Fleet Services Section

Operating Policies and Guidelines Manual

This manual is a compilation of various guidelines, rules, and policies which guide the activities of employees in the Fleet Services Section of the Department of Public Works Fleet Services Section. It is intended to be a ready reference and does not include ordinances or City Services Policies.

The major components of this manual include:

- City Of Milwaukee – Workplace Violence Prevention Policy
- City Of Milwaukee – Anti-Harassment Policy
- City of Milwaukee – City Residency Policy

- Department of Public Works – ADA Policy - American's with Disabilities Act
- Department of Public Works – Drug and Alcohol Testing Policy
- Department of Public Works – Use of Alcohol or Non-Prescribed Controlled Substances Policy
- Department of Public Works – Information Technology Resources
- Department of Public Works – Information Security Policy
- Department of Public Works – Policy Regarding the Use of E-mail and the E-mail Policy
- Department of Public Works – Federal and State Law Changes Pertaining to Employee's Whose Position Requires a Commercial Drivers License

- Department of Public Works – FLEET VEHICLE USAGE AND SAFETY MANUAL

- Department of Public Works – OPERATIONS DIVISION MAJOR WORK RULES

- Department of Public Works – CITY OF MILWAUKEE SNOW AND ICE POLICY

This manual is intended to serve as a quick reference on work rules and policies which are most frequently referred to by employees and managers.

If you have any questions, please contact the Fleet Services Manager at 286-2549.

City of Milwaukee
WORKPLACE VIOLENCE PREVENTION POLICY

Updated February 2005

Policy Statement

It is the policy of the City of Milwaukee and all of its agencies to provide a safe environment for its employees and visitors, which is free of verbal or physical intimidation, threats, or violent behavior.

The City is committed to a zero tolerance policy for incidents or threats of violence by employees, visitors, and the general public. In order to promote and support a workplace where dignity and respect are observed, the CITY OF MILWAUKEE will not tolerate any acts of intimidation, threats, or bullying. All employees are responsible for maintaining a safe work environment. All reported incidents in violation of this policy will be taken seriously and will be investigated. City employees found to have engaged in intimidating, threatening or violent behavior will be subject to discipline, up to and including discharge, for the first offense.

Prohibited Conduct

The following list of behaviors, while not all-inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person;
- Engaging in bullying or intimidating acts (whether directed at a specific person or not);
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Comments (even if "joking") about violence or the possession of weapons in the workplace;
- Physical or verbal abuse;
- Stalking;
- Engaging in behavior motivated by, or related to domestic violence;
- Intentionally damaging City property or property of another employee or citizen;
- Sabotage;
- Possession or use of a weapon, firearm or dangerous instrument while on City property or while on City business is prohibited except for law enforcement personnel.

Reporting Requirements

It is the responsibility of every employee to adhere to the standards set forth in this policy and to report violent, threatening, intimidating, or other disruptive behavior. The following procedure must be followed:

Call 9-911:	**If there is immediate danger.**
Call 5522:	**If in City Hall complex and there is no immediate danger.**
Call 933-4444:	**If at other City location and there is no immediate danger. (MPD Non-emergency Number)**

If you reasonably believe another individual's behavior, actions or statements violate this policy but do not believe there is an immediate danger (or if you have questions about this policy) report to your supervisor, department manager, department head, or department personnel officer. You may also call Mr. Charles Coleman, Diversity and Outreach Officer (DER) at **286-6210**, or Ms. Denise Bowers, Diversity Specialist-Sr., at **286-5065** or Ms. Rebecca Reyes Duke, Diversity Specialist-Sr., at **286-5967**.

Complaint forms and additional information is available on the web by clicking the **Office of Diversity** button at: www.milwaukee.gov/der. Disciplinary action may result if the employee having knowledge of a suspected violent act fails to report it or refuses to cooperate with the investigation.

Threat Assessment & Response Team

Purpose: A Threat Assessment & Response Team is an ad hoc team that is convened to assess a potential workplace violence threat and to develop a management response plan.

When Activated: The team will typically be activated by the Director of DER or her designee at the request of a department or division head or his/her designee in response to the manager's concerns about a potential workplace violence threat and/or actual workplace violence.

Composition: The composition of the Threat Assessment Team will depend on the nature and origin of the reported threat. The team would typically include representatives of the department affected, the Department of Employee Relations (DER), the Police Department, the EAP, and the City Attorney's office.

Applicability

All employees, regardless of their position, are covered by and must comply with this policy. For purposes of this Policy, the term "employee" shall cover current employees (civil service and non-civil service), applicants, temporary workers, interns, independent contractors, vendors, volunteers, members of boards and commissions, and elected officials.

Investigation

Any reported violation of this policy will be investigated in a timely and confidential manner by staff within the Department, staff within the Office of Diversity (DER), or in appropriate circumstance, by an outside investigator. Employees are required to cooperate in investigations relating to this policy. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. The purpose of this provision is to protect the confidentiality of the complainant as well as the accused, to encourage the reporting of incidents in violation of this policy, and to protect the reputation of an employee mistakenly or wrongfully accused.

Action Following Investigation

Any individual or group who endangers the physical and/or emotional health, safety and well-being of another may be subject to one or more of the following actions: Conflict resolution; counseling; administrative leave; a referral to EAP; discipline; termination; physical removal; fines and/or civil and criminal penalties as provided by law.

Retaliation Prohibited

There will be zero tolerance for retaliation against an employee who has in good faith filed a complaint of a violation of this policy, or who has assisted in an investigation. Employees who report a violation of this policy, or who cooperate in an investigation in compliance with this policy and who believe they have been retaliated against should report this conduct as outlined above.

City of Milwaukee

DEPARTMENT OF EMPLOYEE RELATIONS

City of Milwaukee Anti-Harassment Policy

— Summary —

It is the policy of the City of Milwaukee to provide a work environment that is free from sexual harassment and harassment or discrimination based upon race, national origin, religion, age, disability, creed, color, marital status, ancestry, sexual orientation, arrest record, conviction record, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state or the use or non-use of lawful products off the employer's premises during non-working hours. These categories are protected under Section 703 of Title VII of the 1964 Civil Rights Act, as amended, as well as the State of Wisconsin Fair Employment Relations Act.

Description

Revised February 2005

City of Milwaukee Anti-Harassment Policy

Policy and Definition

It is the policy of the City of Milwaukee to provide a work environment that is free of harassment.

Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The following are examples of sexual harassment:

Verbal: Sexual innuendo, suggestive comments, jokes about gender specific traits, personal questions about an employee's social or sexual life, sexual propositions;

Nonverbal: Suggestive or insulting noises, leering, making obscene gestures, displaying sexually explicit materials, indecently exposing oneself, engaging in voyeurism; and

Physical: Any unwelcome touching including but not limited to pinching, caressing, coercing sexual relations or sexual assault.

Sexual harassment by any staff member, manager, supervisor, or non-employee will not be tolerated. All staff members are expected to comply with this policy and to take appropriate measures to ensure that such conduct does not occur.

Harassment Based Upon Other Protected Categories

Harassment based upon any of the other categories listed above is also illegal and will not be tolerated. Such harassment includes different treatment in terms of conditions of employment, hiring, promotion, assignment, discipline, and discharge because of any of the protected categories listed in the "summary" above. Harassment may also include, but is not limited to, ethnic slurs and other verbal or physical conduct when the conduct: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

In addition to the above categories protected by law, the City of Milwaukee has a zero tolerance policy regarding workplace violence. Workplace violence includes, but is not limited to threats by employees at any level, harassment, intimidation, or bullying. There is no justification for actions that are abusive or intolerant. All must treat others with dignity and respect. Those employees whose unacceptable behavior continues will not be tolerated and will face discipline, including removal from their positions.

Sexual Harassment Complaint Procedure

Any employee who believes he or she has been the victim of harassment, including, but not limited to sexual harassment, should immediately inform his or her supervisor, department manager or the Office of Diversity staff DER staff in Room 706 of City Hall. These parties will provide confidential assistance to individuals in an attempt to resolve issues of sexual harassment or other types of harassment. In all cases, efforts should be made to resolve and correct sexual harassment or other types of harassment issues prior to the filing of a complaint. If an employee wishes to file a complaint, he or she may do so through DER or a Complaint Intake Advisor who is elected by each department's EEO Committee.

Investigation of harassment complaints will begin with a signed, written statement by the complainant, and will include interviewing the parties involved in the complaint and any witnesses. Retaliation against an employee who has filed a complaint or has assisted in an investigation is strictly prohibited.

Complaints will be investigated in a timely and confidential manner. In no event will information concerning a complaint be released to or discussed with anyone who is not involved with the investigation. The purpose of this provision is to protect the confidentiality of the complainant, to encourage the reporting of incidents of sexual harassment or other types of harassment, and to protect the reputation of an employee wrongfully accused of sexual harassment.

If an investigation reveals that a harassment complaint is valid, supervisors and the department head will take immediate action to stop the harassment, to prevent its recurrence and to discipline an employee they find guilty. Disciplinary action may include a verbal or written warning, suspension or discharge. Complainants should understand that they might have to testify in legal proceedings if their charge of sexual harassment or other type of harassment results in a disciplinary action being taken against another individual.

Any employee who feels that he or she has been subjected to sexual harassment or other type of harassment should contact his or her supervisor, the departmental Complaint Intake Advisor or Charles Coleman, Diversity and Outreach Officer, at 286-6210 or Rebecca Reyes Duke, Diversity Specialist Sr. at 286-5967 or Denise Bowers, Diversity Specialist Sr. at 286-5065. Complaint forms and other information is available on the web at: www.milwaukee.gov/der or in person at the Department of Employee Relations, Room 706, City Hall.

City Residency Requirement

As a condition of your employment with the City, you must be a resident of Milwaukee (not a suburb). If you are a new employee and currently reside outside of the City, you must move into the City. Employees residing outside the City should have their department contact the Department of Employee Relations - Administration Division (286-3398) on relocation time allowance.

Only the City Service Commission has the authority to waive, for very special reasons and for short periods of time, the residence requirement. The Commission is also the only body empowered to rule on actual residence. Unless you meet established residence requirements, you are not entitled to receive your pay.

Section 5.02 of the City Charter requires City residency for its employees. Since the Milwaukee City Service Commission has enforcement responsibility for this provision, the Commission has directed that the following points be communicated to all employees:

1. Employees of the City of Milwaukee, whether regularly appointed or exempt, are required to maintain a bona fide residence within the City of Milwaukee and are required to live at the residence.
2. Employees who believe they have a legitimate reason for residing outside of the City for any period of time are required to request and receive permission from the City Service Commission in advance of establishing such a residence.
3. Employees found to be in non-compliance with the residency ordinance may be subject to immediate termination or discharge.
4. Employees with questions about the City residency requirements should contact either their immediate supervisor or the Department of Employee Relations at (286-3398).

Personnel Policy #87/4 (9/16/87):
City of Milwaukee employees are required to maintain their actual bona fide residences within the City boundaries. Pursuant to Charter Ordinance, sec. 5.02, and Civil Service Rule VIII, sec. 11, the City Service Commission is authorized to make determinations relative to cases involving dual residency. The following is the Commission's policy with respect to such cases.

Dual Residency Policy Statement:
In cases in which dual (or multiple) residency is an issue, a determination shall be made as to which location constitutes the actual residence and it shall be that location which will be considered in establishing whether an employee is in conformity with the intent of the Charter Ordinance and Civil Service Rule. Maintaining a rented room or rooms or maintaining living quarters with a friend or relative, when done principally for the purpose of establishing City residency shall not be considered as conforming. Neither ownership of real property in the City with payment of taxes, nor voting in the City shall be deemed adequate, unless the actual living quarters are in the City.
The determination of actual residency shall include but not necessarily be limited to an overall consideration of the following factors:

1. At which location does the employee's family reside and attend school?
2. At which location does the employee keep his or her tangible personal property and effects?
3. At which location does the employee receive his or her correspondence?
4. At which location does the employee spend his or her time?
5. Which location does the employee list for official documents?
6. Which location is more suitable in terms of aesthetics, habitability, comparative comfort, convenience and regular access?
7. At which location is habitation fixed without any present intent to move?
8. At which location is there an apparent intent to make a permanent domicile?

In the event that one location is owned and the other is rented, some presumption of residency shall be applied to the owned property.

Decisions involving dual residency require judgment based upon the totality of circumstances present in each case. The aforementioned are among the indicia that will be considered in applying that judgment on a case-by-case basis. This underscores the fact that the intent of the Rule and Ordinance is to ensure that all employees are actual bona fide residents of the City of Milwaukee and that the City Service Commission will not tolerate subterfuge as a means of evading this unequivocal intent.

City of Milwaukee

Department of Public Works

Jeffrey J. Mantes
Commissioner of Public Works

James P. Purko
Director of Operations

TO: All DPW employees

FROM: Jeffrey Mantes, Commissioner of Public Works JJM

DATE: November 29, 2005

RE: ADA Policy

It is the intention of the Department of Public Works to adopt the Department of Employee Relation's policy regarding the American's With Disabilities Act .

If you believe that you have a disability that is covered under the Act please contact your immediate supervisor, manager, section head, division head, safety specialist or DPW's Personnel Administrator. You can make a request for an accommodation verbally or in writing.

DPW staff will then initiate the "interactive process." This process is designed to identify qualifying disabilities and determine whether or not a "reasonable accommodation" can be made. This process will require you and your medical care provider to provide information regarding the disability that necessitates an "accommodation." Your timely cooperation in this process is essential.

If you have any questions regarding this policy please contact Dan Thomas, DPW Personnel Administrator at (414) 286-3307.

Frank P. Zeidler Municipal Building, 841 N. Broadway, Milwaukee, Wisconsin 53202
Administration, Room 501 (414) 286-8333 ♦ Fax (414) 286-3953 ♦ TDD (414) 286-2025
Contract Administration, Room 506 (414) 286-3314 Fax (414) 286-8110 ♦ www.mpw.net

City of Milwaukee

Department of Public Works

Jeffrey J. Mantes
Commissioner of Public Works

James P. Purko
Director of Operations

TO: Employees Required to Have a Commercial Driver's License (CDL)

FROM: Jeffrey Mantes, Commissioner of Public Works

DATE: November 29, 2005

RE: Drug and Alcohol Testing Policy

In January of 1995, the City implemented a federally mandated drug and alcohol testing policy for employees who are required to have a CDL. Department of Public Works employees who violate the policy will be disciplined as follows:

- The first violation will result in a ten-day suspension and a mandatory referral to the Substance Abuse Professional.
- The second violation will result in discharge.

It is your responsibility to comply with this policy. If you need help in dealing with your use of drugs or alcohol, you should contact the City's Employee Assistance Program before you test positive and discipline becomes necessary. To contact Robert Schweitzer, Employee Assistance Coordinator, call (414) 286-3145.

If you have any questions regarding this policy please contact Dan Thomas, DPW Personnel Administrator at (414) 286-3307.

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City of Milwaukee

Department of Public Works

Jeffrey J. Mantes
Commissioner of Public Works

James P. Purko
Director of Operations

TO: Department of Public Works Employees

FROM: Jeffrey Mantes, Commissioner of Public Works JJM

DATE: November 29, 2005

RE: Major Department Work Rule – Use of Alcohol or Non-prescribed Controlled Substances.

DPW employees shall not report work under the influence of alcoholic beverages or controlled substances. DPW employees shall not drink alcoholic beverages or take non-prescribed controlled substances during work hours.

DPW employees who drive City vehicles or operate power equipment are prohibited from drinking alcoholic beverages or using non-prescribed controlled substances during working hours, including any lunch period or break, paid or unpaid.

The possession of alcoholic beverages or non-prescribed controlled substances in City vehicles or at the work site is prohibited.

* The first violation of this rule will result in a ten day suspension and a formal referral to the City's Employee Assistance Program.

* The second violation of this rule will result in discharge.

NOTE: There may be some extraordinary circumstances where a first violation would result in discharge (including but not limited to, possessing and selling controlled substances).

This rule reflects the department's concern for a safe work place and a productive work force and has been in place since December 9, 1983.

It is your responsibility to comply with this work rule. If you need assistance in dealing with use of substances that impact your ability to work you contact the Employee Assistance Coordinator at (414) 286-3145.

If you have any questions regarding this policy please contact Dan Thomas, DPW Personnel Administrator at (414) 286-3307.

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DEPARTMENT OF PUBLIC WORKS
INFORMATION TECHNOLOGY RESOURCES

Dated June 10, 2005

The City of Milwaukee gives its employees and agents access to information and information systems for purposes of improving the quality of services the City provides to its residents and businesses. All users of City information and communication resources, including computer hardware, software, e-mail, the Internet and departmental data and information must use the resources with which they have been entrusted in a manner that promotes efficient and effective delivery of services and is consistent with the mission and goals of the City of Milwaukee.

It is the responsibility of any person using Department of Public Works Information Technology Resources (ITR's) to read, understand and follow this policy. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of ITR's. Use of Public Works ITR's by any employee or contractor shall constitute acceptance of the terms of this policy and any such additional policies.

Definitions:

Authorization means City department managers bear responsibility for authorizing access to Public Works ITR's and email resources for their employees.

City Owned Property includes all email and/or Internet transmissions sent from or received through City computers (including any incidental personal messages either sent or received). The City and departmental management reserve the right to examine, at any time and without prior notice, all email, directories, files and other information stored on data disks, computers and or other media. Any ITR hardware or software purchased with City funds is considered City property.

Information Technology Resources (ITR's) include computers, laptops, PDA's, printers and other peripherals, programs, data, local and wide area networks and the Internet.

Non-Work Time means the time when you are not performing an activity for the benefit of the department and under the control or direction of the department. Examples of non-work time include off-duty hours such as lunch periods, authorized breaks, before or after a workday, weekends or holidays, but only if your duty station would normally be available to you at such times.

Personal use means use other than official City business.

Privilege means that you have no inherent right to personal use of City equipment.

Public Record means that all information stored on City-owned equipment is considered a public record and subject to review by any member of the public, unless there is a compelling privacy reason to deny access. Under the Wisconsin Open Records Law (Sec 19.21(4) Wis. Stats), any electronic mail can be a public record. Employees should be aware that electronic records are subject to the mandatory public disclosure requirements of the Wisconsin Open Records Law, subject to the exceptions under the Law. Additionally, all electronic messages and records are subject to potential disclosure by subpoena.

Spyware means applications software installed on your computer system that may vary from recording key strokes, recording programs to additional cookies being placed on your system to report back to unauthorized entities.

Public Works Policies:

Data Confidentiality: In the course of performing one's job, employees and contractors often have access to confidential or proprietary information. Under no circumstances is it permissible for employees or

contractors to acquire access to confidential data unless such access is required by their jobs. Under no circumstances may employees or contractors disseminate any confidential information that they have rightful access to, unless such dissemination is required by their job.

Email: DPW provides email capability for legitimate business use in the course of assigned duties for the purposes of enhancing productivity and maintaining effective communications in support of the missions of DPW. Refer to City of Milwaukee Information Resource Management Technical Bulletin TB001A for additional email polices and the DPW Email Use Policy.

File Retention: Removing files from the network that are of limited value saves DPW both storage space and money. Keeping records and destroying records are both equally important, and the decision of whether to keep or destroy is based upon the content of the records in accordance with your division's record retention policy. Duplicates, temporary drafts or similar materials prepared for the employee's temporary use are examples of records that should be removed from the network. It is the responsibility of the section manager or their designee to go through the directories of employees who have retired or have transferred to other City departments and remove any unnecessary material from the network.

Games: Public Works does not permit computer games software on any Public Works computers. All games and other unauthorized software should be removed from the hard drives of Public Works computers. Games may NOT be stored on the hard drive or network or be used on Public Works computer systems.

Hardware Installations: Hardware includes any component attached to the computer. Employees are not permitted to bring in any privately owned equipment for use on City computers and/or network. Special needs should be directed to the employee's manager. Only authorized IT staff are allowed to install hardware on computers or on the network. Employees are not permitted to take, for personal use, any equipment intended for the City's salvage yard. All outdated equipment must be delivered to the City's salvage yard. Employee must go through the sales coordinator to obtain any items.

Internet Access: The use of the Internet via DPW resources is a privilege, not a right. Any violation of the conditions, policies and procedures may result in cancellation of that privilege and be subject to employee disciplinary action. Users are prohibited from visiting any Internet site that is in conflict with the City of Milwaukee values, mission, and goals. Sites that involve illegal, unethical, immoral or unprofessional behavior of any nature would be potentially embarrassing and are not to be accessed. Use professionalism in determining what sites may be appropriate to visit. The Public Works division heads will determine whether Internet access is consistent with the duties of and will enhance the productivity of an employee. Refer to City of Milwaukee Information Resource Management technical bulletin TB002a.

Internet Downloads: Do not download programs off the Internet. This restriction includes the prohibition of downloading/installing games, music, messaging services, etc. Many programs commonly found on the Internet negatively impact computing by causing conflicts with work-related software applications; posing a potential security risks; increasing SPAM and pornographic material via e-mail; impacting system resources causing computers to run slow; conflicting with operating system files and installing spyware or annoying pop-up ads. Examples of unacceptable downloads are: Alexa, ATTunc, Bargain Buddy, Comet Cursor, CyDoor, Gator, Kazaa, Spinner and Weatherbug. Many of these are considered to be a form of either spyware or pop-up ads.

Modems: Open modems provide an opportunity for unauthorized access to City information systems. Intruders can destroy files, view and copy confidential information and introduce viruses. Unauthorized access to any PC in the network compromises the entire network. If you use a modem you MUST take the following precautions. Modems should not be connected to computers in auto-answer mode, such that they are able to receive incoming dial-up calls. Physically disconnect your computer from the network while using the modem. Disconnect your modem when it is not in use. Any computer with a modem must have virus-checking software installed on it. If you need to have a modem connection, you must notify your IT staff for proper installation and safeguards. (Per the City Information Security Policy).

Network access: Users will not be added to the network unless they are able to show their manager they have an understanding of logging into the network and general computer and software usage. If users need training to gain this knowledge, they should direct their requests to their immediate supervisor. Employees who need access to the network must have their supervisor contact the appropriate IT staff to be added. When an employee transfers or leaves City employment, it is the responsibility of the manager to notify the appropriate IT staff to lock the user account and/or remove the user from the network.

Passwords: Most desktop computers are connected to local area networks which links computers through the wide area network to most other computer systems in City government. It is critically important that users take particular care to avoid compromising the security of the network. Users must log on to their system with their authorized individual user name and password. Users who are not issued a user name and password are not allowed to operate DPW computer equipment. Users are prohibited from using another employee's user name and password to access the computer system. Users should never share their passwords with anyone else and should promptly notify their IT personnel if they suspect their passwords have been compromised. In addition, users who will be leaving their PC's unattended for extended periods should either log off the network or have a password protected screen saver in operation.

Personalizing: Animated files, pictures, wallpaper and screen savers may interfere with the efficient operation of individual workstations and the department's network. If pictures, wallpaper and screen savers are used, employees should make sure they are not offensive in nature and are used in a prudent and reasonable manner that would not bring potential public embarrassment or distrust to themselves, DPW, or the City of Milwaukee. Employees should refrain from sending email with such attachments or installing such items. Alterations of DPW computers, its' configuration or software is strictly prohibited.

Software Installation and Licensing: Computers, software and data are City property. Do not install any software, data, demonstrations, etc. without your network administrator's permission and assistance. This will protect you from being liable for copyright violation, virus infection, or other problems. Be aware of the restrictions on use of software specified in its license. Software includes screen savers and wallpaper, free software, shareware, trial or demo software whether on disk or downloaded from the Internet or bulletin board system. Refer to the Information Security Policy for further information.

Use of Hard & network drives for file storage: Per the Information Systems Management Policies, no personal data or program files shall be loaded onto City computers or the network. DPW performs daily backups of all data saved to the network. Music and movie files are not permitted on the network as well as ZIP and EXE files. Users are not permitted to do their own back ups of their hard drives to the network. If a workstation needs to be restored, IT personnel will handle the repair. It is the policy of DPW that all work related data be stored to the network and not the individual user's hard drive.

Virus(s): Employees should exercise reasonable precautions in order to prevent the introduction of a computer virus into the local area or wide area networks. Virus scanning software should be used to check anything downloaded from the Internet or obtained from any questionable source. Virus software installed on Public Works workstation may not be "disabled" by the user. If your computer has Internet access, you MUST have virus-scanning software installed on your PC and it must receive virus definition updates regularly. If no virus software is present, please contact your IT department for immediate attention. Floppy disk and sticks should be used with caution. Your virus software MUST be set to automatically scan those forms of media.

Wireless: No user may use a wireless connection to gain access to the City's network in any City building.

Acceptable Uses:

- Each user authorized by departmental managers to access e-mail and or the Internet must do so using only his or her own individual account.
- Employees must treat City-owned information and equipment with the same care and judicicusness that they would use with their own possessions.

- The City of Milwaukee encourages its employees to use e-mail and the Internet for work-related communications, to assist in providing services to citizens and for any other activity that supports the City's mission.
- Employees may use City resources for personal purposes during non-working hours (before or after the employee's workday or during lunch hour), provided that such use complies with other relevant departmental and City policies and guidelines and does not interfere with the activities or operations of the department. However, employees must understand that any personal business conducted or e-mail messages sent or received using City equipment are considered to be public records and can be subject to disclosure. Employees should have no expectations of personal privacy protection when using City-owned information technology resources.
- City employees must take all reasonable steps to ensure that their personal computer and by extension the departmental and citywide networks, remain secure. Users must educate themselves about the risks associated with computer attacks and viruses and learn to identify the warning signs of a potential virus presence. Users must always exercise caution and diligence when opening e-mails and other files to minimize the risk of a virus or other infections.
- All City users must respect the intellectual property rights of others citing sources when using any text, ideas, software, or graphics taken from copyrighted materials. Employees must also use only legitimate versions of software, authorized and legally purchased by their respective departments.
- Employees using City e-mail, Internet, or other communications resources must, if requested, identify themselves honestly, accurately, and completely.
- All employees must use City information technology resources, whether for work-related or personal purposes, in a manner consistent with the highest standards of honesty, decency, civility, and ethics.
- Users must abide by all applicable laws, policies and previously adopted City of Milwaukee guidelines regarding the appropriate use of City information and information technology resources.

Unacceptable Uses of Department of Public Works ITR's:

- In furtherance of any illegal act, including violations of any criminal or civil laws or regulations whether state or federal.
- For any political purpose
- For any religious purpose
- For any personal, for profit, activity.
- To send threatening or harassing messages, whether sexual or otherwise
- To access or share sexually explicit, obscene or otherwise inappropriate materials
- To gain, or attempt to gain, unauthorized access to any computer or network
- For any use that causes interference with or disruptions of network users or resources, including propagation of computer viruses or other harmful programs
- To misrepresent either DPW or a person's role at DPW
- To distribute chain letters
- To access online gambling sites or access online materials with "sexually explicit content.
- To libel or otherwise defame any person

City of Milwaukee
Information Security Policy

The more we do with computers, the more using computers leads to risks.

This guide will help you, as a City computing user, help keep City data and computing networks secure.

Important Contacts:

U Your department has an *information security officer (ISO)* who coordinates and is responsible for the security of your department's computers and data. Your ISO is _____, at x_____.

U Your department also has a network administrator, _____, at x_____, who manages technology in your department.

Things you need to know...

U You should receive annual training on security.

U In order to access the City's computer systems, you need to have your own, unique password, which no one else knows. *Some ways to make sure no one else can guess your password, or log on as you:*

1. Choose a password with at least 6 characters.
2. Do not use your name, the current month, or other obvious, predictable things as your password.
3. You should not write your password down. If you need to, don't keep it next to your computer!
4. Include at least one non-alphanumeric character (like @%?!~) in your password. It's harder for computer programs to guess!
5. Your system should require you to change your password every month or so. Don't re-use the same two or three passwords --always select a new password.
6. Don't tell anyone else your password.

U When you log-in, your computer should display a message, telling you the date and time of the last log-in. Make sure that was the last time YOU were on the system!

U You can only be logged on at one PC at a time. If there is an exception, see your ISO.

U When you leave your PC unattended, the screen should go blank after 15 minutes, and require YOU to enter YOUR password to get back to work. This way, no one else can use your access privileges, without your knowing.

U Third parties (the public, consultants, vendors) are NOT allowed access through YOUR log-on. Refer all requests for access to your ISO.

U Computers, software and data are City property (just like the telephone, photocopier, City vehicles, etc.). Your use is supported by tax dollars. These resources should be used only for City business.

U Do NOT install any software, data, demonstrations, etc. without your network administrator's permission and assistance. This will protect YOU from being liable for copyright violation, virus infection, or other problems.

U Be aware of the restrictions on use of software specified in its license.

U Computer viruses can come from demo disks, files shuttled between work and home computers, or the Internet. Diskettes and downloads from Internet or bulletin boards MUST be virus-checked before being copied to City computers. Your network administrator has information on how to accomplish this.

U Modems look like "back doors" to hackers trying to break into the City's systems. If you use a modem, you must take the following precautions:

1. Physically disconnect your computer from the network while using the modem. Your network administrator will show you how.
2. Turn the modem off when it is not in use.
3. All communications from the outside must come to the network, not directly to your modem.
4. Virus-check all downloaded files using BEFORE re-connecting your PC to the network.

U Data on your department's network is backed up daily, to prevent data loss. Data stored on your PC (the C:\ drive) or diskettes (A: or B: drives) CANNOT be backed up. If it is City data, that is important to operations, save it to the network (I:, J:, or K: drives --see your network administrator). If it is confidential and crucial, make your own diskette backups, and KEEP THEM SECURED.

U If you suspect virus infection, or that someone has logged on as your or guessed your password, or in any other way threatened the security of City computers and data, report it IMMEDIATELY to your ISO.

City of Milwaukee, Department of Public Works
Policy Guidelines
Regarding the Use of Email
Adopting COM Technical Bulletin TB001a

E-mail allows people to communicate quickly and efficiently. It also encourages and stimulates flexible interaction; enhancing the exchange of information and helping people do their jobs better. However, because of its widespread use and ready availability, e-mail can also easily become subject to misuse and intentional abuse.

Departments should make all e-mail users aware of the following specific guidelines. Users must understand the potential liability and security risks associated with sending and receipt of e-mail. The following guidelines represent "best-practices" that will help to ensure appropriate use of e-mail so as to avoid exposing individual employees, the department and the city to undue risks.

State law, federal laws, regulations and legal decisions, City of Milwaukee Ordinances and Information Security Policies provide the basis for many of the following guidelines.

1. AUTHORIZATION: City department managers bear responsibility for authorizing access to e-mail resources for their employees. Departments should routinely review employee access privileges to determine if continued access to e-mail is consistent with the duties of and will enhance the productivity of the employee and whether the employee has used the resource effectively.

2. ACCESS: Any authorized user connected to the city's Wide Area Network will receive e-mail privileges. These privileges enable the employee to use City equipment to send messages to and receive messages from addresses both inside and outside of city government. Employees who do not receive access to e-mail as part of their official duties may not, under any circumstances, use the e-mail account of another city employee to send or receive e-mail.

3. OFFICIAL USE: The City of Milwaukee encourages its employees to use e-mail for work-related communications, to assist in providing services to citizens, and for any other activity that supports the city's mission. City departments may also choose to authorize limited incidental use of the city's computer resources for personal purposes as deemed appropriate. However, departments must ensure that such use does not impair the employee's ability to fulfill his or her job responsibilities and does not impose any additional costs or liabilities on the city. Under no circumstances should employees be permitted to use city equipment and e-mail systems for illegal activities, profit-making ventures or political endeavors.

4. VIRUSES: In recent months e-mail attachments have become the most common method of spreading computer viruses. Employees must scan all incoming e-mail for viruses, regardless of whether they contain an attachment. Users should not open or attempt to read any file received as an attachment to e-mail unless specifically requested or received from a trustworthy source. Even then, the e-mail and its attached file should be scanned for viruses using reliable anti-virus software with up-to-date virus definitions.

5. LIABILITY: Users must abide by all applicable laws, policies, and guidelines regarding the appropriate use of e-mail. Users may not send messages that can be construed as scandalous, defamatory, libelous, obscene, immoral or in violation of any intellectual property rights. E-mail users may not knowingly misrepresent themselves or their employment by the city; in messages sent they must always identify themselves honestly, accurately, and completely

6. CITY PROPERTY: All e-mail and/or Internet transmissions sent from or received through city computers (including any incidental personal messages either sent or received) are considered city property. City and departmental management reserve the right to examine, at any time and without prior notice, all e-mail, directories, files and other information stored on data disks, computers, and/or other media.

7. PUBLIC RECORD REQUESTS: Any e-mail messages transmitted or received using city systems are subject to public records laws and any record keeping requirements that these laws entail.: Requests from outside the city for access to electronic files should be handled through the same procedures as requests for any other public record. Thus, employees should not send out files containing city information without prior approval of the department manager.

8. PRIVACY: Due to public records laws, and because e-mail administrators sometimes have no choice but to view messages in performing regular maintenance, users should not assume any privacy or confidentiality for any messages they transmit or receive via e-mail. Employees should choose a different mode of communication for sensitive or confidential matters.

9. SECURITY: E-mail does not offer a secure medium for communicating information. Users should always consider that someone other than the intended recipient may read their messages; they can have no expectation of confidentiality. Even following deletion, e-mail messages can be successfully recovered from system backup files indefinitely. Therefore, users should never send confidential or sensitive information via e-mail.

10. BROADCAST MESSAGES: Broadcast e-mail messages should be used judiciously to communicate within a City department or division or to all members of an interdepartmental work group and then only in support of city business.

11. FILE MAINTENANCE: Users should file e-mail in electronic folders or print important messages for filing and delete unnecessary e-mail. Formal departmental communications should be maintained separately from informal messages.

12. RESPONSIBILITIES: The City of Milwaukee trusts that its employees will act responsibly, and always in the best interests of the taxpayers who support them and the customers who depend on them. Each individual is responsible for complying with all applicable state and federal laws[1], and all City policies and standards when using the City's e-mail system. City departments will be held accountable for the actions of individual employees to ensure that conduct meets guidelines established for appropriate use of e-mail.

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[1]Ref. especially the Federal Electronic Communications Privacy Act (ECPA) of 1986; Telecommunications Decency Act of 1996; State and federal copyright, libel, slander, defamation and other media-related abuses; the Federal Freedom of Information Act (FOIA) and State Open Records Laws.

The city will establish any and all policies necessary and monitor operations to protect employees from creating legal liabilities and negative publicity for themselves and the city. Violations of any policies or standards can result in disciplinary action against the employee in accordance with local, state, and federal law and City administrative rules. Persistent abuse of e-mail by City employees can result in permanent revocation of e-mail privileges for the person or persons involved.

DPW Email Use Policy

Introduction

This policy is established to achieve the following:

- To ensure compliance with applicable statutes, regulations, and mandates regarding the management of information resources, specifically electronic mail (email).

- To establish prudent and acceptable practices regarding the use of email.

- To educate individuals who may use email with respect to their responsibilities associated with such use.

DPW email policies and standards applies equally to all individuals granted access privileges to any DPW information resource with the capacity to send, receive, or store electronic mail. **This policy applies to the records, including electronic mail records, of independent contractors relating to their contracts with the DPW.**

Definition *Electronic mail system:*

Any computer software application that allows electronic mail to be communicated from one computing system to another. ***Electronic mail (email):*** Any message, image, form, attachment, data or other communication sent, received, or stored within an electronic mail system.

Policy

DPW provides email capability for legitimate business use in the course of assigned duties for the purpose of enhancing productivity and maintaining effective communications in support of the missions of DPW.

Privacy

Electronic mail sent, received, or stored on computers owned, administered, or otherwise under the custody and control of DPW is not private. Electronic mail content may be accessed by appropriate personnel in accordance with the provisions and safeguards provided in the City of Milwaukee Email Guidelines June 20, 2001.
http://inet.ci.mil.wi.us/Technology/Policies/Email01Fin.doc

Saved messages must not be encrypted. Encryption is permitted and encouraged where appropriate, during transmission of messages.

Email Usage

The following activities are prohibited by policy:

- Do not send email that is intimidating or harassing.

• Do not use email for conducting a personal business.

• Do not use email for purposes of political lobbying or campaigning.

• Do not violate copyright laws by inappropriately distributing protected works.

• Do not pose as anyone other than oneself when sending email, except when authorized to send messages for another when serving in an administrative support role.

The following activities are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:

• Do not send or forward chain letters.

• Do not send unsolicited messages to large groups except as required to conduct City business.

• Do not send excessively large messages.

• Do not send or forward email that is likely to contain computer viruses.

Prohibited activities identified in this section are not all inclusive. DPW electronic mail must never be used in a manner that violates federal law, state law, City of Milwaukee policy, DPW policy, or DPW practice standards.

Incidental Use As a convenience to employees, incidental use of electronic mail is allowed. The following restrictions apply:

• Incidental personal use of DPW provided electronic mail is restricted to DPW employees; it does not extend to family members' or friends' **use of DPW computers and electronic mail.**

• Incidental use must not result in direct costs to DPW.

• Incidental use must not interfere with the normal performance of an employee's work duties.

• No personal messages should be sent or saved that may cause embarrassment to DPW.

• No personal messages should be sent, read, or saved that have high likelihood to expose City of Milwaukee computer systems to computer viruses or other harmful programs.

• Storage of personal email messages, attachments, or files within DPW's electronic mail system(s) should be nominal.

• Employees should remove themselves from any personal mail lists that send messages containing content incompatible with this policy.

• All messages – including personal messages – are owned by DPW, may be subject to open records requests, and may be accessed in accordance with this policy.

Records Retention

Electronic mail is subject to the same records retention rules that apply to other documents and must be retained in accordance with departmental records retention schedules. The following guidelines apply:

• The retention requirement associated with any document is determined by its content, not the method of delivery. Each DPW division has a records retention schedule that specifies the retention period to be applied to various documents.

• The responsibility of retaining an internally created and distributed document (or message) most often falls on the author – not the recipients. Recipients may delete such received messages when their use has been fulfilled.

• Employees who receive messages from outside DPW are responsible for proper records retention of those messages.

• Most casual email messages are "transitory records" and can be discarded as their purpose is served. **Casual email includes emails that are purely personal and draft documents that have not been disseminated to other departments or outside users. Casual email may also include email messages to schedule meetings and appointments.**

• For records retention purposes, electronic mail that is digitally signed must be filed electronically rather than on paper if the signature is of importance to the legal status or business usefulness of the document.

• Email that has been requested in a subpoena or public **records** request must be retained until the request has been addressed, even if the retention period has expired. **If an email message is responsive to a public records request, subpoena, or other court action it must be retained in its original, accessible and readable format until the conclusion of the court action and all appeal time has passed, even if the retention schedule for the email message has expired.**

Electronic Mail Backup and Recovery

DPW backup tapes are created solely for the purpose of restoring the entire electronic mail system in the event of disaster. Backup tapes do not allow for the restoration of division electronic mail systems or individual mailboxes and cannot be used as a convenience to retrieve 'deleted' messages.

Backup tapes do not serve a record retention function. Each DPW division and user must make provisions to retain documents and messages in accordance with their division records retention policy. **If you do not know what the retention schedule is for a particular type of document you may contact your division records manager, or the City Records Department in the Department of Administration. Each type of document, whether in electronic or "hard copy" format, should have its own retention schedule. The default retention period is seven years.**

Disciplinary Actions

Violation of this policy may result in disciplinary action which may include termination for employees; a termination of employment relationship in the case of contractors or consultants. Additionally, individuals may be subject to loss of access privileges and civil and/or criminal prosecution.

1047-2004-1477
81547

TO: **All DPW Employees Having a CDL License Requirement**

FROM: Joint Labor Management CDL Committee (Unions involved: DC 48, Local 61 and Joint Bargaining Unit Local 139/DC48)

DATE: October 14, 2005

RE: **FEDERAL Law Changes Concerning CDL's – Effective September 30, 2005**

The Joint Labor Management Committee wants to make you aware of certain changes in the Federal Law that may have an impact on you. **Since maintaining a CDL is a condition of your employment, we strongly recommend that you take a few moments and read this important notice. Driving violations that occur outside of work (your personal life) may affect your CDL license and your job.**

KEY CHANGES IN LAW effective September 30, 2005:

- **You will no longer be able to obtain a CDL occupational license** if you lose your driving privileges. If you currently have a CDL occupational license, it will no longer be effective on and after September 30, 2005. (Note: you may still be eligible for an occupational license for non-Commercial Motor Vehicle (CMV) driving.)

- An Operating While Intoxicated (OWI) conviction while driving a car or motorcycle even when you are **not working** will disqualify you from operating a Commercial Motor Vehicle <u>for one year</u> for your first conviction.

- Driving a CMV when a CDL is revoked, suspended or disqualified can also lead to a one-year disqualification. A second conviction can lead to a lifetime disqualification.

- Speeding 15 or more over the limit and other serious violations <u>in your personal vehicle not on City time</u> may also affect your CDL driving privileges.

IMPACT OF CHANGES: Losing your CDL driving privileges <u>will</u> affect the status of your job.

- **A lifetime CDL revocation shall be cause for discharge.** A one-year CDL disqualification will result in discipline up to and including discharge and/or a leave of absence, pay reduction and/or demotion. If you have a CDL disqualification of one year or less, depending on your job, city operations, budget and staffing, your division may be able to assign you to a laboring job or non-CDL driving job on a day to day basis. However, we cannot guarantee this.

- While the first CDL disqualification of one year or less will not normally result in discharge, the second one could.

RESOURCES: AVOID ANY DISQUALIFICATIONS, SUSPENSION, OR REVOCATIONS.

Attached are two charts from the Wisconsin Department of Transportation, which explain all the changes in the CDL law effective September 30, 2005. Please read them.

We suggest for non-work situations involving functions with alcohol, do not drink and drive, or have a designated driver. The Employee Assistance Program is available if you need assistance. Contact Bob Schweitzer, Coordinator, at 286-3145.

For any additional questions concerning CDL changes, we urge you to contact your union representative.

Motor Carrier Safety Improvement Act (MCSIA) of 1999		
Requirement/Criteria	**Impact/Penalties**	**Date**
Commercial Motor Vehicle (CMV) standards, penalties and requirements	Implements commercial driver license (CDL) improvements and creates penalties for offenses committed by a CDL holder in a non-CMV.	9/30/05
Major and serious traffic violations count whether in a CMV or non-CMV	Disqualifications apply to CMV privileges for offenses committed in a CMV or non-CMV when the violation is classified as a major or serious traffic violation.	9/30/05
Adds two new major offenses with new disqualification periods: • Driving a CMV while disqualified, revoked, suspended or cancelled • Causing a fatality through negligent operation of a CMV	New disqualification periods: • 1 year disqualification for first offense • 3 year disqualification for first offense if operating under "H" endorsement • Lifetime disqualification for second and subsequent offenses	9/30/05
Adds three new serious traffic violations: • Driving a CMV without obtaining a CDL • Driving a CMV without a CDL in your possession ○ A person providing proof to the court of CDL licensing on date of violation shall not be guilty of this offense • Driving a CMV without the proper class of CDL or required endorsement	Adds three new serious traffic violations.	9/30/05
Gives authority to the federal Secretary of DOT to disqualify a state's CDL driver if they pose an imminent hazard. (Imminent hazard is defined as the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property or the environment may occur	• Disqualify for 30 days without a hearing • Disqualification over 30 days requires a notice and a hearing	9/30/05

Wisconsin General CDL Disqualifications

Disqualifying Offenses: Violations on or after 7/1/87 but prior to 9/30/2005	Disqualify CDL 1st CMV Conviction	Disqualify CDL 1st non-CMV Conviction	Disqualify CDL 2nd CMV Conviction	Disqualify CDL 2nd non-CMV Conviction	CDL OCC	Revoke Class D/M	Class D/M OCC (Wait)
Operating While Intoxicated (OWI)					No	6 mos-3 yr	Up to 90 days
OWI Causing Injury					No	1-2 years	60 days
OWI Causing Great Bodily Harm	1 Year				No	2 years	120 days
OWI Causing Death	or, if				No	5 years	120 days
Commercial Alcohol (CA) .04- .07	HAZ MAT				No	N/A	N/A
Commercial Alcohol Causing Injury	Conviction:	N/A	Life	N/A	No	N/A	N/A
CA Causing Great Bodily Harm	3 Years				No	N/A	N/A
CA Causing Death					No	N/A	N/A
Op. Under Influence of Controlled Substance					No	6 mos-3 yr	Up to 90 days
Refusal					No	1-3 years	30 - 120 days
Failure to Stop/Report Accident					No	0-5 years	15 days
Felony					No	1 year	15 days
Controlled Substance Felony	Life				No	N/A	N/A

Disqualifying Offenses: Violations on or after 9/30/2005	Disqualify CDL 1st CMV Conviction	Disqualify CDL 1st non-CMV Conviction	Disqualify CDL 2nd CMV Conviction	Disqualify CDL 2nd non-CMV Conviction	CDL OCC	Revoke Class D/M	Class D/M OCC (Wait)
Operating While Intoxicated (OWI)		1 Year		Life	No	6 mos-3 yr	Up to 90 days
OWI Causing Injury		1 Year		Life	No	1-2 years	60 days
OWI Causing Great Bodily Harm	1 Year	1 Year		Life	No	2 years	120 days
OWI Causing Death	or, if	1 Year		Life	No	5 years	120 days
Commercial Alcohol (CA) .04- .07	HAZ MAT	N/A		N/A	No	N/A	N/A
Commercial Alcohol Causing Injury	Conviction:	N/A		N/A	No	N/A	N/A
CA Causing Great Bodily Harm	3 Years	N/A		N/A	No	N/A	N/A
CA Causing Death		N/A	Life	N/A	No	N/A	N/A
Operating Under Influence of Controlled Subst		1 Year		Life	No	6 mos-3 yr	Up to 90 days
Refusal		1 Year		Life	No	1-3 years	30 -120 days
Failure to Stop/Report Accident		1 Year		Life	No	0-5 years	15 days
Felony		1 Year		Life	No	1 year	15 days
Driving a CMV when CDL is rev/sus/can/dqf		N/A		N/A	No	N/A	N/A
Causing a fatality/negligent operation of CMV		N/A		N/A	No	N/A	N/A
Controlled Substance Felony	Life	Life		Life	No	N/A	N/A

Serious Disqualifying Offenses: Violations on or after 7/1/87 but prior to 9/30/2005	Disqualify CDL 1st CMV Conviction	Disqualify CDL 1st non-CMV Conviction	Disqualify CDL 2nd CMV Conviction	Disqualify CDL 2nd non-CMV Conviction	CDL OCC	Rev/Sus Class D/M	Class D/M OCC (Wait)
Speeding 15 or more over the limit			2 offenses		No		
Reckless Driving			within 3 years:		No		
Passing illegally	N/A	N/A	60 days	N/A	No	N/A	N/A
Improper or Erratic Lane Change			3 offenses		No		
Following too Closely			within 3 years:		No		
Moving violation arising from a fatal accident			120 days		No		

Wisconsin General CDL Disqualifications

Serious Disqualifying Offenses: Violations on or after 9/30/2005	Disqualify CDL 1st CMV Conviction	Disqualify CDL 1st non-CMV Conviction	Disqualify CDL 2nd CMV Conviction	Disqualify CDL 2nd non-CMV Conviction	CDL OCC	Rev/Sus Class D/M	Class D/M OCC (Wait)
Speeding 15 or more over the limit Reckless Driving Passing illegally Improper or Erratic Lane Change Following to Closely Moving violation arising from a fatal accident Driving a CMV without obtaining a CDL Driving a CMV without a CDL in possession Driving a CMV without proper class/endorsement	N.A	2 offenses within 3 years: 60 days 3 offenses within 3 years: 120 days IF the conviction results in rev/sus or cancel of CDL holder's license or non-CMV driving privileges	2 offenses within 3 years: 60 days 3 offenses within 3 years: 120 days	2 offenses within 3 years: 60 days 3 offenses within 3 years: 120 days IF the conviction results in rev/sus or cancel of CDL holder's license or non-CMV driving privileges	No No No No No No No No No	N/A	N/A

Railroad-Highway Grade Crossing: Violations on or after 10/4/2002 Driver fails to:	Disqualify CDL 1st CMV Conviction	Disqualify CDL 1st non-CMV Conviction	Disqualify CDL 2nd CMV Conviction	Disqualify CDL 2nd non-CMV Conviction	CDL OCC	Rev/Sus Class D/M	Class D/M OCC (Wait)
Slow down to ensure tracks clear Stop if the tracks are not clear Stop before driving onto crossing Drive through crossing without stopping Obey a traffic control device or officer Ensure sufficient undercarriage clearance	1st offense: 60 days	N/A	2nd offense within 3 years: 120 days 3rd offense within 3 years: 1 year	N/A	No No No No No No	N/A	N/A

Falsified application for a CMV: Violations on or after 12/21/1995	Disqualify CDL 1st CMV Conviction	Disqualify CDL 1st non-CMV Conviction	Disqualify CDL 2nd CMV Conviction	Disqualify CDL 2nd non-CMV Conviction	CDL OCC	Rev/Sus Class D/M	Class D/M OCC (Wait)
Falsified application for a CMV	60 days	N/A	60 days	N/A	No	1 year	15 days

Operating CMV while Out-of-Service: Violations on or after 8/1/2000	Disqualify CDL 1st CMV Conviction	Disqualify CDL 1st non-CMV Conviction	Disqualify CDL 2nd CMV Conviction	Disqualify CDL 2nd non-CMV Conviction	CDL OCC	Rev/Sus Class D/M	Class D/M OCC (Wait)
Operating CMV while Out-of-Service HAZ penalties apply if violation occurred while transporting HAZ MAT or while operating a vehicle designed to carry 16 or more passengers	1st offense: 60 days HAZ: 180 days	N.A	2nd offense within 10 years: 1 year HAZ: 3 years 3rd offense within 10 years: 3 years HAZ: 3 years	N.A	No No	N/A	N.A

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