

SUBJECT: REQUIRING A DRIVER'S LICENSE FOR CITY EMPLOYMENT

Purpose: The purpose of this APM is to provide guidance to hiring managers when determining the appropriateness of requiring a driver's license as a condition of employment for a City of Madison employment opportunity.

Policy: To ensure unnecessary barriers are not being created for applicants, the City shall only require the possession of a driver's license when the essential job functions make such a requirement absolutely necessary. For example, a bus driver is required to have a specific driver's license. Another employee may need to frequently visit locations out of the office in person in order to do their job, but it is not essential that they travel by driving a car. In this case, the essential function is the ability to travel, not possessing a driver's license.

Essential job functions are the primary duties an employee in a particular position must be able to perform, with or without reasonable accommodation. Under the Americans with Disability Act (ADA), if travel by driving is an essential job function, the employer can insist that employees have a driver's license. Alternatively, the employer may insist that employees are able (and required) to perform that specific job duty, like travel, with or without a reasonable accommodation. When determining the necessity of a driver's license, hiring managers, in conjunction with the Human Resources Department, will consider if it is legally required in order to perform the job.

- Does the job require the operation of a city vehicle?
- Is the employee responsible for transporting other people?
- Is the employee required to travel to places that other forms of transportation cannot be accessed?

For other travel, hiring managers, in conjunction with the Human Resources Department, will consider the following:

- Whether the purpose of the position exists is to perform that job function;
- The number of other employees available to perform the job function or among whom the performance of the function can be distributed; and
- The degree of expertise or skill required to perform the job function.

Other considerations may include but are not limited to:

- Actual work experiences of present or past employees in the job;
- Time spent performing functions considered to be essential; and
- Consequences of not requiring an employee to perform specific functions.

Hiring managers often inappropriately associate the possession of a driver's license with an applicant's ability to travel or reliably be at work on time; and will want to include the possession of a driver's license as a requirement. However, this may be discriminatory and discourage

individuals with disabilities, and low-income people from applying for jobs. In addition, some disabilities may preclude having a driver's license, but that does not necessarily mean someone cannot perform the job. This could be an ADA discrimination issue unless the requirement to drive is indeed an essential job function. Blanket driver's license requirements, outside of such requirements being an essential job function, risk creating a disparate impact for some groups and may create inadvertent discrimination. Hiring managers should be reminded that possessing a driver's license does not equate to consistent access to a vehicle, reliable transportation, or guarantees of adequate attendance. Further, beyond the possession of a driver's license and consistent access to a motor vehicle, there are many other ways employees can get to the workplace and travel within the workday, such as:

- Public transportation
- Rides from others, including personal attendants
- Carpooling with other employees or people who work nearby
- Bicycling or other forms of transport, such as roller blades, scooters, or skateboards
- Walking
- Taxis or ridesharing services
- Paratransit services

In cases where travel is needed, but the actual ability to drive is a non-essential job function, the City shall be prepared to provide reasonable accommodations to persons who do not have a driver's license because of a disability. Even in the absence of a disability, in situations when moving by car seems to be a practical necessity, consideration should still be given to the previously noted modes of travel. Additionally, agencies are encouraged to exercise flexibility and creativity when evaluating operational needs as they relate to transporting-related duties, and in many situations, agencies should be prepared to engage in an interactive process with employees and, when feasible, be prepared to reassign such duties to others if necessary. Requests for reasonable accommodations should be directed to the Human Resources Department.

Authority: The Human Resources Director shall maintain and interpret this policy.



Satya V. Rhodes-Conway
Mayor

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