



3.09 DRIVING RECORDS

Purpose

The purpose of this rule is to limit the City's financial risk and to maximize the safety of drivers, passengers, and the public when vehicles are driven on City business. This rule covers only the driving of vehicles; it is not intended to cover the operation of equipment. Bureau managers are responsible for enforcing this rule.

Unless otherwise provided by a collective bargaining agreement or noted herein, this rule defines the minimum standard for all City bureaus. Requests to deviate from this policy must be submitted in writing, reviewed by the Risk Manager, and approved by the Elected Official in charge of the requesting bureau. Nothing herein shall be construed to limit a bureau from setting higher standards as needed to meet the particular needs of that bureau.

It is the responsibility of individual bureaus to notify Risk Management to evaluate driving records in accordance with this administrative rule. Risk Management maintains the responsibility for the development and administration of rules related to safety and loss control issues relating to employees driving City vehicles.

Job Applicant Driving Record Check Procedure

When any position, which will require driving as an essential job function, is being filled, the driving record of all applicants under consideration shall be subject to evaluation. This rule applies to permanent, temporary and seasonal appointments. The following procedure shall be used.

1. All recruitments for positions requiring driving as an essential job function shall be identified prior to any job announcement.
2. All applicants for such positions shall be notified on job announcements of the City of Portland's driving record policy and requirements.
3. Prior to making a job offer, the hiring bureau must ensure that the applicant submits a current driving record to Risk Management. Risk Management will evaluate the record, as noted below, and advise the bureau whether the applicant is eligible for hire.
4. The applicant's driving history shall be compared to the City standard to ensure they meet the standard. The Citywide standard is attached as [Supplement A](#) to this rule.
5. If an applicant does not meet the city's driving record standard, their name shall remain on the eligible list but they may not be considered at that time for a job requiring driving as an essential function.

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6. Any applicant not meeting the driving record requirements shall be notified in writing by the Bureau of Human Resources of their failure to meet the City standard. The notification should include a copy of the City's Driving Record Policy and clarification that their name shall remain on the eligible list until they are able to meet all application requirements or until such time that the eligible list is expired.
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**DMV Record Evaluation
Form (Pre-Employment)**

The DMV Record Evaluation Form attached as [Supplement A](#) to this rule is the standard used citywide to determine applicant eligibility with regard to applicants' driving history. (The supplement is not part of the binding human resources administrative rule).

**Administrative Rule
History**

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised October 15, 2002
Revised July 9, 2007

Administrative Rule 3.09 - SUPPLEMENT A

Motor Vehicle Record Evaluation

As of the date of this evaluation, applicant:

- Meets good driver criteria
 DOES NOT meet good driver criteria

This form shall be applied to any employment position that is being filled in which driving is an essential job function¹ and to all other designees² (as defined by Administrative Rules 3.09 and 4.13) authorized by any bureau to drive on City business or operate a City-owned or leased vehicle.

Bureau: _____

Bureau contact: _____ Ext: _____

Applicant's name: _____

Driver's license number: _____

Date of motor vehicle record: _____

The applicant must hold a valid drivers license: **Yes** (Pass) **No** (Disqualified) (dated within 30 days of evaluation)

Category	Type of offense	Allowance (as applied from date of conviction to date of evaluation)	Description	Date of conviction ⁴	Points (circle all that apply)
I.	Any traffic crime ³ the applicant was convicted of within the last 36 months:	None allowed	1.		<input type="checkbox"/> Disqualified
	All traffic crimes the applicant was convicted of within the last 60 months:	1 within the past 60 months	1.		2
		2 or more within past 60 months are not allowed	2.		<input type="checkbox"/> Disqualified
II.	All Class A, B or C traffic violations ⁵ that the applicant has been convicted of as a driver, owner, or operator of a vehicle, and conviction of any traffic violations listed under OAR 735-064-0220 ⁶ :	1 within the past 12 months	1.		1
		2 or more within the past 12 months are not allowed	2.		<input type="checkbox"/> Disqualified
		2 within the past 36 months	1.		1
			2.		1
	3 or more within the past 36 months are not allowed	3.		<input type="checkbox"/> Disqualified	
III.	Any Class D traffic violations ⁷ that the applicant has been convicted of that are not listed under OAR 735-064-0220, and conviction of any traffic violation listed under OAR 735-072-0035 ⁸ .	2 within the past 12 months	1.		1
			2.		1
		3 or more within the past 12 months are not allowed	3.		<input type="checkbox"/> Disqualified
			3 within the last 36 months	1.	
		2.			1
		3.			1
	4 or more within the past 36 months are not allowed	4.		<input type="checkbox"/> Disqualified	
IV.	Diversion Agreement ⁹ :	Completed	No more than 1 within the past 120 months		2
		Not Completed	None allowed		<input type="checkbox"/> Disqualified
TOTAL POINTS OF ALL CATEGORIES: (may not exceed 3 points or the applicant does not meet good driver criteria)					

Evaluation completed by: _____

Date of evaluation: _____

Definitions and examples:

- "Essential job function"** means that driving is required to do the job as indicated on the job description.
- "Other designee"** means any person authorized by a bureau to drive a City vehicle. Examples include, but may not be limited to, vendors and contractors working on behalf of the City, participants in official City business and programs, officers and agents representing the City, representatives of other governmental agencies working within the City, and volunteers who enter into the service of the City by their own free will and without pay, *Administrative Rule 4.13, Vehicle Loss Control Program*.
- "Traffic crime"** means a conviction of any traffic offense that is punishable by a jail sentence, *ORS 801.545*. Examples include, but are not limited to: criminal driving while suspended; reckless driving; driving under the influence of intoxicants; and, failure to perform duties of a driver to injured persons in the event of a collision.
- "Conviction"** means finding or determination of guilt based on a plea of guilt or equivalent (such as a no contest plea) or a verdict of guilt.
- "Class A, B or C Traffic Violations"** means conviction of a traffic offense that is designated as a traffic violation in the statute defining the offense, or any other offense defined in the Oregon Vehicle Code (or its equivalent in any other state) that is punishable by a fine but that is not punishable by a term of imprisonment, *ORS 801.557*. Examples include, but are not limited to: violation of the basic rule; failure to obey a traffic control device; illegal U-turn; driving while uninsured; and driving a vehicle without driving privileges.
- "OAR 735-064-0220"** refers to Type A Traffic Offenses which fall under the Oregon Department of Motor Vehicles Adult Driver Improvement Program.
- "Class D Traffic Violation"** means conviction of a traffic offense that is designated as a traffic violation in the statute defining the offense, or any other offense defined in the Oregon Vehicle Code (or its equivalent in any other state) that is punishable by a fine but that is not punishable by a term of imprisonment, *ORS 801.557*. Examples include, but are not limited to, unlawful use of a disabled parking permit or parking space; failure to notify of name and/or address change; and, no or defective equipment (examples: brakes, rearview mirror or windshield wipers).
- "OAR 735-072-0035"** refers to Type B Traffic Offenses which fall under the Oregon Department of Motor Vehicle's Adult Driver Improvement Program.
- "Diversion agreement"** means a conviction of Driving While Under the Influence of Intoxicants (DUII) until completion of a court-approved program as set forth in ORS 813.250. Please contact Risk Management at 823-5101 for further information.