



University Policy 05-030

## Motor Vehicle History Checks

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**Responsible Executive:** Vice Provost for Human Resources

**Responsible Office:** Human Resources

**Effective:** September 19, 2017

**Last Revised:** September 12, 2023

### 1. Policy Statement

- 1.1. Employees and Volunteers of Oregon State University (university) engage in various programs, activities, and services in which driving a motor vehicle is an essential function. Reflective of employment duties and volunteer service responsibilities, the university conducts Motor Vehicle History Checks on Subject Individuals as a condition of and prior to employment at or volunteering for the university when driving a motor vehicle is an essential duty of the position or volunteer service responsibilities, or as required by law.
- 1.2. The university requires self-disclosure of motor vehicle convictions by current Employees and Volunteers pursuant to Section 5.7 of this University Policy.

### 2. Reason for Policy

- 2.1. The university is committed to promoting safe and inclusive working and learning environments. Safely operating a motor vehicle when engaging in employment duties or volunteer service responsibilities is paramount to this university commitment. By requiring a Motor Vehicle History Check and through individualized assessment of information obtained as part of the check, the university affirms through action its commitment to the safety of individuals within and associated with the university community and advancing inclusive working and learning environments.
- 2.2. This University Policy provides notice and a transparent process for conducting a Motor Vehicle History Check when driving is an essential function of the position, including volunteer service responsibilities.

### 3. Scope & Audience

- 3.1. This University Policy applies to all units, Employees and Volunteers of the university, to applicants seeking a position as an Employee of the university, and individuals seeking to volunteer for the university when driving a motor vehicle is an essential function of the position duties or volunteer service responsibilities.

### 4. Definitions

- 4.1. Acceptable driver's 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. **Employee:** Persons employed by the university, including, but not limited to academic faculty, professional faculty, classified staff, law enforcement professionals, graduate assistants, and students.
- 4.3. **Motor vehicle:** A motor or alternative-powered vehicle that can be registered for on-road use and is driven on local, county, state, or federally controlled roadways, including, but not limited to, automobiles, trucks, trailers, and low-speed vehicles.
- 4.4. **Motor vehicle history check:** The review of 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 records related to operating a motor vehicle or other pertinent information collected according to local state rules or laws.
- 4.5. **Subject individual:** Persons currently serving as an Employee or Volunteer, or persons for whom the university has extended a contingent offer of employment or volunteer service, who are subject to a Motor Vehicle History Check pursuant to this University Policy.
- 4.6. **Volunteer:** A person appointed to perform official university duties without compensation or remuneration. Volunteers perform activities at the request of, for the benefit of, and under the supervision of the university.

## 5. Responsibilities & Procedures

### 5.1. Notice of Motor Vehicle History Checks

- 5.1.1. Job postings, advertisements, and application forms for positions requiring a Motor Vehicle History Check as described in Section 1.1 will include a statement notifying potential applicants that:
  - a. An essential function of the position is driving a motor vehicle;
  - b. The position requires an Acceptable Driver's License; and

- c. A determination of fitness based on the Motor Vehicle History Check is considered a minimum qualification of the position.

## 5.2. Motor Vehicle History Check Process

- 5.2.1. 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 when deemed necessary to complete a Motor Vehicle History Check.
- 5.2.2. Refusal to consent to a Motor Vehicle History Check may cause the university to revoke an offer of employment or deny service as a Volunteer. Current Employees who refuse to consent may be disciplined, up to and including termination, consistent with other university rules, policies or collective bargaining agreements. Current Volunteers may be removed from service.
- 5.2.3. A Subject Individual may not appeal a termination of candidacy or decision not to allow the individual to operate a motor vehicle as part of their job duties due to refusal to consent to a Motor Vehicle History Check.
- 5.2.4. The university will close a fitness determination as incomplete when:
  - a. The person no longer meets the definition of a Subject Individual;
  - b. The Subject Individual does not provide information or materials within a reasonable time;
  - c. The university cannot locate or contact the Subject Individual;
  - d. The university determines that the Subject Individual is not eligible or qualified for the position for a reason unrelated to the fitness determination process pursuant to this University Policy; or,
  - e. The position is no longer open.
- 5.2.5. The Subject Individual is responsible for fees associated with providing their motor vehicle history to the university.
- 5.2.6. A Motor Vehicle History Check and determination of fitness will not be required of a current Employee or Volunteer unless they are a Subject Individual pursuant to this University Policy. Fitness determinations and employment or volunteer service decisions based thereon will be made consistent with this University Policy and any other applicable university rules, policies, or collective bargaining agreements.

## 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 University Policy 07-026 *Vehicle Use for University Business* and has not failed to appear on or been convicted of any of the offenses in Section 5.3.3, or reasonably similar driving violations as certified by the Motor Vehicle History Check.
- 5.3.2. Appointment of a Subject Individual to a position in which driving a motor vehicle is an essential function of the position 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 Chief Human Resources Officer or their designee and/or the Office of General Counsel.
- 5.3.3. A Subject Individual is determined unfit to perform the essential functions of a position if their driving record shows any of the following:
  - a. A major traffic offense within 36 months of the date of the Motor Vehicle History Check 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's license suspension within 36 months of the date of the Motor Vehicle History Check;
  - c. More than three moving traffic violations within 12 months of the date of the Motor Vehicle History Check;
  - d. A careless driving conviction within 12 months of the date of the Motor Vehicle History Check; or
  - e. A Class A moving traffic infraction within 12 months of the date of the Motor Vehicle History Check.
- 5.3.4. The Chief Human Resources Officer or their 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. The fact that a Subject Individual may be approved as fit based on the Motor Vehicle History Check does not guarantee the Subject 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 it is discovered that the Subject Individual has provided misleading or false information after a Subject Individual has been appointed, the Subject Individual may be disciplined, up to and including termination of employment or service appointment, or rescinding of tenure appointment, pursuant to university policies and governing rules. These determinations will be made following a fitness determination as set forth in this University Policy.
- 5.3.7. An open motor vehicle offense or charge may preclude a Subject Individual from eligibility for employment or service depending on the relevance of the motor vehicle offense to the job responsibilities. The Chief Human Resources Officer or their designee is responsible for determining relevance in these situations, in consultation with the Office of General Counsel.

#### 5.4. **Notice of Adverse Fitness Determination**

- 5.4.1. A Subject Individual who is determined not to be fit on the basis of information obtained as part of the Motor Vehicle History Check will be notified by the university.

#### 5.5. **Appeal Process for Motor Vehicle History Check**

- 5.5.1. A current Employee or Volunteer who is determined not to be fit for a position on the basis of information contained in the Motor Vehicle History Check provided by the current Employee or Volunteer may appeal the determination through procedures established by the Chief Human Resources Officer or their designee.
- 5.5.2. A person for whom the university has extended a contingent offer of employment or volunteer service and who is determined not to be fit for a position on the basis of information obtained in the Motor Vehicle History Check provided by the individual to the university may appeal the determination through procedures established by the Chief Human Resources Officer or their designee.
- 5.5.3. A 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 remedy available to a Subject Individual under the appeal process is a determination that the Subject Individual 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. The decision of the Chief Human Resources Officer or their designee is final.

- 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 the university to delay or postpone 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 History Check process is restricted. The university restricts access to and dissemination of that information to only those university Employees with a demonstrated and legitimate need to know the information. Motor Vehicle History Check files will be maintained in the Office of University 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 only 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 their designee, in consultation with the Office of General Counsel, determines that person has a demonstrated and legitimate need to know the information and specifically approves the disclosure.

#### **5.7. Required Notification to the University of Convictions**

- 5.7.1. 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 University Human Resources' Employee and Labor Relations Office if they are convicted of a motor vehicle crime or offense as identified in Section 5.3 within five business days of the conviction.
- 5.7.2. If the Chief Human Resources Officer or their designee determines that the conviction affects the Employee or Volunteer's fitness to carry out the duties or functions of their position, the university may require the Employee or Volunteer to consent to a Motor Vehicle History Check as outlined in this University Policy.
- 5.7.3. If the university makes an adverse fitness determination under this University Policy, the Employee or Volunteer will be removed from the position, where consistent with other university rules, policies, or collective bargaining agreements.
- 5.7.4. Failure to report relevant convictions or offenses pursuant to this section may result in disciplinary action, up to and including termination of employment or removal from volunteer service. 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 University Human Resources website at: [http://hr.oregonstate.edu/faq-topics?field\\_training\\_topics\\_tid%5B0%5D=190](http://hr.oregonstate.edu/faq-topics?field_training_topics_tid%5B0%5D=190)

## 8. Related Information

- 8.1. University Policy 07-026 *Vehicle use for University Business*.

## 9. History

- 9.1. Adopted: Oregon State University adopted University Policy 05-030 *Motor Vehicle History Checks* on September 19, 2017.
- 9.2. Revised: University Policy 05-030 *Motor Vehicle History Checks* received its periodic review and was revised with housekeeping amendments on September 12, 2023.
- 9.3. Next scheduled review date: September 2026.

## 10. Website

- 10.1. [https://policy.oregonstate.edu/UPSM/05-030\\_motor\\_vehicle\\_history\\_check](https://policy.oregonstate.edu/UPSM/05-030_motor_vehicle_history_check)

## 11. Contacts

Department	Phone Number	Website
Office of Human Resources	541-737-3203	<a href="http://hr.oregonstate.edu">http://hr.oregonstate.edu</a>