



**Personnel Department
COUNTY OF SONOMA**

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DEPARTMENTAL MEMO 99-003-P

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TO: Department Heads

SUBJECT: Guidelines to Assist Supervisors in the Management of Employees Losing their Drivers Licenses

I have attached a copy of the Guidelines to Assist Supervisors in the Management of Employees Losing their Drivers Licenses. The guidelines have been distributed and reviewed by employee organizations, as well as by managers.

The guidelines cover possible accommodation of employees losing their drivers licenses, usually due to a driving under the influence violation or failure to make court required contributions for child support.

Please make copies for your staff and retain for future reference.

[Redacted signature]

RICHARD GEARHART
Director of Personnel and
Employee Relations

Attachment

c: Employee Organizations
Administrative Services Officers
Personnel Analysts

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SONOMA COUNTY PERSONNEL DEPARTMENT
GUIDELINES TO ASSIST SUPERVISORS IN THE MANAGEMENT OF EMPLOYEES
LOSING THEIR DRIVERS' LICENSES

BACKGROUND

Vehicle Code Section 13353 requires an automatic four month suspension of a person's California driver's license if they are apprehended driving under the influence. (While the suspension can be temporarily stayed during an administrative appeal process, the person usually ultimately loses their driver's license for four months.) Repeat DUI apprehensions cause loss of the driver's license for longer periods of time.

Driver's licenses are also suspended 60-90 days after a parent fails to make court required contributions for child support.

Persons under age 21 will lose their driver's license for one year if they are found to be driving under the influence.

GUIDELINES ON POSSIBLE ACCOMMODATION OF DRIVER'S LICENSE LOSS

1. If the employee's job requires little or no driving, there should be little or no consequence to the loss of the employee's license. The employee would not be asked to drive on any occasion during a suspension period of up to four months. If little driving is required by the job assignment, other employees could presumably do the occasional driving.
2. Occasional driving can be accommodated by assigning, to other employees, driving responsibilities during the four-month period of time. Alternately, the employee could use a taxi or other commercial transport.*
3. If the employee seldom drives and is not on DMV's Pull Notice Program, but loses their driver's license, the employee should notify management that they are not able to drive on County business.
4. If the employee's job assignment requires substantial driving (that is, it is a critical task of the job which cannot be easily reassigned to other employees) the proposed approach would be that:
 - a. The employee is reassigned to non-driving duties for the four-month period of time and suspended for disciplinary action for loss of the required driver's license for a 40 to 80-hour period of time, or demoted to a non-driving class for the period of the driver's license suspension.
 - b. During that period of time, other employees must be assigned driving duties and/or the employee who has lost his/her license for four months, will be given an office/desk assignment not requiring driving. Alternately, commercial transportation/taxi could be used by the employee.*

* County mileage could be paid to the employee, but family members or friends should not be allowed to drive the employee due to County liability.

- c. Additionally, an EAP referral should routinely be made.
 - d. If no other employee can take over the driving duties, and the employee cannot be driven by commercial transportation/taxi, termination will have to be considered as the employee is not able to perform a critical function of their job. (In some assignments, leave of absence may be an option if requested.)
5. Loss of a driver's license for a period of longer than four months will require one of the following actions:
- a. Demotion to a lower-level class (example: from Maintenance Worker II to Maintenance Worker I), may be offered, if applicable. That is, in some series, the demotion of an employee to a lower classification still does not remove the requirement for driving. Thus, no accommodation can be made in such a case.
 - b. In rare instances, a 40-80 hour disciplinary suspension and a leave of absence may be an option if requested by the employee and approved by the department head for up to six months.
 - c. Dismissal of the employee for inability to do a critical task of the job assignment/classification for a significant amount of time. That is, no County accommodation will be made beyond the four-month period of time.

MANAGEMENT RESPONSIBILITIES

1. Departments with regular driving needs should sign up for DMV's Pull Notice Program which will notify them when an individual employee's driver's license is suspended or revoked. (Call DMV at (916) 657-6346) Only employees who drive on County business should be on the DMV pull list.
2. Verifying the employees loss of a driver's license through a Department of Motor Vehicles check.
3. Review situation and possible approach with Personnel and County Counsel
4. Review the issue and possible approach with employee (include employee organization representative, if requested).
5. Prepare Notice of Intended Disciplinary Action with assistance of County Counsel (demotion/suspension/dismissal) where appropriate.
6. Serve Notice and give employee three to four days to respond (longer if dismissal)
7. Review your decision after Skelly hearing and take appropriate action, filing Notice of Disciplinary Action with Clerk of the Board of Supervisors with a copy to Personnel.