

CF OPERATING PROCEDURE
NO. 60-12

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, October 17, 2011

DRIVER'S LICENSE AS A CONDITION OF EMPLOYMENT

1. Purpose. This operating procedure establishes a uniform process for designating a position as requiring possession of a valid driver's license; and for verifying that applicants for such positions and incumbents of such positions have and maintain a valid driver's license.
2. Scope. This operating procedure applies to positions assigned to the Career Service, Selected Exempt Service, and Other Personal Services (OPS) within the Department of Children and Families.
3. References.
 - a. Section 60L-33.002(2), Florida Administrative Code.
 - b. CFOP 60-20, Chapter 1, Classification and Organizational Changes.
 - c. CFOP 60-55, Chapter 1, Standards of Conduct and Standards for Disciplinary Action for Department Employees.
 - d. Americans with Disabilities Act of 1990.
 - e. Part 1607, Federal Uniform Guidelines on Employee Selection Procedures (1978).
4. Definitions.
 - a. Employment Decisions. For purposes of this operating procedure, includes hiring, promotions, reassignments, transfers, demotions, membership in a collective bargaining unit, referral and retention.
 - b. Essential Function. Job responsibilities that an incumbent in a position must be able to perform, with or without reasonable accommodation.
 - c. Job Analysis. A process in which information about a specific job is collected and analyzed.
 - d. Qualified Individual. An individual who meets the skills, experience, education and other job related requirements of a job and who, with or without reasonable accommodation, can perform the essential functions of that job.
 - e. Selection Procedure. Any measure, combination of measures, requirement or procedure which is used as a basis for any employment decision.
 - f. Valid Driver's License. Possession of a current Florida driver's license for anyone residing in the State of Florida; or a current driver's license from another state if the employee resides in another state but is employed in the State of Florida.

This operating procedure supersedes CFOP 60-12 dated January 5, 2004.

OPR: OSHR
DISTRIBUTION: A

5. Policy.

a. Driving without a license is a serious violation of the law, punishable by fine and/or incarceration. Department employees who operate motorized vehicles while on duty without a valid license do so at risk to themselves, possibly to clients of the Department, other state employees and agencies, and to the general public, and are subject to disciplinary action up to and including dismissal.

b. When it has been determined by the supervisor/manager in consultation with the servicing human resources office that possession of a valid driver's license is required in order to perform the essential functions of a position, the requirement shall be included in the employee's official Position Description in accordance with CFOP 60-20, Chapter 1, Classification and Organizational Changes.

c. Once a position has been designated as requiring a valid driver's license, the requirement shall be input into the People First system, and the employee shall be required to maintain a valid license as a condition of employment.

d. Job advertisements for such positions shall indicate that possession of a valid driver's license is required for consideration for the position.

e. The incumbents or successful applicants for all positions which are so designated must be notified of the requirement and sign a receipt (form CF 777, available in DCF Forms) to acknowledge that they have been given a copy of the operating procedure and understand their responsibilities for reporting any change in their driving status. These receipts will be placed in the employee's official personnel file.

f. Employees in such positions who fail to maintain a valid driver's license for any reason will be removed from any driving duties and will be subject to dismissal as a result of inability to perform assigned duties and responsibilities. The supervisor should consult with the servicing human resources office to determine the appropriate action to take given the specific circumstances, such as, how long the employee will be without a license, whether there are other employees who are available to drive, the workload, etc. Dismissal may be necessary to meet operational requirements, but efforts may be made by the supervisor/manager and/or servicing human resources office to assist an employee in finding alternative employment, which the employee qualifies for, if there are vacant positions available. The responsibility for finding alternative employment rests with the employee.

(1) Employees whose position requires a valid driver's license but their license becomes invalid for whatever reason shall immediately report such status to their supervisor. The supervisor shall notify the servicing human resources office and the next level supervisor.

(2) If the employee is retained in the position, upon reinstatement of driving privileges the employee shall provide documentation to their supervisor. The supervisor shall notify the servicing human resources office and the next level supervisor.

6. Verification of Possession of Valid Driver's License.

a. Positions designated as requiring a valid driver's license as a condition of employment shall be monitored by the Department using the Florida Department of Highway Safety and Motor Vehicles (HSMV) for licensed Florida drivers. Out of state driver's licenses cannot be accessed on-line and possession must be documented through the individual motor vehicle departments.

(1) The servicing human resources office shall access the official driving record of all successful applicants for any position which has been so designated to determine if the candidate possesses a valid driver's license. This shall be done prior to making an offer of employment.

(2) The Headquarters Information Systems office shall facilitate the electronic access to HSMV driving records for the Department.

(3) Once each quarter, the Headquarters Human Resources office shall obtain an electronic file from HSMV to monitor whether employees in designated positions have maintained possession of a valid Florida driver's license and send findings to the regions, facilities and headquarters.

b. There may be some employees in positions whose essential functions do not require possession of a valid driver's license, but who may be asked to transport clients or drive a state vehicle on an occasional basis. Prior to requesting that such an employee perform such duties, the servicing human resources office staff, transportation department staff or other delegated authority will access the employee's official driving record to ensure that the employee has a valid driver's license. A determination that the employee does not have a valid driver's license shall not be used as the basis for any adverse personnel action.

7. Security and Integrity.

a. Access to the HSMV Vehicle and Driver Files should be limited to include only those employees who have a need in order to perform their duties.

b. Access to HSMV files shall be used for official use only and security shall be maintained within each region and facility in accordance with Section 282.318, Florida Statutes (F.S.).

c. Employees authorized access to this data shall safeguard and maintain the confidentiality of all information received. This information shall only be used for the purpose of carrying out duties and responsibilities outlined in this operating procedure.

(1) Information obtained from Vehicle and Driver Files cannot be sold or given to anyone, unless specifically authorized by HSMV.

(2) Employees shall not print their own records or examine driver histories for their own personal benefit.

(3) These records cannot be furnished to business entities.

d. Section 322.20, F.S., requires that a fee be paid to HSMV if information is used for personal reasons. Violation of this requirement, if discovered, could result in termination of access to the agency.

e. Any employee with authorized access to the HSMV Vehicles and Driver Files who violates the provisions of this section will be subject to disciplinary action in accordance with Department policy.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

DENNISE G. PARKER
Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIALS

This revision includes minor changes intended to make the operating procedure more concise and reader usable. It also adds a reference to new CFOP 60-20, Chapter 1, Classification and Organizational Changes.