

**PERSONNEL POLICIES AND PROCEDURES
OREGON MILITARY DEPARTMENT
AGP POLICY 99.100.04**

Subject: Commercially Licensed Drivers (CDL)
Applicability: State Employees required to possess a CDL
Effective Date: 1 January 2009 (revised)

I. PURPOSE: To establish a policy for Oregon Military Department employees whose duties require possession of a CDL.

II. AUTHORITY: The Federal Motor Carrier Safety Regulations and the Oregon Vehicle Code.

III. SCOPE: This entire policy, with the exceptions as noted below, will apply to any employee whose duties require the possession of a CDL.

EXCEPTION: Emergency services workers as defined in ORS 401.025 and 652.050 are exempt from the CDL requirement per ORS 801.208(2)(a) and (b).

IV. DEFINITIONS:

A. Driver: The term "driver" as it is used in this policy and in 49 CFR parts 382 and 40 means any employee whose duties require the possession of a CDL.

B. Commercial Driver's License (CDL): A special license required for operating a Commercial Motor Vehicle.

C. Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property, whose gross vehicle combination weight is 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds or more; has a gross vehicle weight rating of 26,001 or more; a vehicle that transports 16 or more passengers including the driver; any vehicle that transports hazardous material as found in the Hazardous Material Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

D. Employee: Any full-time, part-time, job share, seasonal, limited duration, temporary employee or volunteer required to hold a CDL as a condition of employment/appointment.

V. STANDARDS:

A. Certain employees must possess a CDL to qualify for some job classifications as determined by the Department of Administrative Services (DAS).

B. Employees must possess a CDL to operate any of the following vehicles.

1. A single vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds.

2. A combination vehicle with a gross combined weight rating of more than 26,000 pounds when the trailer has a GVWR of more than 10,000 pounds.

3. A vehicle designed to transport 16 or more persons, including the driver.

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4. Any size vehicle with a hazardous material placard.

- C. Medical Certificate: Employee must maintain and carry a valid medical certificate in accordance with the Federal Motor Carrier Safety Regulations.

VI. RESPONSIBILITIES:

A. **The Adjutant General:** Has overall responsibility to ensure the Department is in compliance with this policy and the Federal Motor Carrier Safety Regulations.

B. **The Director of State Personnel:**

1. Ensures the Department is in compliance with this policy.
2. Identifies employees who no longer meet the condition of employment of holding a valid CDL.

C. **The Personnel Office (AGP) Safety Manager:**

1. Is responsible for the coordination of this policy with employee's supervisor.
2. Ensures that employees are tested in accordance with DOT rules for drugs and alcohol. See Alcohol and Drug Testing AGP Policy 99.100.02.

D. **Directors, Managers and Supervisors:**

1. Ensures employees comply with the rules and regulations for driving a vehicle that requires a CDL.
2. Ensures employees maintain and carry a medical certificate while performing duties that require a CDL.
3. Notifies the AGP Safety Manager of any events that may affect an employee's ability to perform their driving duties safely.
4. Must not allow any employee to operate a commercial motor vehicle if they do not possess a current valid CDL.
5. Must identify positions that require a CDL and ensure Position Description reflects the CDL requirement.
6. Ensures AGP is provided employee's name for random drug testing procedures required by the Omnibus Transportation Employee Testing Act (OTETA) and 49 CFR part 382.
7. Ensures the program is responsible for all costs for employee to obtain and maintain the CDL in accordance with applicable collective bargaining agreement, if employee is asked after hire to obtain a CDL.

E. **Employees:**

1. Are expected to possess and maintain the correct class of CDL for their job duties.

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2. Are required to maintain and carry a valid medical certificate while performing duties that require a CDL.
3. Must notify their supervisor within 30 days of conviction for any traffic violations (except parking). This is true no matter what type of vehicle was being driven.
4. Must immediately notify their supervisor if their license is suspended, revoked, or cancelled, or if they are disqualified from driving.
5. Must participate in the drug/alcohol testing in accordance with the Omnibus Transportation Employee Testing Act (OTETA) and 49 CFR part 382.



RAYMOND F. REES
Major General
The Adjutant General