

Section 3 – How to identify positions that have driving as an essential element

“Essential” driving

Essential driving is driving that’s absolutely necessary to perform required job functions. For example, drivers of ODOT sanding trucks fall in this category. So do DHS employees or volunteers whose position descriptions require them to transport agency clients.

“Incidental” driving

By comparison, position descriptions may include a requirement for state employees to travel to other locations that are not their normal duty station. In this case, there’s no requirement to actually operate a vehicle. Therefore, driving would merely be one of the available transportation choices to accomplish the travel, including carpooling and public transit.

If the state employee chooses to travel by driving, this is classified as *incidental driving*. It makes no difference whether the state driver uses his or her own vehicle, a rental vehicle or a state vehicle. In this regard, it’s important to note that the *State Vehicle Use and Access Rules* apply to the operation of vehicles on state business. Thus, operation of an individual’s own vehicle or a rental vehicle on state business is subject to the rules.

“Essential” versus “Incidental” test

To determine if driving is essential to a position, ask the question: Could the job duties be performed if the individual couldn’t drive? If the answer is “No,” driving is essential to performing the duties of the position. Individuals who meet this criterion should have it described in their position description. Position descriptions for essential drivers should also include wording such as: “The individual shall have and maintain an acceptable driving record”.