



# CITY OF NEWPORT NEWS PERSONNEL ADMINISTRATIVE MANUAL

Effective Date: 4/01/08

SECTION <b>505</b>	SUBJECT <b>LOSS OF LICENSE, CERTIFICATION OR QUALIFICATIONS</b>
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The following policies and guidelines are issued for determining appropriate personnel action for employees who lose any license, certification or qualification required for the position held including driver's license, Commercial Driver's License (CDL), certifications, professional designations, specific skill level, and other recognition, designation, attainments or qualifications required to perform the essential functions of the job. The terms "loss", "lose" or "loses" in reference to any license, certification or qualification shall include revocation, suspension, failure to obtain, failure to renew and any other circumstances that renders the employee unable or ineligible to perform the essential functions of the job.

## **I. LOSS OF DRIVER'S LICENSE INCLUDING CDL**

- A. The following apply when an employee in a position for which a driver's license, or a CDL, is required to perform the essential functions of the position loses his/her driver's license.
1. When an employee loses his/her driver's license and such is required by the position held, the employee may be terminated for failure to meet conditions of employment.
  2. When such an employee loses his/her driver's license for a period of approximately three (3) months or less and it appears the employee will be able to regain the license within the approximate three (3) month period, departments are encouraged to accommodate the employee in a capacity that does not require a driver's license. The employee's salary may be reduced accordingly. However, there is no requirement to accommodate the loss of a driver's license. In making a determination whether to accommodate the employee, the department's needs, the employee's qualifications, the employee's work record and other relevant factors shall be considered.

There is no requirement that a job be held for an employee who loses his/her license. If the employee cannot be accommodated in another capacity, and it appears the employee will be able to regain the license within the approximate three (3) month period, the employee may be granted a personal leave of absence, not to exceed three (3) months, but there is no requirement to do so.

3. When such an employee loses his/her license for a period of more than approximately three (3) months, the employee shall be terminated but may be eligible for other employment with the City.

AMENDS/SUPERSEDES SECTION 505, DATED 04/01/92	REFERENCES	APPROVAL 
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The employee may be considered for other city positions not requiring a driver's license when a vacancy exists. Regular recruiting applications and selection procedures shall be followed. When the employee regains the appropriate license, he/she may apply by regular procedures for and be considered for positions requiring same. However, any selection decisions shall consider circumstances surrounding the employee's loss of the driver's license, other job qualifications and work record.

4. When such an employee loses his/her driver's license and does not report the loss, or when an employee operates equipment after his/her license has been revoked or while it is suspended, the employee shall be subject to appropriate disciplinary action in accordance with the City's Standards of Conduct and Disciplinary Procedures. A supervisor who knowingly allows an employee who does not possess the appropriate valid driver's license to drive or operate equipment shall be subject to disciplinary action.
  5. If such an employee loses his/her license more than once in a two (2) year period, no accommodation may be made and the employee shall be terminated.
  6. If obtaining a license is a condition of employment and the employee does not obtain the license within the specified time, the employee shall be terminated.
- B. If the operation of equipment requiring a driver's license is only a marginal function of the job, then the case will be reviewed on an individual basis. If the loss of a license does not necessitate the employee being terminated, the employee's position classification and salary may require adjustment if the original classification and salary were based on responsibility for the operation of equipment.
- C. All actions taken under the above guidelines require the prior approval of the Director of Human Resources.

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## II. LOSS OF OR FAILURE TO OBTAIN OTHER LICENSES, CERTIFICATIONS, SKILLS OR SPECIFIC QUALIFICATIONS

- A. When an employee loses a license, certification, or qualification, or specific skill required to perform the essential functions of the job held, the specific circumstances will be reviewed by the employee's department head and the Director of Human Resources. The employee may be terminated for failure to meet conditions of the job or the employee may be given an up to approximately three (3) month leave or an up to approximately three (3) month alternative assignment following the guidelines stated above. There is no requirement to accommodate a loss of such licenses, certifications, skills or specific qualifications.
- B. If the license, certification or qualification is required only for marginal functions, the case will be individually reviewed and, if the employee is not terminated, the job classification and salary may be adjusted.
- C. An employee who fails to obtain any license, certification or qualification required of the position/condition of employment within the specified time will be terminated.
- D. Such employees may apply for other City jobs through the regular recruiting and selection process.

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AMENDS/SUPERSEDES SECTION 505, DATED 04/01/92	REFERENCES	APPROVAL 
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SECTION 505 PAGE 3 OF 3