

ARTICLE 29 LIMITATION ON REVOCATION OF DRIVING PRIVILEGES

An employee's driving privileges may be revoked or suspended when the on-duty record shows that the employee is an unsafe driver.

Elements of an employee's on-duty record which may be used to determine whether the employee is an unsafe driver include but are not limited to, traffic law violations, accidents or failure to meet required physical or operation standards.

The report of the Safe Driver Award Committee cannot be used as a basis for revoking or suspending an employee's driving privileges. When a revocation, suspension, or reissuance of an employee's driving privileges is under consideration, only the on-duty record will be considered in making a final determination. An employee's driving privileges will be automatically revoked or suspended concurrently with any revocation or suspension of State driver's license and restored upon reinstatement. Every reasonable effort will be made to reassign such employee to non-driving duties in the employee's craft or in other crafts. In the event such revocation or suspension of the State driver's license is with the condition that the employee may operate a vehicle for employment purposes, the employee's driving privileges will not be automatically revoked. When revocation or suspension of an employee's driving privileges is under consideration based on the on-duty record, such conditional revocation or suspension of the state driver's license may be considered in making a final determination.

Initial issuance—an employee shall be issued a Certificate of Vehicle Familiarization and Safe Operation when such employee has a valid State driver's license, passes the driving test of the U.S. Postal Service, and has a satisfactory driving history.

An employee must inform the supervisor immediately of the revocation or suspension of such employee's State driver's license.

[see Memo, page 218]

**This Memo
is located
below.**

The reinstatement of driving privileges is addressed in the national Memorandum of Understanding below.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES POSTAL SERVICE
AND THE
NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO**

Re: Reinstatement of Driving Privileges

It is hereby agreed by the United States Postal Service and the National Association of Letter Carriers, AFL-CIO, that:

1. The safety and health of employees is of significant concern to the parties. Accordingly, the parties further agree that the following is not intended to provide driving privileges to an employee when such privilege would place the safety of the public or the employee at risk.

2. The mere fact that an employee was involved in a vehicle accident is not sufficient to warrant automatic suspension or revocation of driving privileges or the automatic application of discipline.

3. When an employee's driving privilege is temporarily suspended as a result of a vehicle accident, a full review of the accident will be made as soon as possible, but not later than fourteen (14) days, and the employee's driving privileges must either be reinstated, suspended for a specified period of time not to exceed sixty (60) days, or revoked as warranted. If the decision is to suspend or revoke the employee's driving privileges, the employee will be provided, in writing, the reason(s) for such action.

4. If an employee requests that revoked or suspended driving privileges be reinstated, Management will review the request and make a decision as soon as possible but not later than 45 days from the date of the employee's request. If the decision is to deny the request, the employee will be provided with a written decision stating the reasons for the decision.

The Management review must give careful consideration to:

- the nature, severity and recency of the incident(s) which led to the revocation or suspension;
- any driver's training or retraining courses completed from private schools, state sponsored courses, or Postal Service training programs, especially when directly relevant to the incident(s) that led to the revocation;
- successful participation in an EAP program, when relevant to the reasons for revocation;
- the employee's state driving record consistent with the criteria for initial certification of driving privileges as stated in the applicable Handbook. The Employer may waive these criteria if warranted in light of the other factors listed above.

5. This Memorandum of Understanding is not intended to define the conditions or circumstances for which an employee's driving privileges may be suspended or revoked.

Date: August 19, 1995

Revocation or Suspension of Driving Privileges. "Driving privileges" is a relatively new term in the Postal Service. For many years USPS issued special postal Operator's Identification Cards known as the OF-346 and, before that, the SF-46. This practice has been discontinued and currently there is no special postal driver's certificate.

Management may suspend or revoke a carrier's driving privileges under certain specified circumstances:

- Automatically, concurrently with the suspension or revocation of the employee's state driver's license. Automatic reinstatement of postal driving privileges must follow reinstatement of the state driver's license.
- Temporarily following a vehicle accident, in which case "a full review of the accident will be made as soon as possible, but not later than fourteen days, and the employee's driving privileges must either be

reinstated, suspended for a specified period of time not to exceed sixty days, or revoked as warranted” (Memorandum, paragraph 3).

- Where management can demonstrate that “the on-duty record shows that the employee is an unsafe driver” (Article 29, paragraph 1).

Additional rules regarding the suspension or revocation of driving privileges are contained in Section 42 of Handbook EL-804, Safe Driver Program. Portions of this section are reprinted below:

421.2 For Unsafe Driving

421.21 On-duty Record

When the on-duty record shows that an employee is an unsafe driver, management may suspend or revoke the employee’s Postal Service driving privileges. Elements of the on-duty record that may be used to suspend or revoke driving privileges include:

- a. Traffic law violations.
- b. Accidents.
- c. Failure to meet motor vehicle operational standards.
- d. Disregard for personal safety.

421.22 Procedures

The following guidelines apply:

- a. When management is considering the suspension, revocation, or reissuance of an employee’s driving privileges, the final determination must be based solely on the employee’s on-duty driving record.
- b. Management must automatically:
 - (1) Suspend or revoke an employee’s driving privileges when a state driver’s license is suspended or revoked.
 - (2) Restore an employee’s driving privileges when the state driver’s license is restored.
- c. If the suspension or revocation states that the employee may operate a vehicle for employment purposes, then Postal Service driving privileges must not be suspended or revoked automatically.
- d. When management is considering the suspension, revocation, or reissuance of an employee’s driving privileges based on the on-duty driving record, the conditional suspension or revocation of a state driver’s license may be considered in making the final determination.
- e. When a state driver’s license is reinstated, the employee must provide documentation to that effect.

421.3 In Case of Accident

When an employee is involved in a motor vehicle accident:

- a. There are no provisions for the automatic suspension of an employee’s driving privilege based on the fact that the employee was involved in a motor vehicle accident.
- b. The individual circumstances surrounding each accident are assessed at the time of the accident to determine whether a temporary suspension of driving privileges is warranted.
- c. The supervisor must consider whether public safety or the employee’s safety will be jeopardized if the employee is allowed to continue driving.
- d. The supervisor (and/or other Postal Service managers) must assess factors related to the accident, to include the following:

- (1) Employee's condition. For example:
 - (a) Shock.
 - (b) Fatigue.
 - (c) Impairment caused by use of alcohol or controlled substances.
 - (d) Other physical or emotional factors.
- (2) Seriousness of the unsafe driving practice (if any) that contributed to the accident.

422 Temporary Suspension of Driving Privileges

If the supervisor cannot make an immediate determination based upon a review of the factors listed in 421.3, the supervisor may temporarily suspend the employee's driving privileges pending completion of an investigation. Once the investigation is completed, the supervisor can make the decision to suspend, revoke, or reinstate driving privileges.

Driving privileges may be withheld pending investigation for no more than 14 calendar days, after which the employee's driving privileges must be:

- a. Reinstated;
- b. Suspended up to 60 days; or
- c. Revoked.

If the employee's driving privileges are suspended or revoked, the supervisor must explain to the employee, in writing, the reasons for the action.

423 Decision Criteria

Management makes a decision to suspend or revoke driving privileges according to the following criteria:

- a. Investigate and determine the driver's:
 - (1) Fault or lack of fault (were the driver's actions the primary cause of the accident?).
 - (2) Degree of error.
 - (3) Record (on-duty driving history, prior corrective actions related to motor vehicle operation).
- b. Consider the severity of the accident.
- c. Consider factors about the driver such as:
 - (1) Training (quality or absence of training in a particular driving activity).
 - (2) Physical condition (did the employee meet the physical standards required by state licensing laws at the time of the accident?).

Note: A Safe Driver Award Committee determination about the preventability of an accident is *not* a factor to be considered when suspending or revoking driving privileges.

Every Reasonable Effort to Reassign. Even if a revocation or suspension of a letter carrier's driving privileges is proper, Article 29 provides that, "every reasonable effort will be made to reassign the employee in non-driving duties in the employee's craft or other crafts." This requirement is not contingent upon a letter carrier making a request for non-driving duties. Rather, it is management's responsibility to seek to find suitable work.

National Arbitrator Snow held in I94N-4I-D 96027608, April 8, 1998 (C-18159), that management may not reassign an employee to temporary non-driving duties in another craft if doing so would result in a

violation of the other craft's agreement. If it is not possible to accommodate temporary cross-craft assignments in a way that does not violate another craft's agreement, a letter carrier who is deprived of the right to an otherwise available temporary cross-craft assignment to a position in another craft must be placed on leave with pay until such time as he may return to work without violating either union's agreement. In accordance with Arbitrator Snow's award, in situations where city letter carriers temporarily lose driving privileges, the following applies:

- Management should first attempt to provide non-driving city letter carrier craft duties within the installation on the carrier's regularly scheduled days and hours of work. If sufficient carrier craft work is unavailable on those days and hours, an attempt should be made to place the employee in carrier craft duties on other hours and days, anywhere within the installation.
- If sufficient work is still unavailable, a further attempt should be made to identify work assignments in other crafts, as long as placement of carriers in that work would not be to the detriment of employees of that other craft.
- If there is such available work in another craft, but the carrier may not perform that work in light of the Snow award, the carrier must be paid for the time that the carrier otherwise would have performed that work.