



Responsible Executive: VP for Finance and Administration

Responsible Office: Office of Human Resources

Effective: September 19, 2017

Last Revised: September 19, 2017

University Policy 05-030

Motor Vehicle History Check

1. Policy Statement

- 1.1. Oregon State University (“university”) expects all university employees and volunteers to operate vehicles used for university purposes in a safe and courteous manner, and in compliance with all applicable laws. A motor vehicle history check may be required to ensure employees or volunteers do not have a history of unsafe driving. Hiring and volunteer service practices associated with motor vehicle history checks are to be conducted in a non-discriminatory manner.

2. Reason for Policy

- 2.1. The purpose of this policy is to manage the risks associated with operating motor vehicles in furtherance of the university’s mission. The university is committed to protecting the security, safety, and health of faculty, staff, students, and others, as well as safeguarding the assets and resources of the university.
- 2.2. This policy establishes university policy for conducting motor vehicle history checks of university employees and volunteers to ensure the university is appropriately delegating authority to operate motor vehicles while on university business, or for any other university purpose. To meet these objectives, the university may require a motor vehicle history records check as a condition prior to an employee or volunteer providing services in a position that requires operation of a motor vehicle as an essential function.

3. Scope & Audience

- 3.1. All university employees, volunteers, and job applicants whose position requires operation of a motor vehicle.

4. Definitions

- 4.1. **Acceptable Driver License:** A regular, temporary, or commercial license that is:

- 4.1.1. Lawful, current, and valid;
 - 4.1.2. Issued by the state or country where the employee or volunteer actually resides;
 - 4.1.3. Legal to use in the jurisdiction where the driver is driving; and,
 - 4.1.4. Valid for the type of driving to be done.
- 4.2. **Motor vehicle history check:** The review of any and all records related to operating a motor vehicle or other pertinent information collected and stored in a state or county repository. If records are collected or stored outside the State of Oregon, a motor vehicle history check may include any and all records related to operating a motor vehicle or other pertinent information collected according to local state rules or laws.
- 4.3. **Subject individual:** A person from whom the university may require motor vehicle history records as a condition to provide service as an employee or volunteer. Subject individuals include persons currently serving as an employee or volunteer, or persons who seek appointment as an employee or volunteer, to a position that is designated as requiring driving as an essential function of the position.

5. Responsibilities & Procedures

5.1. Positions Requiring a Motor Vehicle History Check

- 5.1.1. The university designates certain positions to require driving on roadways as an essential function of the position based on a review of specific motor vehicle-related job duties and requirements. That designation will be reflected in the position description. Candidates for a position with this designation are required to complete a motor vehicle history check.
- 5.1.2. Solicitations, application forms, and announcements for positions designated as requiring a motor vehicle history check will include a statement notifying potential applicants that:
 - a. The position requires driving a university vehicle, or a personal vehicle, on behalf of the university;
 - b. The incumbent will be required to possess and maintain an acceptable driver's license in their state of residence; and,
 - c. The incumbent must meet the standards as outlined in Sec. 5.3 to be considered for employment or service.

5.2. Motor Vehicle History Check Process

- 5.2.1. The university may request that an applicant, employee, or volunteer provide a current motor vehicle history when:
 - a. The individual meets the definition of “subject individual” in Sec. 4.3;
 - b. Required by federal law or regulation, by state law or administrative rules, or by contract or written agreement; or,
 - c. The employee or volunteer self-reports they no longer meet the minimum driver standards as outlined in Sec. 5.3.
- 5.2.2. The university may require the subject individual to provide personally identifiable information such as names, current and former addresses, date of birth, and driver’s license number.
- 5.2.3. Refusal to consent to a motor vehicle history check shall cause the university to deny the subject individual employment or service as a volunteer. A subject individual may not appeal a termination of candidacy or decision not to allow the individual to operate a motor vehicle on behalf of the university due to refusal to consent to a motor vehicle history check.
- 5.2.4. Appointment of an applicant, current employee, or volunteer to a position requiring a motor vehicle history check is contingent on the university’s determination of fitness based on the motor vehicle history check. No subject individual may commence employment or service until the motor vehicle history check process has been completed and a satisfactory determination of fitness to hold the position has been made, unless an exception has been approved in consultation with the Office of General Counsel and the Chief Human Resources Officer.
- 5.2.5. The university will close a fitness determination as incomplete when:
 - a. The person no longer meets the definition of a “subject individual” in Sec. 4.3;
 - b. The subject individual does not provide information or materials under Sec. 5.2.2;
 - c. The university cannot locate or contact the subject individual;
 - d. The university determines that the individual is not eligible or qualified for the position for a reason unrelated to the fitness determination process; or,
 - e. The position is no longer open.

- 5.2.6. The subject individual is responsible for fees associated with providing his or her motor vehicle history to the university.

5.3. Determination of Fitness to Hold Position Based on Motor Vehicle History Check

5.3.1. A motor vehicle history check is intended to verify that the subject individual meets minimum driver standards as identified in Sec. 5.3.2 and has not forfeited bail or been convicted for any of the offenses in Sec. 5.3.3, or reasonably similar, unacceptable driving violations as certified by the motor vehicle history check. The listed periods begin at the later date of violation, forfeiture, or conviction.

5.3.2. To drive any university owned or personal vehicle on behalf of the university, a driver must:

- a. Be 18 years or older, legally responsible for his or her actions and contracts, and subject to the university's direction and control;
- b. Hold an acceptable driver license;
- c. Qualify to drive under these rules and any other applicable rules or policies of the university; and,
- d. Have permission from the university to drive on official university business.

5.3.3. Drivers with the following items on their driving records are not eligible to drive a university vehicle or a personal vehicle on behalf of the university:

- a. A major traffic offense in the most recent 36 months, including, but not limited to, reckless driving, driving under the influence of intoxicants, failing to perform the duties of a driver, criminal driving while license is suspended or revoked, and fleeing or attempting to elude a police officer;
- b. Felony revocation of driving privileges, or felony or misdemeanor driver license suspension within the last 36 months;
- c. More than three moving traffic violations in the last 12 months;
- d. A careless driving conviction in the last 12 months; or,
- e. A Class A moving traffic infraction in the last 12 months.

5.3.4. The Chief Human Resources Officer, or designee, will review the motor vehicle history check information to determine if the subject individual is fit to hold the position.

- 5.3.5. A determination of fitness is considered a minimum qualification of a position requiring a motor vehicle history check. However, a positive determination on the basis of a motor vehicle history check does not guarantee the individual a position as an employee or volunteer.
- 5.3.6. A subject individual who misrepresents or provides misleading or false information, or withholds information as part of the motor vehicle history check process, will be disqualified from further consideration. If misleading or false information is discovered after an individual has been appointed, the individual may be disciplined, up to and including termination of employment or service appointment, or rescinding of tenure appointment, pursuant to university policy and governing rules.
- 5.3.7. An open motor vehicle offense or charge may preclude a final candidate from eligibility for employment or service depending on the relevance of the charge(s) to the job responsibilities. The university hiring authority is responsible for determining relevance in these situations, in consultation with general counsel.

5.4. Notice of Adverse Fitness Determination

- 5.4.1. A subject individual who has been determined not to be fit based at least in part on information contained in a motor vehicle history check will be notified by the university by certified mail to the address provided by the subject individual.

5.5. Appeal Process for Motor Vehicle History Check

- 5.5.1. A subject individual who is currently employed by the university and who is determined not to be fit for a position on the basis of information contained in the motor vehicle history records check report provided by the subject individual to the university may appeal the determination through applicable personnel rules, policies, and collective bargaining provisions.
- 5.5.2. A subject individual who is not currently employed by the university and who is determined not to be fit for a position on the basis of information obtained in the motor vehicle history records check report provided by the subject individual to the university may appeal the determination by writing a letter within five (5) days to the Chief Human Resources Officer stating the reasons for appeal.
- 5.5.3. The subject individual may not use the appeal process to challenge the accuracy, completeness, or lawfulness of the information the subject individual provided to the university.
- 5.5.4. The only remedy available to the subject individual under the appeal process is a determination that the applicant is fit. Under no circumstances will the university

be required to place a subject individual in any position or be required to accept the individual's services in any capacity.

- 5.5.5. Appealing a fitness determination or challenging motor vehicle history information with the agency from which the subject individual obtained the report will not cause delay or postponement of the university's hiring process or decisions regarding employment or service to the institution.

5.6. Restricted Access to and Maintenance of Motor Vehicle History Check Records

- 5.6.1. Access to information obtained in the motor vehicle records check process is restricted. The university restricts access to and dissemination of that information to only those persons with a demonstrated and legitimate need to know the information. Motor vehicle history record files will be maintained in the Office of Human Resources.
- 5.6.2. Supervisors and other university employees will generally not be provided information regarding a subject individual's motor vehicle history and will be informed that the subject individual either has a satisfactory or unsatisfactory fitness determination. Motor vehicle history information will only be disclosed to a hiring supervisor or other university employees where the Chief Human Resources Officer, or designee, and in consultation with the Office of General Counsel, believes that employee has a demonstrated a legitimate need to know the information and specifically approves the disclosure.

5.7. Required Employee and Volunteer Notification to the University

- 5.7.1. A motor vehicle history check and determination of fitness will not be required of a current employee or volunteer in his or her current position except in the circumstances set forth in Sec. 5.2.1. Fitness determinations and employment or volunteer service decisions based thereon will be made consistent with this policy and any other applicable university rules, policies, or collective bargaining agreements.
- 5.7.2. All employees and volunteers whose position descriptions have been designated as requiring the operation of a motor vehicle as an essential function are required to notify the Chief Human Resources Officer, or designee, if they are convicted of a motor vehicle crime or offense as identified in Sec. 5.3 while serving in the position.
- 5.7.3. If the university determines that the conviction is pertinent to the employee or volunteer's fitness to carry out the duties or functions of the individual's position, the university may require the employee to consent to a motor vehicle history check. The results of this check will be handled in accordance with this policy and other applicable university rules and policies.

- 5.7.4. If the university makes an adverse fitness determination based on the motor vehicle history check, the employee or volunteer will be removed from his or her position, where consistent with other university rules, policies, or collective bargaining agreements.
- 5.7.5. Failure to report relevant crimes or offenses pursuant to this section may result in disciplinary action, up to and including termination. The Chief Human Resources Officer will consult with the Office of General Counsel on all incidents involving adverse actions against an employee.

6. Forms & Tools

6.1. Motor Vehicle History Check

Form: <http://hr.oregonstate.edu/sites/hr.oregonstate.edu/files/ercc/motor-vehicle-history-check.pdf>

7. Frequently Asked Questions

- 7.1. For common questions related to motor vehicle history checks, please see the Office of Human Recourse website at: http://hr.oregonstate.edu/faq-topics?field_training_topics_tid%5B0%5D=190

8. Related Information

- 8.1. None.

9. History

- 9.1. Last review date: September, 2017.
- 9.2. Next scheduled review date: September, 2020.

10. Website

- 10.1 University Policy 05-030, *Motor Vehicle History Check*: http://policy.oregonstate.edu/UPSM/motor_vehicle_history_check

11. Contacts

Department	Phone Number	Website
Office of Human Resources	541-737-3203	http://hr.oregonstate.edu