

07. FACILITIES, VEHICLES, AND UTILITIES

7.3. Motor Vehicle Use

Approved by BOS – March 7, 2018

7.3.1. Purpose

- A. To establish policies for operating County motor vehicles.
- B. To establish a review of driving records of applicants and of employees to whom vehicles are assigned, who operate County vehicles or whose job descriptions require driving.
- C. To provide for review of motor vehicle accidents occurring during the operation of vehicles in the course of conducting County business.
- D. To authorize the County Administrator, Department Heads and Constitutional Officers, to issue and enforce additional regulations consistent with this policy regarding vehicle use and safety for their respective employees.

7.3.2. Applicability. With the exception of the Sheriff's Office, this policy applies to all County employees, including employees of the Constitutional Officers, who operate County vehicles or whose job descriptions either allow or require driving.

7.3.3. Regulations

- A. The County Administrator, or responsible Department Head or Constitutional Officer, may promulgate and enforce rules and procedures governing implementation of this policy and prescribe additional requirements for the purpose of promoting vehicle safety.
- B. This policy shall not be construed to supersede or limit the regulations governing personnel management, nor the authority of the County to take all actions necessary, including termination of employees, to promote the safe conduct of County business.
- C. Department Heads and Constitutional Officers shall include in all current and future position descriptions a requirement for a valid driver's license for every position that is required to drive a County vehicle, may drive a County vehicle, or could be asked or directed or expected to drive a County vehicle.
- D. The Director of Public Works serves as County Vehicle Fleet Manager and shall manage the assignment, maintenance, inspection, repair, acquisition, retirement, and replacement of County vehicles.
- E. In a format provided by the Human Resources Manager, each Department Head and Constitutional Officer shall annually confirm that each driving employee possesses a valid driver's license.

7.3.4. Driver Eligibility Criteria. Prospective and current employees to which a vehicle is assigned, who drive a county vehicle, or whose job descriptions require driving or the possession of a valid driver's license shall be required to meet the following criteria:

A. Employees shall have a valid driver's license appropriate for the class of vehicle to be operated.

B. County vehicle driving privileges shall be denied in the case of applicants, or suspended or terminated in the case of current employees, for those individuals:

1. With any conviction of a felony in the previous five (5) years involving the operation of a motor vehicle; or,

2. With a current DMV Record reflecting accumulation of more than six (6) DMV demerit points; or,

3. Whose pattern of driving, convictions for moving violations, and/or physical condition is determined by the responsible Department Head or Constitutional Officer to jeopardize the safe performance of County operations; or,

4. Who do not meet requirements of the County's vehicle insurance policy.

C. Additional actions may be taken regarding an employee who fails to meet this standard, as determined appropriate by the responsible Department Head or Constitutional Officer in accordance with regulations and policies governing personnel management.

7.3.5. Driving Record Reviews. Human Resources shall:

A. Authorization. Obtain authorization from all current employees and from new employees at the time of hire, to which a vehicle is assigned, who drive a county vehicle, or whose job descriptions require driving or the possession of a valid driver's license, for access to Division of Motor Vehicles driving records ("DMV Record"). Authorization forms shall be maintained in Human Resource files.

B. Review. Obtain and review, with the County Administrator or responsible Department Head or Constitutional Officer, the DMV record for all current employees every five (5) years and for all prospective employees. The employee shall be notified of failure to meet the applicable criteria, and shall be provided with a copy of the DMV Record upon request.

C. Special Reviews. Upon request of the responsible Department Head or Constitutional Officer, obtain and review the DMV record of any employee who is involved in an accident while driving an assigned or other County vehicle, or when involved in an accident in the course of conducting County business.

D. Exceptions. Department Heads or Constitutional Officers who deem it advisable to

hire a candidate or retain an employee who does not meet the criteria set forth in section 3-1.4 above shall submit a written request to the County Administrator for review and approval/disapproval. The request shall detail reasons for recommending the candidate be hired and indicate how the individual's ineligibility may be accommodated on a temporary basis.

E. Confidentiality. Maintain all records obtained pursuant to this policy as confidential personnel records.

7.3.6. Employee Responsibility for Compliance and Reporting. Employees shall:

A. Be responsible for conducting themselves in accordance with this policy and any Regulations adopted pursuant to this policy.

B. Immediately report all accidents involving a County vehicle or involving a personal vehicle being used in the course of County business, to their Department Head or Constitutional Officer.

C. Immediately report any conviction for a moving vehicle violation, or license suspension/revocation, to their Department Head or Constitutional Officer.

7.3.7. Maintaining Eligibility. Failure of employees to maintain eligibility requirements for positions that require driving of County vehicles can result in discipline up to and including termination of employment.

A. Suspension/Revocation/Ineligibility

1. Upon the suspension or revocation of an employee's license by any court or by the Division of Motor Vehicles, the privilege of the employee to operate a County vehicle or to drive in the course of carrying out job duties shall be immediately suspended.

2. Such suspension shall last for the duration of suspension or revocation of the employee's license.

3. Should an employee's DMV record inaccurately reflect a license suspension or revocation, a written notice must be sent by the employee to the responsible Department Head or Constitutional Officer detailing the items that are inaccurate and the method by which the employee is seeking to have the record corrected.

B. Accommodation

1. In consultation with Human Resources, the responsible Department Head or Constitutional Officer may take disciplinary action, elect to alter an employee's responsibilities, or otherwise accommodate the employee during the period of a suspension or other ineligibility for failure to meet the criteria established by this policy.

2. Prior to the end of any suspension or period of ineligibility, the employee must

complete any training required by the responsible Department Head or Constitutional Officer at his/her own expense. The employee must provide proof of successful completion to the Department Head or Constitutional Officer.

C. Further Action. If the employee's eligibility to operate a motor vehicle is suspended or revoked or if he/she becomes ineligible to drive pursuant to this policy and the employee's restrictions cannot be accommodated within his/her responsibilities, the Department Head or Constitutional Officer, after consultation with Human Resources will determine whether further disciplinary action up to and including termination is appropriate.

7.3.8. Accident Investigation

A. In consultation with Finance, Human Resources, and the Safety Committee, the Director of Public Works shall develop a vehicle accident reporting form and routing process.

B. When an accident occurs while an employee is carrying out County business or driving a County vehicle, his/her Department Head or Constitutional Officer shall ensure completion of a vehicle accident reporting form and shall review the circumstances of the accident, which may include obtaining information from an investigating officer and other appropriate sources.

C. Vehicle accidents shall be generally reviewed by the Safety Committee for classification of accidents as either preventable or non-preventable. The Safety Committee may make recommendations, including that a particular preventable accident results in action such as counseling, driver training, and/or discipline.

D. Upon request of the responsible Department Head or Constitutional Officer, Human Resources shall obtain the current DMV record and convey to the Department Head or Constitutional Officer.

E. Following review of the accident, the Department Head or Constitutional Officer shall take any actions, as appropriate, in accordance with regulations and policies governing personnel management.

7.3.9. Other Requirements for Operation of County Vehicles. Safe operation of any vehicle in the performance of County business is the responsibility of the employee and must be given appropriate attention at all times.

A. Operation of County vehicles shall be in accordance with all Federal, State and local laws and regulations pertaining to motor vehicles, including those applicable to employees possessing commercial driver's licenses.

B. All drivers of County vehicles shall wear lap and shoulder safety belts and require all passengers to wear lap and shoulder safety belts, as well.

C. Drivers of County vehicles **SHALL NOT**:

1. Use a wireless device while the vehicle is in motion except as specifically permitted in this policy.
2. Manually use data services on their wireless devices, such as texting, accessing the web, or other distracting activities while driving.
3. Use any communication/entertainment devices, such as cell phones and laptops, while driving, except as may be reasonably necessary to perform their duties or during emergency conditions.
4. Read, write information down, or groom themselves while driving a County Vehicle.
5. Make or answer phone calls unless the vehicle is off the roadway and legally parked before engaging, except as may be reasonably necessary to perform their duties or during emergency conditions.
6. Program or set up GPS devices while driving. When used, the GPS unit may only be used in hands-free mode while driving, except as may be reasonably necessary to perform their duties or during emergency conditions.
7. Use County vehicles for purposes other than County business.
8. Smoke in County vehicles or allow passengers to smoke in the vehicle.

7.3.10. Off-Duty Use of County Vehicles

A. Daily Commuting. An employee may be authorized to commute daily to and from work in a County vehicle when the County Administrator determines that the employee's duties are essential to operations on a 24-hour/day, 7-day/week basis, and that the employee may reasonably be called in to work on more than an occasional basis at any hour day or night to address an emergency.

B. Occasional Use. The responsible Department Head or Constitutional Officer may occasionally allow or require an employee not otherwise authorized to commute daily in a County vehicle to take a County vehicle home overnight. Such instances shall be limited to when it is considered mission essential or the alternative would be more inefficient to support operations.

7.3.11. Employee Tax Implications. Each employee that routinely takes a County vehicle home overnight during the calendar year shall be assessed the applicable IRS rate and shall receive the appropriate tax form for that year.

A. Department Head or Constitutional Officer

1. The responsible Department Head or Constitutional Officer shall keep a record of each day that each employee takes a County vehicle home overnight.

2. Records shall be submitted to the Finance Department by January 1st each year.

B. Finance Department. The Finance Department shall issue IRS Forms to employees upon receipt of the record of use from the responsible Department Head or Constitutional Officer.