**DRIVER’S LICENCE STATUS CHANGE AND SUSPENSION POLICY**

*(Day to Day at the City of Hamilton)*

**POLICY STATEMENT AND PURPOSE**

There may be occasions when an employee who is required to drive City vehicles or his/her own personal vehicle on City business has his/her driver’s licence suspended, or the status of the license is changed.

The purpose of this policy is to outline the terms and conditions which will apply to employees whose driver’s licence is suspended or changed and to ensure that they are treated appropriately and consistently.

**SCOPE**

This policy applies to all City employees, including but not limited to regular, temporary and contract employees and to volunteers, students and interns who require a valid driver’s licence to perform the duties of their job.

**REPORTING CHANGES IN DRIVER’S LICENCE STATUS**

An employee who must have a valid driver’s licence as a requirement of his/her job shall report any change in the status of his/her driver’s licence which results in the loss and/or suspension of the licence required to do his/her job. This may include, but is not limited to:

- Impaired Driving Conviction
- Failure or refusal to provide a breath sample
- 90 day Administrative Driver’s Licence suspension
- Criminal Code conviction other than Impaired Driving
- Highway Traffic Act conviction
- Mandatory demerit point suspension
- Motor Vehicle Accident Claims Fund suspension
- Failure to pay judgment suspension
- Novice driver violation suspension
- Family support enforcement suspension
- Compulsory Automobile Insurance Act suspension
- Defaulted Fine suspension
- Youth Criminal Justice Act suspension
- Medical downgrade
- Conviction for a related offence in the U.S.A. or conviction for a related offence in another province or territory in Canada.
An employee must report in writing to his/her supervisor immediately upon learning of any change in his/her driver's licence status. The report shall explain the nature of the change in the driver's licence status.

Failure to report any changes in the status of a driver's licence may result in disciplinary action up to and including dismissal.

**PROVISIONS**

**FIRST OFFENCE FOR IMPAIRED DRIVING RESULTING IN DRIVER’S LICENCE SUSPENSION**

Given the nature and size of its fleet, the City of Hamilton will not install ignition interlocks in its vehicles.

If an employee requires a driver’s license for his/her job, and is prohibited from driving as a result of a conviction on a first offence for impaired driving the provisions of the collective agreement will apply. In the absence of collective agreement provisions, in consultation with the Employee and Labour Relations Division and where available and appropriate, the following options for alternate non-driving employment may be considered:

- Other permanent or temporary work which is appropriate to the employee’s organizational level and skills in the employee’s home department or in another City department. The assignment may be for a maximum period of 1 year for the driver’s license suspension (in addition to the 90 day Administrative Driver’s Licence Suspension) and a maximum period of 1 year while an ignition interlock device is in place. If no such alternate non-driving position is available, the employee may be placed on leave without pay until such position becomes available.

- If the employee is reassigned to another position, he/she shall receive compensation and benefits for the position to which he/she is assigned.

**SECOND OFFENCE FOR IMPAIRED DRIVING RESULTING IN DRIVER’S LICENCE SUSPENSION**

If an employee requires a driver’s license for his/her job, and is prohibited from driving as a result of a conviction on a second offence for impaired driving, the employee will be terminated.

**OTHER DRIVER’S LICENCE SUSPENSIONS**

If an employee’s driver’s licence is suspended for reason other than an impaired driving conviction, the matter shall be referred to the Human Resources Department, Employee and Labour Relations Division.
VEHICLE IMPOUND

If the suspension of an employee’s driver’s license occurs while driving a city vehicle, and if the city vehicle is impounded, any costs incurred to obtain the release of the City vehicle and any legal costs shall be paid by the employee.

ACCOMMODATION

The City will make reasonable efforts to accommodate an employee whose licence suspension is the result of a disability in accordance with the Ontario Human Rights Code, by referring the employee to Return to Work/Work Accommodation Services in the Human Resources Department.

DEFINITIONS

Ignition Interlock Device: a device designed to ascertain the presence of alcohol in the driver’s body and to prevent a motor vehicle from being started if the concentration of alcohol in the driver’s body exceeds the prescribed limit.

Medical Downgrade: when a legally qualified medical practitioner reports to the Ministry of Transportation that a person, in the opinion of the medical practitioner, is suffering from a condition that may make it dangerous for the person to operate a motor vehicle.

APPROVAL

Approved by the Corporate Management Team of the City of Hamilton on the 5th day of May, 2006.