**City of White Sulphur Springs, Montana**

**Commercial Drivers License Policy**

**~~Effective DATE~~ *DECEMBER 4, 2023***

**Applicability**: This policy applies to every employee who operates a commercial motor vehicle, as defined in [Section 23.5.502](https://rules.mt.gov/gateway/RuleNo.asp?RN=23%2E3%2E502#:~:text=(5)%20%22Commercial%20driver's%20license,of%20a%20commercial%20motor%20vehicle.).of the Administrative Rules of Montana, during their employment with the City of White Sulphur Springs.

**Policy:**

1. Existing employees whose duties, as assigned, require the operation of a commercial motor vehicle will, as a condition of continued employment, be required to possess and maintain a valid Montana Type I Class B Commercial Drivers’ License (CDL) effective on and after ~~DATE~~ *December 4, 2023*.
* Interstate licenses will authorize the employee to operate City equipment outside of Montana when necessary.
* Intrastate licenses will restrict the employee to operating City equipment only within Montana.
* A copy of the license, noting the status of interstate vs. intrastate, along with any restrictions or endorsements, shall be kept on file ~~with the Mayor or designee~~ *in the Clerk’s office*.
* ~~City equipment may have restrictions or endorsements, and~~ Any employee operating City equipment shall ~~be determined to~~ meet ~~those~~ restrictions or endorsements *such as no restrictions for airbrakes* before operating ~~such~~ *City* equipment.
1. New employees, those hired after ~~DATE~~ *January 1, 2024*, whose duties, as assigned, require the operation of a commercial motor vehicle must have a valid Montana CDL at the time of hire, *possess a Commercial Driver Learner Permit,* or be eligible to obtain a valid CDL within 90 days of hire.
* A valid Montana CDL means one issued by the Montana Department of Motor Vehicles after fully completing the required medical exam and testing.
* Eligible to obtain a valid CDL means the candidate has obtained the required medical exam and has completed or is scheduled to complete the written and driving exams within 90 days of hire.
* *Possess a certificate for completion of Entry Level Driver Training.*
1. Unless otherwise specified in the letter of hire, the Montana statutory probationary period is 12 months from the date employee begins work. This period may be extended, but may not be longer than 18 months total.
2. Those City employee commercial drivers hired before ~~DATE~~ *December 4, 2023*, will, as a condition of continued employment, obtain a valid Montana Type I Class B *Intrastate* Commercial Drivers’ License *without restrictions as to airbrakes* by no later than ~~DATE~~ *July 1, 2024*.
* The City will assist these employees in the cost of obtaining their CDL.
* The City will provide necessary accommodations to these employees in order that they may complete necessary requirements (medical exams, written or other testing) to obtain their CDL.
* The City will not reimburse these employees for the cost of maintaining their drivers’ license.

**Transition Plan for Current Employees:**

The City identified an issue regarding whether the City and its employees were exempt from CDL requirements. Consequently, commercial drivers who were hired before ~~EFFECTIVE DATE~~ *December 4, 2023,* were not required to possess a CDL at hire. The following plan explains the steps to be taken by the City and its commercial drivers to obtain the required licensure. Where applicable, a deadline for completion is also provided. *Employees are encouraged to begin scheduling and/or complete all steps in advance of the deadline. Proof of compliance is required by the deadlines indicated.*

**Step 1: City Identifies Commercial Driver Requirements**

**Deadline: ~~DATE~~ January 2, 2024**

The City will identify the job classes required to hold a commercial drivers’ license, and the employees who are employed in those job classes. Job Descriptions will be updated to reflect the job classes requiring the possession of a Montana CDL, and affected employees will receive copies of:

* The current Montana Commercial Driver License Manual (The most current version of this Manual is available at: <https://dojmt.gov/wp-content/uploads/Montana-CDL-Manual-0723.pdf>); and
* The City’s Drug and Alcohol Testing policy
* The appropriate job description.

**Step 2: Driver Completes DOT Physical Examination**

**Deadline: ~~DATE~~ *February 2, 2024***

The City will schedule, and pay for, the employee’s initial DOT physical examination unless the employee meets exemption requirements and is exempted by the City. The exam must be conducted by a licensed medical provider included on the Federal Motor Carrier Safety Administration’s (FMCSA) “National Registry of Certified Medical Examiners”.

* Employees should review the “Physical Qualifications” on the fifth page of the Montana CDL Manual. Any employee with a condition which disqualifies them from being issued a medical examiner’s certificate (MEC) should speak with the Mayor.
* Medical examiner’s certificates are valid for up to 24 months. [Note: The examiner may issue a medical examiner's certificate for less than 24 months when it is desirable to monitor a medical condition.]
* A list of National Registry certified providers can be found at: <https://nationalregistry.fmcsa.dot.gov/search-medical-examiners?as=false&range=10&location=59645>

**Step 3: Driver Completes Theory Portion of Entry Level Driver Training**

**Deadline: ~~DATE~~ *April 1, 2024***

Those seeking to obtain a Class A or B license for the first time, upgrade an existing Class B CDL to a Class A CDL, or obtain a School Bus, Passenger, or Hazardous Materials endorsement for the first time, will be required to complete Entry Level Driver Training (ELDT). The employee is responsible for registering for, and completing, the Theory portion of the ELDT program.

The ELDT program is split into two portions: the Theory portion which must be taken first, and the Behind-the-Wheel portion, which is available after the trainee has obtained their Commercial Learners Permit. ELDT Theory trainingtopics include:

* Basic Operation
* Safe Operating Procedures
* Advanced Operation Procedures
* Vehicle Systems and Reporting Malfunctions
* Non-Driving Activities (e.g., Hours of Service)

ELDT Theory training is conducted online at the applicant’s own pace. Applicants must score at least 80% on the Theory training component *(80% on each topic and an overall score above 80%)* before being eligible to take Behind the Wheel training.

Registration in the Theory portion of the ELDT training is a multi-step process. Register online here: <https://mdt.mt.gov/jobs/eldt-registration.aspx>

The Training provider will provide the FMSCA with information regarding the driver who has enrolled in the Theory section of the ELDT training.

**Step 4: Driver Passes Commercial Drivers’ Written Test**

**Deadline: ~~DATE~~ *April 1, 2024***

The City will allow each commercial driver to spend up to 16 hours of paid work time, at straight time, to study for the CDL written test. Any request for overtime related to study time must be approved, in advance, by the Mayor. The driver will also be allowed up to two (2) hours of paid time off to take the written test.

* It is the responsibility of the driver to schedule the written test.
* It is the responsibility of the driver to make any arrangements for accommodations to take the written test.

**Step 4.5: Driver Obtains Commercial Driver Learner Permit**

**Deadline: ~~DATE~~ *April 1, 2024***

Employees must obtain a commercial driver learner permit by no later than **~~DATE~~ *April 1, 2024***. To obtain this permit, the employee must pass the vision and written tests, present a valid medical examiner's certificate\*, and fulfill all other requirements for the class of vehicle to be operated. All applicants must be able to provide the following for a CDL:

* Proof of Authorized Presence
* Proof of Identity
* Proof of Montana Residence
* To apply for an Intrastate license, you must meet the Montana qualifications and be at least 18 years old
* To apply for an Interstate license, you must be at least 21 years old

It is the responsibility of the driver to complete the paperwork necessary to obtain this permit. With proper planning, a learner’s permit can be obtained on the same day the driver passes the written test.

Candidates must hold a commercial learner permit for a minimum of 14 days prior to the driving demonstration.

**Step 5: Driver Completes ELDT Behind-the-Wheel Training**

**Deadline: ~~DATE~~ *prior to* *July 1, 2024***

ELDT Behind-the-Wheel Training (BTW)Basic focuses on vehicle control skills and mastery of basic maneuvers. There is no minimum number of hours, but the training usually requires a minimum 2-week commitment. It is up to the training provider to determine driver proficiency.

*Note: Employee is ultimately responsible for scheduling this training. However, the City may be able to work with other communities or providers to bring the training to the City.*

* Per the MDOT ELDT training coordinator: If the City uses the state’s ELDT program, it is a 2-week minimum commitment, in Helena, for each employee. The State cannot bring the BTW training here. When and what CMV equipment will be used will require verification.
* Employees need to get on the schedule ASAP to avoid delays in getting into the BTW training.
* Different providers for the Theory and Behind the Wheel components may be used. There are private training providers who will deliver the BTW training onsite. Costs will be evaluated and a determination made as to providers and employees will be informed of options. ELDT Training provider registry:[*https://tpr.fmcsa.dot.gov/Search?trainingType%5B%5D=A-Theory&trainingType%5B%5D=A-BTW&lng=-110.3625658&lat=46.8796822&state=US-MT&location=Montana%2C+USA&name*](https://tpr.fmcsa.dot.gov/Search?trainingType%5B%5D=A-Theory&trainingType%5B%5D=A-BTW&lng=-110.3625658&lat=46.8796822&state=US-MT&location=Montana%2C+USA&name)*=*

The Training Provider provides the FMSCA with information regarding a driver who has enrolled in the Behind the Wheel Training program.

**Step 6: Driver Completes Commercial Motor Vehicle Driving Demonstration**

**Deadline: ~~DATE~~ *July 1, 2024***

The Driving Demonstration consists of a pre-trip vehicle inspection, basic control skills test, and on-road drive test. Candidates must successfully complete each step in this order before moving on to the next. If a step is failed, the candidate will be required to reschedule a minimum of 1 week later.

Before a commercial license can be issued, employees must successfully complete the pre-trip vehicle inspection, basic control skills, and road test.

**Step 7: City Complies with Federal Pre-Employment Drug and Alcohol Testing Requirements**

As soon as an employee has obtained a commercial drivers’ license, the City will conduct a pre-employment drug test and a federal Department of Transportation Clearinghouse query:

## Pre-Employment Drug Testing

## Commercial drivers and their employers must follow alcohol and drug testing rules. Under FMCSA and FMCSA rules, the operation of a commercial motor vehicle is considered a “safety sensitive” function.

## [49 CFR §382.301](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-383?toc=1), Pre-employment Testing, requires that, before a driver can perform safety-sensitive functions for an employer, the driver must undergo controlled substances testing. No employer may allow a driver to perform safety-sensitive functions unless the employer has received a verified negative controlled substances test result from a certified lab. This also applies to current employees who, for whatever reason, are not currently part of the City’s drug and alcohol testing program.

1. DOT Drug and Alcohol Testing Clearinghouse Query

This Clearinghouse contains information about holders of commercial driver’s licenses (CDLs) and commercial learner’s permits (CLPs) who are covered by FMCSA’s Drug and Alcohol Testing Program.

The City is required to conduct a full pre-employment Clearinghouse query on all CDL drivers to determine whether the driver has a verified positive, adulterated, or substituted controlled substances test result; a positive alcohol test, has refused to test in violation; or whether an employer has reported actual knowledge that a driver used drugs or alcohol in violation of drug and alcohol testing rules.

Commercial motor vehicle drivers are not required to register for the Clearinghouse. However, a driver will need to be registered to provide electronic consent in the Clearinghouse when a prospective or current employer needs to conduct a full query of the driver’s Clearinghouse record.

Any employee who refuses to consent to a mandated Clearinghouse query will be prohibited from performing safety-sensitive functions, such as operating a CMV. The employee may also be subject to disciplinary action, up to and including discharge.

1. Supervisor Training

All persons designated to supervise drivers will receive training complying with 49 CFR [§382.603](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382/subpart-F/section-382.603).

**Consequences for Failure to Obtain and Maintain a Commercial Driver License:**

City employees subject to commercial drivers licensing requirements who fail to obtain a commercial drivers’ license by ~~DATE~~ *July 1, 2024 will be terminated unless verifiable attempts to obtain a CDL have failed despite demonstrated effort or scheduling conflicts have interfered with compliance by the indicated deadline(s). Employees must communicate with the Mayor as to their status throughout the process, particularly when confronted with an obstacle to compliance. Determination as to compliance will be made on a case-by-case basis by the Mayor.* ~~and/or~~ *Employees who fail* to maintain the CDL during their course of employment will be subject to disciplinary action, up to and including termination.

**Resources**:

Federal Motor Carrier Safety Administration:

* Commercial Driver Licensing: <https://www.fmcsa.dot.gov/registration/commercial-drivers-license>
* Entry Level Driver Training website: <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/entry-level-driver-training-eldt>
* Drug and Alcohol Clearinghouse: <https://www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse>

State of Montana Department of Transportation:

* Entry Level Driver Training website: <https://mdt.mt.gov/jobs/eldt.aspx>
* ELDT Registration page: <https://mdt.mt.gov/jobs/eldt-registration.aspx>
* [10 Easy Steps to a CDL](https://mdt.mt.gov/other/webdata/external/maint/TEN-EASY-STEPS-to-a-CDL.pdf): <https://mdt.mt.gov/other/webdata/external/maint/TEN-EASY-STEPS-to-a-CDL.pdf>

State of Montana, Department of Justice:

* Commercial Drivers Licensing page: <https://dojmt.gov/driving/commercial-driver-licensing/>
* Questions regarding CDL license eligibility can be directed to the CDL Help Desk at (406) 444-3244 or on the Motor Vehicle Division website:  <https://dojmt.gov/driving/commercial-driver-licensing/>
* Commercial Drivers’ license webpage: <https://mvdmt.gov/cdl/>
* Appointment scheduling: [appointment scheduling](https://dojmt.gov/driving/appointment-scheduling/). <https://cars.dojmt.gov/app/_/#1>

City of White Sulphur Springs (these are available from the City Clerk):

* Employee Handbook
* Drug and Alcohol Testing Program
* Job Descriptions:
	+ Public Works Supervisor
	+ Public Works Employee