

Standard No. 576-056-0000

MOTOR VEHICLE HISTORY CHECK

Purpose and Applicability

(1) Oregon State University is committed to protecting the security, safety, and health of faculty, staff, students and others, as well as safeguarding the assets and resources of the University. To meet these objectives, the University may require a motor vehicle history records check as a condition prior to an employee or volunteer providing services in a position that requires operation of a motor vehicle as an essential function. All categories of unclassified employees, classified employees, graduate assistants, student employees, volunteers, and job applicants may be subject to this check if their position requires operation of a motor vehicle. Hiring practices associated with motor vehicle history checks are to be conducted in a manner that supports the University's commitment to non-discrimination in hiring practices.

(2) A motor vehicle history check may be required of a person currently serving as an employee or volunteer if he or she seeks appointment to a position that requires operation of a motor vehicle as an essential function, or if 576-055-0130 applies.

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576-056-0010

Definitions

(1) "Motor vehicle history check" is the review of any and all records containing any information collected and stored in a state or county repository as identified in 576-035-0020 or applicable state rules or laws if records are collected or stored outside the State of Oregon.

(2) "Subject individual" means a person from whom the University may require motor vehicle history records as a condition to provide service as an employee or volunteer. Subject individuals may include persons currently serving as an employee or volunteer, or persons who seek appointment as an employee or volunteer, to a position that is designated as requiring driving as an essential function of the position.

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576-056-0020

Designation of Positions Requiring a Motor Vehicle History Check

The President or his/her designee will designate positions, in consultation with the hiring supervisor, that require driving as an essential function in the position description and, therefore, require a motor vehicle history check using the criteria described in 576-035-0020. The

designation will be applied based on a review of specific motor vehicle-related job duties and requirements.

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576-056-0030

Notice to Subject Individuals

All solicitations, application forms, and announcements for positions designated as requiring a motor vehicle records check will include a statement notifying potential applicants of the intent to request consent to conduct a motor vehicle history check and the fact that such consent will be required for employment or service consideration.

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576-056-0040

Motor Vehicle History Check Process

(1) Oregon State University may request that an applicant, employee or volunteer provide a current motor vehicle history when:

- (a) The individual meets the definition of “subject individual”; or
- (b) Required by federal law or regulation, by state law or administrative rules, or by contract or written agreement.

(2) Oregon State University may require the subject individual to provide personally identifiable information such as names, current and former addresses, date of birth, and driver’s license number.

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576-056-0050

Determination of Fitness to Hold Position Based on Motor Vehicle History Check

(1) A motor vehicle history check is intended to verify that the subject individual meets minimum driver requirements and voluntary and compulsory driver standards as identified in 576-035-0020 and has not forfeited bail or been convicted for any of the following, or reasonably similar, unacceptable driving violations, as certified by the motor vehicle history check. The listed periods begin at the later date of violation, forfeiture, or conviction.

(a) A major traffic offense in the last 24 months. This includes reckless driving, driving under the influence of intoxicants, failing to perform the duties of a driver, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer, and others;

(b) Felony revocation of driving privileges or felony or misdemeanor driver license suspension within the last 24 months;

(c) More than three moving traffic violations in the last 12 months;

(d) A careless driving conviction in the last 12 months; or

(e) A Class A moving traffic infraction in the last 12 months.

(2) The President or his/her designee will review the motor vehicle history check information in determining if the subject individual is fit to hold the position.

(3) A determination of fitness is considered a minimum qualification of a position requiring a motor vehicle history check. However, a positive determination on the basis of a motor vehicle history check does not guarantee the individual a position as an employee or volunteer.

(4) A subject individual who misrepresents or provides misleading or false information, or withholds information as part of the motor vehicle history check process, will be disqualified from further consideration. If misleading or false information is discovered after an individual has been appointed, the individual may be disciplined, up to and including termination of employment or service appointment, or rescinding of tenure appointment, pursuant to University policy and governing rules.

(5) An open motor vehicle offense or charge may preclude a final candidate from eligibility for employment or service depending on the relevancy of the charges(s) to the job responsibilities. The President or his/her designee is responsible for determining relevance in these situations, in consultation with University General Counsel.

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Refusal to Consent to a Motor Vehicle History Check

Refusal to consent shall cause the University to deny the subject individual employment or service as a volunteer. A subject individual may not appeal a termination of candidacy due to refusal to consent to a motor vehicle history check.

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576-056-0070

Incomplete Fitness Determination

The University will close a fitness determination as incomplete when:

- (1) The person no longer meets the definition of a “subject individual”;
- (2) The subject individual does not provide information or materials under 576-056-0050;
- (3) The University cannot locate or contact the subject individual;
- (4) The University determines that the individual is not eligible or qualified for the position of employee or volunteer for a reason unrelated to the fitness determination process; or
- (5) The position is no longer open.

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576-056-0080

Offer of Employment or Service

Appointment of an applicant, current employee or volunteer to a position requiring a motor vehicle records check is contingent on the University’s determination of fitness based on the motor vehicle history check. No subject individual for a position designated as requiring a motor vehicle history check may commence employment or service until the motor vehicle history check process has been completed and a satisfactory determination of fitness to hold the position has been made unless an exception has been approved by the President, in consultation with the University General Counsel and the Assistant Vice President for Human Resources.

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Notice of Adverse Fitness Determination

A subject individual who has been determined not to be fit based at least in part on information contained in a motor vehicle history check will be notified by the University either by electronic or certified mail to the address provided by the subject individual.

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576-056-0100

Appeal Process for Motor Vehicle History Check

(1) A subject individual who is currently employed by the University and who is determined not to be fit for a position on the basis of information contained in the motor vehicle history records check report provided by the subject individual to the University may appeal the determination through applicable personnel rules, policies and collective bargaining provisions.

(2) A subject individual who is not currently employed by the University and who is determined not to be fit for a position on the basis of information obtained in the motor vehicle history records check report provided by the subject individual to the University may appeal the determination by writing a letter within five (5) days to the Assistant Vice President for Human Resources stating the reasons for appeal.

(3) The subject individual may not use the appeal process to challenge the accuracy, completeness or lawfulness of the information the subject individual provided to the University.

(4) The only remedy available to the subject individual under the appeal process is a determination that the applicant is fit. Under no circumstances will the University be required to place a subject individual in any position or be required to accept the individual's services in any capacity.

(5) Appealing a fitness determination or challenging motor vehicle history information with the agency from which the subject individual obtained the report will not cause delay or postponement of the University's hiring process or decisions regarding employment or service to the institution.

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576-056-0110

Restricted Access to and Maintenance of Motor Vehicle History Check Records

(1) Access to information obtained in the motor vehicle records check process is restricted. The University restricts access to and dissemination of that information to only those persons with a demonstrated and legitimate need to know the information. Motor vehicle history record files will be maintained in the Office of Human Resources and the Department of Public Safety.

(2) Supervisors and other University employees will generally not be provided information regarding a subject individual's motor vehicle history and will be informed that the subject individual either has a satisfactory or unsatisfactory fitness determination. Motor vehicle history information will only be disclosed to a hiring supervisor or other University employees where the President or his/her designee believes that employee has a demonstrated and legitimate need to know the information and specifically approves the disclosure.

(3) Motor vehicle history check records will be retained in accordance with OAR 166-475-0095(17).

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Fees Associated with Obtaining a Motor Vehicle History Check

The subject individual is responsible for fees associated with providing his or her motor vehicle history to the University.

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576-056-0130

Required Employee and Volunteer Notification to the University

(1) A motor vehicle history check and determination of fitness will not be required of a current employee or volunteer in his or her unless required by law, rule, regulation, ordinance, binding legal opinion, or grant, or as required in writing by a funding or regulatory agency or as set forth in (2). Fitness determinations and employment or volunteer service decisions based thereon will be made consistent with this Division and any other applicable University rules, policies or collective bargaining agreements.

(2) All employees and volunteers whose position descriptions have been designated as requiring the operation of a motor vehicle as an essential function are required to notify the Director or Associate Director of the Office of Human Resources if they are convicted of a motor vehicle crime or offense as identified in OAR 125-155-200 while serving in the position. If the President or his/her designee determine that the conviction is pertinent to the employee or volunteer's fitness to carry out the duties or functions of his or her position, the University may require the employee to consent to a motor vehicle history check. The results of this check will be handled pursuant to the remaining sections of this Division and other applicable University rules and policies. If the University makes an adverse fitness determination based on the check, the employee or volunteer will be removed from his or her position where consistent with other University rules, policies or collective bargaining agreements.

(3) Failure to report relevant crimes or offenses pursuant to this Section may result in disciplinary action, up to and including termination. The Director or Associate Director of Human Resources will take all such matters under advisement with University General Counsel.

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