

TITLE HUMAN RESOURCES DEPARTMENT
CHAPTER 12 Risk Management Division
PART 2 Commercial Driver's License

1. ISSUING AGENCY: The Risk Management Division of the Finance and Administration Services Department.

2. SCOPE: This rule applies to all City employees whose position requires the employee to possess a valid commercial driver's license (CDL).

3. STATUTORY AUTHORITY: City of Albuquerque, NM. Code of Ordinances, Ch. 3 art. 1, Merit System; N.M. Stat. Ann. § 66-5-54; 49 U.S.C.A. §§ 31100-31161; The US Commercial Motor Vehicle Safety Act of 1986; 49 C.F.R. §§ 392.1-392.82; City of Albuquerque Substance Abuse Policy (Personnel Rules and Regulations, Section 1100, effective February 1, 2012); City of Albuquerque City Operator Permit (Personnel Rules and Regulations, Section 1200, effective February 1, 2012).

4. DURATION: Until revoked.

5. EFFECTIVE DATE: November 1, 2013.

6. OBJECTIVE: To assure that commercial drivers for the City of Albuquerque meet the minimum medical requirements, as specified in 49 C.F.R. §§ 392.1-392.82.

7. RESPONSIBILITY FOR ADMINISTRATION: The City's Risk Manager.

8. DEFINITIONS:

A. *Business Day* means a day in which the City of Albuquerque's administrative offices are open, typically weekdays Monday-Friday, from 8:00 AM to 5:00 PM, except for City holidays or other days when the administrative offices are not open for business. See also "Day".

B. *CDL Position* means a City job position which contains the requirement that employee occupying that position possess and maintain a valid Commercial Driver's License (CDL) as a job requirement.

C. *Commercial driver's license (CDL)* means a license issued by the State of New Mexico, in accordance with the standards contained in 49 C.F.R. § 383.5, which authorizes an individual to operate a class of commercial motor vehicle.

D. *CDL holder* means an employee who holds Commercial Driver's License.

E. *City* means the City of Albuquerque, a New Mexico municipal corporation.

F. *City of Albuquerque Medical Certification Card* means the wallet-size card signed and issued by a medical examiner of the City's Employee Health Center as provided in this rule. Once the card is counter-signed by the City's Risk Manager, it certifies that the CDL holder is medically certified to operate CMVs.

G. *City Operator Permit (COP)* means a permit, and proof of insurance for City-Owned Vehicles, issued by the Risk Management Division of the City's Department of Finance

Administration permitting an individual, whether employee, contractor or volunteer, to drive a City-owned motor vehicle or a privately owned motor vehicle on City business.

H. Commercial driver's license (CDL) medical review committee decision means the form utilized by the CDL Medical Review Committee to capture pertinent information about the referrals and record its final decision in a format established by the committee from time to time.

I. Commercial driver's license (CDL) physical examination summary form means the form completed by the examining physician at the City's Employee Health Center and at the conclusion a DOT physical examination of an employee to summarize his findings and provide follow-up instructions to the employee in a format established by the Medical Director from time to time.

J. Commercial Motor Vehicle (CMV) means any self-propelled or towed vehicle used when the vehicle has a gross vehicle weight rating or gross combination weight (GCWR) rating of 26,001 or more pounds, or the vehicle is designated to transport more than 15 passengers including the driver, or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding.

K. Conviction means an unvacated adjudication of guilt; a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated. 49 C.F.R. § 383.5.

L. Day means a 24-hour period, from midnight to midnight. See also "Business Day".

M. Department of Transportation (DOT) means the United States Department of Transportation and all the Department of Transportation agencies, including, but not limited to, the US Coast Guard (USCG), the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Research and Special Programs Administration (RSPA) and the Office of the Secretary (OST). This term includes any designee of a DOT agency.

N. Driver means the employee, contract employee or volunteer in actual physical control of the operation of a vehicle or the employee or volunteer who was last in physical control of a vehicle. This person is sometimes called the "Operator" or the "Vehicle Operator".

O. Driver's license means a license issued by the State of New Mexico, to an individual, which authorizes the individual to operate a motor vehicle on the highways.

P. Endorsement means an authorization to an individual's driver's license required to permit the individual to operate certain types of commercial motor vehicles (CMV).

Q. Gross combination weight rating (GCWR) means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

R. Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

S. Hazardous Material (HAZMAT) means a substance or material which has been determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

T. Medical Director means the physician licensed by the New Mexico Medical Board employed by or contracted by the City to provide medical oversight and medical services to the City's Employee Health Center.

U. Medical examiner means a physician or mid-level provider licensed by the New Mexico Medical Board or the Nursing Board who is employed by or contracted with the City to provide medical services including, but not limited to, physical examinations pursuant to this rule to City employees and potential employees.

V. Prescribed Medication means a medicine that has been authorized by a licensed physician to a patient pursuant to the regulations of the Board of Pharmacy.

W. Motor vehicle means any City or privately owned motor vehicle, recognized by state law as a motor vehicle, used for official City business.

X. Official City Business means any on-duty action taken by a City employee, contract employee or volunteer, on behalf of the City. Official City Business does not include commuting to and from a worksite before and after work hours. Provided further, employees who operate a take-home vehicle are subject to the COP Policy even though they may not be on official business while commuting.

Y. Over-the-Counter (OTC) Medication means a legal medication or drug that may be sold without a prescription.

Z. Risk Manager means the manager of the City's Risk Management Division.

AA. State means the State of New Mexico unless the context suggests states in general.

BB. Substance Abuse Policy means the policy adopted by the City as it is now or as it may be amended from time to time, as set forth in the City's Human Resources Department Personnel Rules and Regulations, Section 1100, effective February 1, 2012, pertaining substance abuse by City employees.

9. DRIVING PREREQUISITES:

A. City employees, who seek to operate a commercial motor vehicle for the City of Albuquerque, must be in a job position which requires the possession of a CDL ("CDL position") and must possess a valid CDL from the State of New Mexico. An employee in a CDL position must successfully meet the medical requirements outlined in this policy.

B. Employees will not be permitted to drive a commercial vehicle until a valid CDL or CDL Learner's Permit is issued or renewed by the State. It is the employee's responsibility to submit a renewal application to the New Mexico Motor Vehicle Division before the current license's expiration date.

10. EMPLOYMENT PREREQUISITES:

A. To be eligible for employment in a CDL Position, an applicant must meet the following requirements. A current employee who wishes to promote into a CDL position must also meet all of these requirements. The individual must:

(1) Qualify for a City Operator Permit (COP) with the City's CDL endorsement and be issued such COP;

(2) Be a resident of the State of New Mexico;

(3) Be at least 18 years of age;

(4) Possess a valid CDL from the State of New Mexico; and

(5) Be certified as to physical qualifications by the City's medical examiner ("CDL Medical Certification"). The requirements for certification shall meet the minimum physical requirements of the DOT as those requirements may be from time to time, and shall include, but are not limited to:

(a) No loss of limb that has not been waived;

(b) No impairment of hand, finger, arm, foot, or leg that interferes with driving;

(c) No diabetes requiring insulin for control;

(d) No heart problems which could impair or incapacitate the operator;

(e) No high blood pressure which is defined as being greater than or equal to 140 systolic and/or 90 diastolic (defined as > 140/90);

(f) No rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular problems that could affect vehicle control;

(g) No epilepsy or other condition likely to cause loss of consciousness;

(h) No mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with vehicle control;

(i) Vision 20/40 or better in each eye (with corrective lenses), not color blind;

(j) Ability to pass a hearing test; and

(k) No drug or alcohol addiction(s).

11. PHYSICAL EXAMINATIONS:

A. The City's Employee Health Center is the only agency authorized by the City to administer DOT physical examinations for City employees or to issue the CDL Medical Certification. The physical examination will be administered as part of the hiring process for new hires or promotions and be required periodically for the renewal of the CDL certification for all CDL drivers. Any offer of employment into a CDL position shall be contingent upon the applicant's ability to satisfactorily complete the post-offer physical examination within the time parameters established by City and the hiring department.

B. The medical examiner assigned to the City's Employee Health Center will report the fitness of an employee to operate a commercial vehicle as:

(1) Qualified: meets all physical requirements.

(2) Probationary: qualified on a short-term (less than 2 years), renewable basis. The medical examiner regularly monitors a driver in this category and will set renewal schedules which may be as frequent as the medical examiner deems appropriate.

(3) Disqualified: does not meet minimum physical requirements. Referral to the medical review board is automatic.

(4) Medical Hold: clinically does not meet requirements. More information is needed to determine the final medical status which must be determined within thirty (30) days or the employee will be certified as "Disqualified".

C. Once hired, an employee in a CDL position, with the exception of those in a "probationary" status, must satisfactorily complete a physical examination at least every two (2) years. (The examination requirement for personnel in a probationary status is detailed elsewhere in this rule.) The medical examiner will issue the employee who meets the requirements a City of Albuquerque Medical Certification Card. The information on the card verifies that the employee has met the minimum physical requirements to drive commercial motor vehicles owned by the City or for City use within the geographic boundaries of the State of New Mexico only unless the Risk Manager has issued a temporary exception for out-of-state travel.

D. An employee who is currently employed by the City and fails to comply with the physical examination requirement or who fails to meet the minimum requirements upon examination will not be certified to drive until if and when he is certified as meeting the DOT medical examination requirements.

E. An employee who is not able to meet the minimum physical requirements of the DOT at the time of the examination will be categorized as "disqualified".

(1) A disqualified employee may be referred to the City's Human Resources Department for assistance in finding alternative placement within the City.

(2) A disqualified employee will be counseled by the medical examiner and options will be discussed. Options presented will include counseling available through the City's Wellness Program and the Employee Assistance Program.

(3) In cases where the employee disagrees with the decision of the City's medical examiner, he may forward opinions and test results from a physician of his choice to the City's Employee Health Center for consideration. Correspondence should be addressed to:

City of Albuquerque
Employee Health Center
400 Marquette NW
Albuquerque, NM 87103

(a) Upon receipt, the medical examiner will, in turn, review such information provided within ten (10) business days and contact the employee to discuss his findings.

(b) The City's medical examiner may, if he deems appropriate and if the employee executes a proper release, consult with the employee's physician, to determine whether the information supplied is sufficient to reverse his decision.

(c) If the medical examiner determines that no basis to change his initial determination exists, he will advise the employee accordingly, and will proceed to resume/initiate the recertification options listed above. If the information submitted merits a change in decision, the City's examining physician will notify the employee in writing.

(d) Any costs associated with consultations with or reports from the employee's personal health care provider will be at the employee's expense.

(e) Either the medical examiner or the employee may request a review by the Medical Review Committee; however, if the employee requests such a review, the request must be made in writing to the City's Loss Prevention Manager within five (5) business days of being advised by the medical examiner that the medical examiner has found him "Disqualified".

(f) No other appeal of the medical examiner's determination is permitted.

F. An employee in the "medical hold" status means that the medical examiner has determined that he requires additional medical tests results or other documentation to derive a final medical status.

(1) At the conclusion of the meeting with the medical examiner, the medical examiner will explain this fact to the employee and describe the additional medical tests or information required by the medical examiner to complete the physical examination.

(2) The employee will be directed to acknowledge receipt of the notification of the requirement by signing the City of Albuquerque Commercial Driver Fitness Determination Form.

(3) The employee has thirty (30) days from the appointment in which the employee was placed on "medical hold" to deliver the required medical test results or other documents to the medical examiner.

(4) If the employee provides the missing information and the medical examiner is satisfied with the results of the physical examination, the medical examiner will release the "medical hold" and issue the appropriate "Qualified" certification.

(6) If the employee fails to provide the additional information within the time allowed, or, if the information provided does not satisfy the medical examiner that the employee has met the physical requirements, the employee will be "Disqualified".

(7) The medical examiner may refer problematic cases to the CDL Medical Review Committee for discussion and a decision on disqualification.

G. The full final results of the medical examiner's physical examination will be maintained in detail in the official CDL medical examination notes that will be maintained by the medical examiner in the records of the Employee Health Center. A summary of the examination results, memorialized on the Commercial Driver's License (CDL) Physical Examination Summary Form, shall be transmitted to and maintained in the employee's files within the City's Human Resources Department.

12. CDL MEDICAL REVIEW COMMITTEE AN PROCESS:

A. The CDL Medical Review Committee's purpose is to review cases referred by the Medical Director and provide advice as to whether the employee-driver can safely operate a commercial vehicle.

B. The CDL Medical Review Committee is comprised of three (3) members, including the Medical Director of the Employee Health Center or his designee, the City Loss Prevention Manager or his designee, and the Director of the Human Resources Department or his designee. The chairman of the Committee is the Loss Prevention Manager.

C. During any review process, except as provided elsewhere in this rule in regards to probationary CDL status, the employee is not deemed CDL qualified and may not operate a CMV.

D. The CDL Medical Review Committee will review the medical information concerning the potential disqualifying health factor or factors referred by the medical examiner, the information concerning those health factors provided by the employee's personal care physician (PCP), additional medical information, if any, provided by the Medical Director of the Employee Health Center and the employee's driving history as furnished by the City's Fleet Safety Officer and affected department. After review and discussion the committee will make its decision by consensus. A quorum is not required.

13. RESPONSIBILITIES OF CDL HOLDERS: An employee in a CDL position, (a "CDL holder") has specific reporting responsibilities.

A. Any Change In Ability To Drive: A CDL holder shall notify his immediate supervisor, his division manager and any other appropriate management immediately if his physical condition changes in a manner that could impact his ability to operate CDL-required equipment safely.

B. Use of Over-the-Counter Medication (OTC) or Prescribed Medication: A CDL holder shall notify his immediate supervisor, his division manager and any other appropriate management immediately when he is taking over the counter medication or prescribed medication that he believes, that his physician warns him or based on the manufacturer's information distributed with the medication, he knows or should have reason to know may cause dizziness, drowsiness or other impairment potentially affecting ability to drive or operate heavy equipment.

C. Notification of Driver's License Suspension: A CDL holder shall notify his immediate supervisor, his division manager and any other appropriate management immediately if his driver's license or his state issued CDL license is suspended, revoked, or canceled, or if he is disqualified from driving for any reason.

D. Notification of Conviction for Driving Violations: A CDL holder shall notify his immediate supervisor, his division manager and any other appropriate management immediately of the receipt of citations for any criminal charges including but not limited to moving traffic violations, charges, convictions for such violations as well as any change in the status of a driver's license.

14. DISQUALIFICATION OF CDL HOLDERS:

A. A CDL holder is disqualified from driving CMVs, if

1. The COP is suspended or revoked for any reason;
2. The CDL holder is convicted of operating a CMV with a blood alcohol concentration (BAC) of 0.02% or more;
3. CDL holder is found to be in violation of the Substance Abuse Policy;
4. By judicial or administrative action or operation of law, the CDL holder's New Mexico driver's license is suspended or revoked;

5. Pursuant to the City's rules and regulations, the CDL holder is forbidden for any reason to operate a motor vehicle or CMV on City business.

B. License Check: From time to time, the Risk Management Division investigates the status of CDL 'holders' New Mexico driver's licenses and the attendant CDL endorsement. The Risk Management Division will report invalid, suspended or revoked driver's licenses, CDL's and COP's to the CDL holder's department for appropriate action.

C. Upon notification that a CDL holder has lost his New Mexico driver's license, his CDL endorsement, his COP or his City-issued CDL certification, the employee's supervisor or division manager shall immediately notify the employee's department Human Resources Coordinator. In accordance with City rules and regulations, the department may elect to reassign the disqualified employee internally or seek assistance from the City's Human Resources Department in reassigning the employee to another department.

15. EMPLOYEE TRAINING:

A. The various departments have the overall responsibility for the CDL training program within the respective department so long as the department's program meets the minimum requirements of this rule.

B. In addition to the tests and skills training required by the State and other required training within the department, CDL holders must complete the required training contained in this rule.

C. The Risk Management Division shall maintain training records for defensive driving. Defensive Driving Course records are accessible to the departments through the Risk Manager or his designee. All training records will include date of instruction, subject and instructor's name. Records will be retained in accordance with City's document retention schedule.

D. The training program for CDL holders shall include components as directed from time to time by the Risk Manager and the Loss Prevention Manager.

1. The program of instruction shall include the City's CDL policy, Substance Abuse Policy, and other training designed to ensure the employee is adequately trained.

2. The training program shall include of the COP Driver Safety Training as specified, City Operator Permit Rules, Section 1200, and the following additional CDL specific training:

Training	Training Hours	Frequency	Training References
Vehicle Inspection & Maintenance	2	Every 3 years	Local and State Guidelines
CDL Refresher	1	Annually	Guidance published annually by the CDL Administrative Board
Portable Fire Extinguisher	1	Annually	49 CFR 1910. 157

E. CDL position holders shall complete the training in all Employee Training specified in this section within ninety (90) days of being hired or promoted to the CDL position. Drivers who have

not completed the initial training or annual renewal training shall be suspended from driving until the training has been completed.

F. The departments with CDL positions are expected to complete the following training:

Training	Hours	Frequency
CDL Orientation (initial)	4	Upon appointment
CDL Refresher	1	Annually

G. In addition to the above, departments shall administer a road test to each new driver in accordance with that department's policies and may do so periodically in accordance with the respective department's procedures.

16. RECORD KEEPING: All CDL related recordkeeping shall be maintained in accordance with Federal, State regulations and City of Albuquerque rules and regulations.

17. The Loss Prevention Manager shall review from time to time the training and safety programs as well as record-keeping and other requirements imposed by federal, state and local laws to determine that the various City departments are in compliance with all applicable federal, state and local requirements. Department directors shall cooperate with the Loss Prevention Manager to ensure that any and all requested corrective actions occur promptly. Failure of a department to promptly bring its actions in compliance as directed by Loss Prevention Manager or a federal or state regulator may result in Risk Management's suspension of CDL certification for all employees within that department until the department is in compliance to the satisfaction of the Loss Prevention Manger.

18. VIOLATIONS: Any violations of this rule by the CDL holder or others obligated to enforce this rule may result in disciplinary action up to and including termination.