to include date/decision maker/reason for denial/disqualification.
6. The agency will maintain a listing of all drivers who have been granted an exemption and remain "active". The agencies will provide consistent documentation in the FA Comments section, to include date/decision maker/reason for exemption or why the driver should remain active.

Eligibility to reapply again

When a person believes he or she again meets the MDS and driver qualification criteria, it is their responsibility to complete a new VUA and submit it to their supervisor for review. An agency may take a role in initiating the person's completion of a new VUA.

Criteria for Granting Exemptions for the MDS

The Fleet Driver and Management Policies and Procedures allow for agency risk managers in consultation with their agency fleet managers/coordinators to grant exemptions to the Minimum Driving Standards. Approvals for exemptions are to be kept on file at the agency risk management office. If agencies do not have a risk manager or have not been delegated this responsibility from BSRM, the request for the exemption should be submitted from the agency head or deputy to BSRM for approval. Non-delegated agencies should submit all requests for exemption to BSRM for approval.

All agencies have the option of deciding whether or not to grant exemptions. If a delegated agency decides to grant exemptions to the MDS, it must apply consistent criteria for doing so in all cases. A non-delegated agency that decides to request exemptions must also apply consistent criteria in all cases before submitting requests to BSRM for approval.

The minimum driving standards were created to reduce the exposure for vehicle accidents, which could result in employee injuries, property damage and liability claims. Employees who have exhibited poor driving habits by failing to meet these standards increase the potential for accidents and the State's exposure to loss. These standards were created to prevent these employees from driving state vehicles (owned, leased or rented) and thus reducing the potential for accidents, which may injure other individuals and/or our employees and increase exposure to the State.

An exemption may be granted for an employee who fails to meet Minimum Driving Standards and driver qualifications but whose job duties require them to drive a state vehicle. Exemptions should only be considered for an employee who is required to drive a state vehicle in order to perform routine job duties and when agency management can provide sufficient controls to manage the increased risks. Employees who fail to meet Minimum Driving Standards and driver qualifications and who have not been granted an exemption may drive a licensed state vehicle in the event of an emergency or if only on state grounds and not on public roads. An emergency must be declared by the State, an institution or agency management, or exist when the employee must act in order to prevent injury to self or others. An employee with a valid driver's license who fails to meet MDS and driver qualifications and has not been granted an exemption may drive a licensed state vehicle on state grounds in addition to incidental crossing of public roadways.

Agencies that have Risk Managers or that have been delegated this responsibility from BSRM should develop their own criteria that will be used to determine whether an exemption should be granted upon the request of an employee who fails to meet Minimum Driving Standards and driver qualifications. The following guidelines should be considered when agencies are developing their criteria.

- Does the past driving record of the employee indicate the employee has been a safe driver and his/her failure to meet the Minimum Driving Standards and driver qualifications resulted from unusual driving behavior? Or, conversely, does the past driving record indicate the employee has been an unsafe driver and has had habitual and severe driving violations and accidents?
- Is driving a state vehicle fundamental to effective performance of assigned work? Should the employee be restricted to vehicle use on state grounds (not on public roads)? Could the employee be temporarily assigned other duties or permanently transferred or

reassigned to a position that would not require driving a state vehicle? Relevant collective bargaining agreement provisions must be considered, as necessary.

- Can the employee fulfill routine job duties while driving a personal vehicle or does the employee require a specially equipped state vehicle? Should the employee be allowed to drive their personal vehicle for work?
- Can agency management provide reasonable controls to make sure the employee operates a state vehicle safely and within strict compliance of all state laws and regulations?
- Do the control measures considered by management address the violations noted on the driving record? For example, if the employee was charged with DUI the control measures should specifically address this issue. The employee must provide evidence of compliance with any statutory or court imposed requirements such as an alcohol or drug abuse (AODA) assessment and treatment. If the employee is requesting the exemption the employee is responsible for complying with the control measures including any costs associated with compliance.
- Do the control measures considered include attendance, participation and successful completion of any training/education to improve driver's skill, knowledge, attitude, etc.? If the employee is requesting the exemption the employee is responsible for complying with the control measures including any costs associated with compliance.
- Has the employee failed to meet Minimum Driving Standards and driver qualifications and previously been granted an exemption? Employees who have previously failed to meet Minimum Driving Standards and driver qualifications may only be considered for an exemption under unique and special circumstances and with agency and/or BSRM approval.

Exemptions must be documented in writing and outline the terms and conditions of the exemption. The employee must acknowledge in writing receipt of the written document. Exemptions must include an affirmative statement by the employee that they will adhere to state driving laws and take all necessary steps/precautions to drive safely. The exemption terms and conditions must also address the responsibility of reporting any changes in driving status and the fact that future violations during the exemption period may result in the exemption being rescinded.

A sample exemption form follows:

DATE: _____
AGENCY/CAMPUS: _____
EMPLOYEE DRIVER: _____
SUPERVISOR: _____

The employee driver named above does not meet the Minimum Driving Standards and driver qualifications. However, because this employee must drive a state vehicle in order to perform their job duties, an exemption is being requested.

The employee's driving record reflects the following issues: (specify the nature of the violations/accidents)

The employee driver agrees that they will adhere to state driving laws, will take all necessary steps/precautions to drive safely and will immediately notify their supervisor and the agency fleet manager/coordinator in writing if any additional violations/accidents occur.

The employee driver will successfully complete the following training or other actions by the date(s) indicated:

Training /Other Actions	Completion Date
_____	_____
_____	_____

If the employee driver fails to comply with this exemption, it may be rescinded.

By signing below, the employee driver agrees to comply with the terms listed above.

Employee driver signature: _____

Subject to the following signatures, this exception is: approved _____ denied _____

Signatures:

FLEET MANAGER/COORDINATOR: _____

STATE AGENCY RISK MANAGER: _____

BUREAU OF STATE RISK MANAGEMENT (if the agency does not have a risk manager):

Questions should be directed to agency risk management staff or John Vick in the Bureau of State Risk Management at John.Vick@doa.state.wi.us or 608-266-1866.