

Town of Guilford  
223 Marble Road  
Guilford, NY 13780

## POLICY AND PROCEDURE

### Annual Driving Record Review Policy

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Policy: It is the policy of the Town of Guilford to assure that employee drivers of the Town of Guilford maintain a current unrestricted New York operator's license in accordance with the following policy.

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#### Procedure:

1. Each employee driver of the Town of Guilford shall at all times maintain a current unrestricted New York operator's license. Any employee driver failing to maintain a current unrestricted operator's license may be disciplined and/or terminated for just and sufficient cause.
2. Any employee driver whose operator license is suspended, revoked or restricted is immediately prohibited from operating any Town of Guilford vehicle as per NYS Vehicle and Traffic Law. Each employee driver shall immediately notify his/her immediate supervisor if his/her operator's license has been suspended, revoked or restricted in any way. Each employee driver is responsible for knowing the status of his/her operator's license.
3. Any employee driver convicted of a misdemeanor violation pertaining to the ownership or operations of a motor vehicle will be prohibited from driving any Town of Guilford owned vehicle as per NYS Vehicle and Traffic Law. This driving suspension will expire 18 months from the date of the last violation or as per NYS Department of Motor Vehicle restrictions.

*Prior to obtaining the driving record of an employee driver, a written authorization will be obtained from that employee driver. Any time any of the above actions are taken, the employee driver will be provided with a Pre-adverse Action Disclosure which includes a copy of the driver's MVR and a copy of A Summary of Your Rights Under the Fair Credit Reporting Act. In addition, that employee driver will be given notice either orally, in writing or electronically that the action has been taken in an Adverse Action Notice.*

4. Bureau of motor vehicles driver record evaluation requirements:

#### A. CLASS A VIOLATION

Any employee driver convicted of a misdemeanor violation shall be automatically suspended from driving Town of Guilford vehicles for a period of 18 months from the date of conviction. In addition, any such employee driver shall also be required to attend an approved driver improvement program or equivalent training.

#### B. VIOLATIONS

1. "Misdemeanor Violations" referred to in this policy include, but are not limited to the following:

- a) Driving while intoxicated.
- b) Driving under the influence of controlled substance.
- c) Operating during a period of suspension or revocation.
- d) Permitting an unlicensed person to drive.
- e) Reckless driving.
- f) Leaving the scene of an accident.

### C. CIVIL INFRACTIONS

1. Any employee driver whose license is restricted under the NYS point system will be prohibited from driving any Town of Guilford owned vehicles. The suspension will expire when the penalty points causing the suspension of vehicle operation are six (6) or less.
2. Every year the Town of Guilford shall review the driving record and inspect the vehicle of each employee driver of the Town of Guilford.
  - a. A change in point status license restriction could result in driving status change or possible suspension from the Town of Guilford.
  - b. The Guilford Town Board may change the driving status of Town of Guilford personnel based on driving complaints, driving ability, or upon recommendation by another supervisor.
  - c. A valid complaint received by the Town of Guilford shall become a part of the employee driver's personnel file. The employee driver shall also be notified of the complaint.
  - d. A second valid complaint filed against an employee driver shall invoke a restriction on driving Town of Guilford owned vehicles and/or may also result in suspension from the Town of Guilford for a period of time set by the Guilford Town Board.