



Loss of Driving Privileges Practice
Effective September 1, 2010

This practice applies to all positions in which the employee is required by job description and work duties to possess a valid drivers' license.

A. The company will utilize the following process when an employee temporarily loses his or her driving privileges, subject to the exceptions listed below:

1. First, the employee must exhaust all earned but unused paid time off (which includes vacation and personal days/floating holidays) available in the current calendar year (including any carryover vacation).
2. After the paid time off is exhausted, the company will provide the employee with one or more temporary work assignments where driving will not be required for a period not to exceed 90 calendar days, *if such work is available*. The availability of such assignment(s) will be determined by management in its sole discretion; depending on whether meaningful non-driving work is available at the time (priority for available work may be given to employees with medical restrictions or with legally qualifying disabilities rather than to employees with driver's license suspensions). The assignment(s) may include any position for which the employee is qualified by skill, knowledge and physical ability. The employee will be paid the rate of pay for the duties he or she is performing during this temporary assignment, if those duties are typically performed by a classification with a different rate of pay. If a temporary assignment is provided, the company will attempt to provide it in the employee's same department, or within a reasonable distance from that department.
3. Lastly, if a non-driving assignment is not available or if the license is still suspended following completion of the non-driving assignment, the employee will be permitted to take approved leave without pay for the remaining time, up to a total non-driving time of 90 calendar days.

B. The accommodations outlined above are not available under the following circumstances:

1. The second occurrence of loss of driving privileges within five years;
2. When the loss of driving privileges results from an occurrence in a company vehicle or while on duty;
3. When the license suspension is for a period greater than 90 calendar days;



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4. When an employee refuses a non-driving work assignment for which he/she is qualified;
5. When the employee failed to immediately inform the company of the suspension or limitation of his/her driving privileges; and
6. When aggravating circumstances exist that provide cause to deny the accommodation, such as but not limited to adverse publicity relating to the company (including the individual's employment by the company), failure of the employee to provide full and accurate disclosure to the company of the circumstances, or failure to enroll in or satisfactorily complete appropriate rehabilitation and follow-up programs.

If any of these circumstances apply, the employee will be subject to termination of employment. In the event of a medical related loss of driving privileges, the company will follow the process outlined above, but will also determine if the employee is eligible for a reasonable accommodation, as required by the Americans with Disabilities Act and its amendments, as well as any applicable state and local law. If the employee is eligible, the company will engage in the interactive process to determine if an accommodation is available and appropriate, as required by law.

The Company will take into account the circumstances of any particular case and may vary its action from the above guidelines as warranted by those circumstances.

From: Kevin Booth <kbooth@local537.com>

Sent: Monday, August 23, 2010 10:00 PM

To: 'Carole.Dascani@amwater.com'

Subject:RE: Driving issue

Hi Carole-

I won't go into a long dissertation except to say that I disagree that this was not being negotiated. A negotiated agreement would probably eliminate any and all disputes in the future as opposed to your unilaterally imposed policy that will surely be challenged at first use.

I understand that you plan to implement this on September 1st. I won't really have an opportunity to discuss this with all of my Presidents until October. We'll see how it goes.

Kevin