

# CITY OF ROCHESTER ORGANIZATIONAL POLICY

## JOB-REQUIRED LICENSES AND CERTIFICATIONS

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### **Purpose**

The purpose of this policy is to define expectations for employees who hold license and/or certification requirements as part of their job position with the City. The policy also provides guidance for supervisors in considering potential accommodations and addressing employee conduct when an employee experiences a loss, restriction, or lapse of a required license and/or certification.

### **Employee Expectations**

Employees with license and/or certification requirements within their job description are expected to keep them current unless otherwise specified. If an employee experiences a loss, restriction, or lapse in any required license or certification, they must notify their supervisor immediately, but no later than three business days from when the loss, restriction, or lapse occurs. However, in no case should an employee perform work requiring the license or certification after the loss, restriction, or lapse has occurred. Additionally, affected employees must provide the City with documentation and information related to: (1) the circumstances surrounding the loss, restriction, or lapse of licensure or certification; (2) the timeframe for full reinstatement; and (3) specific conditions of the licensure or certification restrictions, if applicable.

### **Driver's License**

If driving is required as an essential function for a job, a Motor Vehicle Records check will be conducted at the time of hire and annually thereafter. In cases where driving is not an essential function, but the employee will be operating a City vehicle, a Motor Vehicle Records check must be completed prior to the employee driving the City vehicle and annually thereafter, if this expectation is ongoing. As part of the Motor Vehicle Records check, an employee's personal driving record, including citations and convictions, will be considered in determining whether an employee is eligible to drive on behalf of the City. The City reserves the right to make these eligibility determinations and may take appropriate action based on an employee's personal driving record.

### **Potential Accommodations**

Accommodations for the loss, restriction, or lapse of a required license or certification may be considered on a case-by-case basis. In considering whether accommodation is appropriate, the nature of the circumstances, the timeframe for reinstatement, and the availability of other work are all relevant factors.

Accommodation may also include temporary reassignment to another position or a temporary layoff without pay until the required license or certification is reinstated. In cases where the accommodation involves reassignment, or in cases where an employee is allowed to remain in their position without the required

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license or certification, a job reevaluation and subsequent wage adjustment should be completed if the accommodation period exceeds 90 days.

The City may elect at its discretion not to accommodate the loss, restriction, or lapse of a required license or certification.

**Performance Considerations**

The loss, restriction, or lapse of a required license or certification should be addressed as a performance issue, which may include the issuance of progressive discipline, a Last Chance Agreement, and/or the termination of employment. The ability of the City to accommodate the loss, restriction, or lapse does not negate the misconduct in not maintaining the required license or certification.

Other conduct that may impact the level of discipline imposed, or result in the issuance of additional discipline include, but is not limited to:

1. Losing a license or certification due to conduct that occurred during the course and scope of employment with the City
2. Performing job functions that require a license or certification after the loss, restriction, or lapse occurred (i.e. driving on behalf of the City without a valid driver's license).
3. Failing to notify the City within three business days, of the loss, restriction, or lapse of the license or certification and/or not providing the City with related documentation/information as specified within the policy.

Policy revisions approved by City Administrator:

  
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Alison Zelms

02/25/2021  
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Date

Current Revision: February 2021  
Previous Adoption/Revisions: Nov 2006, Jun 2007, Mar 2008