

## State Fire Marshal Vehicle Use

### A. General Policy

1. Agency employees who operate state- or privately-owned vehicles for work-related purposes are required to operate them within the law and in accordance with Agency policy.
2. Employees shall operate vehicles for work-related purposes in compliance with any corrective lens or other restrictions appearing on their licenses Office of the State Fire Marshal.
3. In addition, all employees must be aware of and comply with Illinois Executive Order No. 4 (1992), "Possession and Consumption of Alcohol or Drugs in State Vehicles or in Private Vehicles Being Used at State Expense."The Executive Order states that employees possessing or consuming alcohol or drugs in state vehicles or in private vehicles being used at state expense shall be subject to discipline, up to and including discharge.
  - a. Any employee who takes a test that discloses either that alcohol concentration in the employee's blood or breath was 0.08 or greater or that the employee had used an unlawful drug or drugs is subject to discipline, up to and including suspension from employment without benefits pending the hearing or discharge. The test must have been administered at the direction of a law enforcement officer due to an arrest involving the employee's operation of a state vehicle or operation of a private vehicle on state business.
  - b. Any employee whose driver's or operator's license is suspended for refusal to submit to a test or tests for determining the content of alcohol or other drugs in the employee's blood may be subject to discipline up to and including suspension without benefits pending hearing or discharge. The refusal must have occurred in connection with the employee's arrest arising out of the operation of a state vehicle or of a private vehicle on state business.
  - c. Upon finding of not guilty or the dismissal of the charges, the employee will be restored to the same or similar position classification in the Agency and work location held at the time of the suspension plus back pay and restoration of all benefits for the period of the suspension. A similar position classification includes:
    1. The same position classification with different duties;
    2. Successor position classification; or
    3. Different position classification having related requirements and duties and the same salary or wage assignment.
  - d. However, a finding of not guilty or dismissal of the charges does not automatically require restoration to the same or similar position classification in the Agency and the same work location. If the facts giving rise to the arrest warrant discipline for violation of any other rule or condition of employment, the Agency may impose discipline consistent with the violation or conditions of employment. This policy shall be applied in a manner consistent with any applicable collective bargaining agreements.
  - e. Any employee whose job description requires that he or she possess a valid driver's or operator's license, or who operates state vehicles or other mobile state equipment, or who operates private vehicles at state expense, must have a valid driver's or operator's license or special permit in the correct classification for the type of vehicle being operated Office of the State Fire Marshal.

- f. Every employee whose job description requires that he or she possess a valid driver's or operator's license or who operates state vehicles or other mobile state equipment, or who operates private vehicles at state expense, shall provide proof of liability insurance coverage as requested.
- B. An employee who operates State or privately owned vehicles for work-related purposes shall immediately notify his or her supervisor in writing if his or her license becomes invalid, suspended, revoked, or lost. Failure to report this information could result in disciplinary action, up to and including discharge.
- C. Invalid Driver's License
  1. Invalid License - Impact Statement. If an employee who operates State or privately owned vehicles for work-related purposes has an invalid license, his or her Division Manager shall prepare an Impact Statement. The Impact Statement shall include:
    - a. A copy of the employee's job description;
    - b. An analysis of the impact of the employee's loss of license on the Agency; and
    - c. The Division Managers or other supervisor's recommendation.
  1. The Division Manager or other supervisor shall submit the Impact Statement to the Director. If appropriate, a referral may be made to the Employee Assistance Program pursuant to Section 8-5 Employee Assistance Program. No other action shall be taken, however, until the impact statement has been reviewed and the Director approves the action.
  2. When an employee's license becomes invalid and that invalidity will have a significant effect on the performance of the employee's duties, will increase the costs of the Agency's operations, the Agency's liability, or create an adverse public image, or where the employee's position requires that he or she possess a valid license, the employee must choose one of the options listed in subsections (a) and (b) below. The employee shall not be permitted to utilize benefit time and shall not be permitted to take a leave of absence (other than the unpaid general leave of absence provided for in subsection (a) below) during any period in which his or her license is invalid, unless state or federal law dictates otherwise Office of the State Fire Marshal.
    - a. The employee may opt to take an unpaid general leave of absence not greater than 90 calendar days from the date the license becomes invalid. If the employee obtains the necessary license during the 90-day period, he or she will be allowed to return to work after he or she has submitted the appropriate documentation to his or her Division Manager or other supervisor demonstrating that vehicle operation privileges have been restored. If this option is selected by the employee and he or she has not obtained a valid license or permit by a date fifteen (15) working days prior to the end of the unpaid leave of absence, the employee shall be notified of his/her pre-termination meeting in writing by certified mail, return receipt requested, at the employee's last home address listed in the personnel file. The pre-termination meeting shall be scheduled ten (10) working days prior to the 90th day of the employee's leave. The employee shall be discharged effective the day after the leave of absence expires.
    - b. The employee may opt to terminate his or her employment through resignation with no prejudice.
  3. When an employee's license becomes invalid and it is determined through the Impact Statement that said loss would not have a significant effect upon the Agency, no action will be taken.
- D. Discipline. Any employee who fails to notify his or her supervisor of the invalidity of his or her license or who works without a valid license, and said loss did have a significant effect on the performance of the employee's duties, could increase the costs of Agency operations, the Agency's liability, or create an adverse public image, or where the employee's position required that he or she possess a valid license, shall be disciplined as follows:
  1. An employee whose violation does not exceed thirty (30) calendar days shall be suspended for one (1) calendar day for each day his/her license was invalid.
  2. An employee whose violation exceeds thirty (30) calendar days shall be discharged.
  3. Any employee whose license becomes invalid for a second time in five years while employed by the Agency in a position that has impact as described in Section 9-4(D) above shall be discharged.

- E. An employee's supervisor(s) shall not knowingly allow an employee to operate Agency vehicles or equipment or private vehicles or equipment at the Agency's expense without a valid license or permit. Allowing an employee to do so shall be cause for discipline of the supervisor(s) up to and including discharge.
- F. An employee who may lose or have his or her license canceled, suspended, or revoked by the Secretary of State's Office may make application for a restricted driving permit that is subject to provisions established by the Secretary of State. A request by the Secretary of State for proof of the need for the employee to operate a vehicle in the course of employment will be completed by the employee's Division Manager on the form provided by the Secretary of State's Office.