

# City of Elkins

## Motor Vehicle Policy

Adopted by Elkins City Council October 22, 2015

Revised: \_\_\_\_\_



## Contents

1. Introduction .....	2
2. Applicability of this Policy .....	2
3. Policies Applicable to All City Vehicles.....	2
3.1. Licensing and License Checks .....	2
3.2. Proper Use of City Vehicles .....	3
3.3. Use of City Vehicles for Business or Unauthorized Towing Prohibited .....	3
3.4. Operation of City Vehicles by Non-city Employees Prohibited .....	4
3.5. Operating Expenses to be Paid by City.....	4
3.6. Retention of Title .....	4
3.7. Vehicle Maintenance .....	4
3.8. Fuel Expenses .....	4
3.9. Parking & Moving Violations .....	4
3.10. High Risk Drivers .....	5
3.11. How to Report an Accident .....	5
3.12. Mandatory Drug Screening .....	6
3.13. Safety Guidelines .....	6
4. Policies Applicable to Take-Home Vehicles.....	8
4.1. Standby Employees to be Issued Take-Home Vehicles .....	8
4.2. Return of Take-home Vehicles during Absences .....	8
4.3. Taxation of Take-home Vehicles used for Commuting .....	8
Proof of Review of Motor Vehicle Policy.....	9

## **1. Introduction**

During their employment with the City of Elkins, certain employees will be assigned a vehicle to be used within the scope of their employment. This *Motor Vehicle Policy* describes the terms and conditions that must adhere to for those provided with a vehicle. All employees who drive city vehicles in the course of their assigned duties are responsible for reading, understanding and complying with this Policy.

City vehicle operators represent the city, so they are required to drive and maintain the vehicle in a manner that brings credit to the city. Additionally, any operator of a city vehicle is responsible for the proper care and maintenance of the vehicle.

Because violation of ANY provisions of this Policy may lead to disciplinary action, up to and including termination of employment, it is vital that you read and understand this document. If you do not understand any provision of this policy, ask for clarification before operating a city vehicle.

This Policy is not meant to nor does it create an employment contract between the city and any employee. It does not alter any employee's at-will status. The city may change or terminate this policy at any time.

## **2. Applicability of this Policy**

City vehicles fall into two categories, as described below:

- a. Shift vehicles: used by employees during a workday or shift; not used for commuting to and from home/work.
- b. Take-home vehicles: used by employees assigned to "standby duty" both for commuting to and from home/work and during those employees' workdays or shifts.

Most policies described in this document apply to both shift vehicles and take-home vehicles. Certain policies are only relevant to take-home vehicles. The sections below explain which policies apply in which circumstances.

This document does not apply to vehicles operated by the police or fire departments; those departments will propagate and enforce their own policies.

For the purposes of this policy, "vehicle" is defined as: cars, trucks, and/or any other piece of mobile, self-propelled equipment with wheels and an engine that may be driven (including but not limited to a backhoe or other construction equipment).

## **3. Policies Applicable to All City Vehicles**

Subsections 3.1-3.13, below, outline city policies that apply to both "shift vehicles" and "take-home vehicles."

### **3.1. Licensing and License Checks**

A valid driver's license is required to operate any city vehicle. The status of the employee's

license will be determined annually. If an impairment, be it physical, mental or emotional, renders an employee temporarily or permanently unfit or unable to drive safely, then that employee shall not be permitted to drive a city vehicle or operate their personal vehicle on city business. This includes temporary periods of impairment caused by illness, medication, or intoxication. Employees operating a vehicle on city business shall exercise due diligence and shall drive safely while maintaining the integrity of the vehicle, all passengers and its contents.

The city and/or its insurance carrier may conduct a record check with the Division of Motor Vehicles (DMV) prior to assigning an employee a motor vehicle, and at various times afterwards. If an employee receives a DUI/DWI while driving a city vehicle, the employee will be suspended while the matter is being investigated. A DUI/DWI will result in disciplinary action, up to and including termination of employment. (See also section 3.10., “High Risk Drivers,” below.)

### **3.2. Proper Use of City Vehicles**

City employees are hereby prohibited from using city-owned vehicles for personal use. City-owned vehicles may only be used for commuting purposes as specifically required and authorized by the Operations Manager or Mayor (e.g., take-home vehicles used by standby employees, as defined in the introduction and in section 4).

Non-city employees are not permitted to ride in city-owned vehicles except under circumstances involving the advancement of city business (to be authorized by the Operations Manager or Mayor).

Examples of prohibited personal use include but are not limited to:

- a. Travel to any place other than directly between home and work, except as specifically required and authorized for the performance of city duties. Examples of prohibited travel include but are not limited to travel to a bank, shopping, personal business, entertainment, restaurants (except “de minimis use,” defined below, and only during unpaid breaks, and/or for meals while on duty in the field), etc.
- b. Transportation of any person(s) except other city employees or other persons specifically authorized for purposes of advancing city business. (Examples of prohibited uses of city-owned vehicles: picking up children at daycare or school, picking up a spouse on the way home from work, etc..)

*De minimis personal use* is personal use that is acceptable as long as it is *infrequent* and *insignificant*. Examples of de minimis personal use include *occasional* employee stops for lunch and/or *short* detours for personal errands (during unpaid break time). Again, such use may only be *infrequent* and *insignificant*.

### **3.3. Use of City Vehicles for Business and/or Unauthorized Towing Prohibited**

Use of the vehicle for any business venture other than for the performance of assigned job responsibilities with the city is strictly prohibited. No employee shall accept any form of compensation for carrying passengers or materials. Towing of trailers or adding a trailer hitch to a city vehicle without proper authorization is prohibited.

### **3.4. Operation of City Vehicles by Non-city Employees Prohibited**

No non-city employees are permitted to drive city vehicles at any time for any reason. If a city-employed driver permits an unauthorized driver to use the city vehicle and an accident occurs, that city-employed driver may be held responsible for the entire cost of the accident, including repairs, or the total value of the vehicle(s) if declared a complete loss. Disciplinary action may also result, up to and including immediate termination of employment.

### **3.5. Operating Expenses to be Paid by City**

All operating expenses such as lease payments, taxes, fuel (subject to "Fuel Expenses" described herein) and authorized maintenance will be paid for or reimbursed by the city.

### **3.6. Retention of Title**

The city retains all right, title and interest to all city-owned vehicles, including both shift and take-home vehicles. Upon resignation or termination of employment for any reason, the employee shall immediately return the vehicle (and any related item – e.g., Fuel Card) to a location designated by the city. The city reserves the right to take possession of its vehicle at any time during employment.

### **3.7. Vehicle Maintenance**

Employees are responsible for the proper maintenance and care of any vehicle assigned to them, and must adhere to scheduled maintenance checks.

Neglect, intentional misuse or intentional disregard of the maintenance schedule of a city vehicle may result in (1) disciplinary action and (2) reimbursement for any and all necessary repairs to the vehicle.

### **3.8. Fuel Expenses**

Each city vehicle will have a fuel card assigned to it. The card is to be used in fueling that vehicle only, and must stay in the vehicle it is assigned to. Each employee who operates city vehicles will be assigned an individual PIN number, which is required when using a fuel card. Under no circumstances should an employee's PIN number be given to or used by another employee.

To help reduce costs employees should use only regular unleaded gasoline in vehicles with gasoline engines, unless otherwise stated in vehicle's owner's manual.

Note: Do not use fuel card when in a rental vehicle. Employee should use personal credit card, and provide receipts for reimbursement.

### **3.9. Parking & Moving Violations**

As the driver of a city vehicle, employees are responsible for any and all tickets (including but not limited to parking and moving violations). If an employee receives a ticket, it must be reported to his or her supervisor within 48 hours. Employees are responsible and accountable for any and all tickets received while in possession of a city vehicle (regardless of whether employee was in the scope of employment or using the vehicle for personal use). This

responsibility includes the timely payment of all parking and moving violations associated with the city vehicle.

If the city is notified and required to pay for a violation associated with a city vehicle, the employee will be required to reimburse the city for all costs associated with such violations (including any penalties). Checks should be submitted within 10 days after notification that payment is due. Failure to notify the city of a ticket or pay the city within the allotted time may result in disciplinary action, up to and including termination of employment.

### **3.10. High Risk Drivers**

It is important to note that the city and/or its insurance carrier will conduct a DMV motor vehicle record check at least annually for all employees who have a city vehicle.

Employees who receive DUI/DWI citations in personal vehicles may be reassigned from operating city vehicles; if the Operations Manager determines that operation of city vehicles is an essential requirement of such employees' jobs, termination may result.

Employees who receive DUI/DWI citations in city vehicles are subject to immediate termination of employment. Employees who receive citations, in either personal or city vehicles, indicating reckless driving behaviors (such as speeding tickets or other examples of unsafe operation) may also be reassigned from operating city vehicles; if the Operations Manager determines that operation of city vehicles is an essential requirement of such employees' jobs, termination may result.

If (1) the employee is driving a city vehicle, and (2) the employee receives a DUI/DWI (or any other similar citation), the employee is subject to immediate termination of employment.

### **3.11. How to Report an Accident**

In the event that an employee driving a city-owned vehicle is in an accident, follow the instructions below:

1. When an accident involves another vehicle, obtain the following:
  - Driver's name
  - Address
  - Telephone number
  - Name of Insurance Company
  - Vehicle registration number
  - Vehicle license plate number

If possible, obtain the name, address, and telephone number of any witnesses, including name, badge number, and address of any investigating police agencies.

Please note if there are any injuries reported by anyone involved in the accident.

2. As soon as possible after the accident occurs, contact the immediate supervisor to report the

incident, the extent of property/vehicle damage and/or serious bodily injury.

3. It is the employee's responsibility to notify any state/or local agency (police, etc.) of the accident and file the appropriate written report.
4. If the vehicle is incurring storage charges, employee must notify supervisor.
5. If an adjuster or another representative from the other driver's insurance company contacts the employee for a statement, either written or verbal, employee must refer that representative to a supervisor.

### **3.12. Mandatory Drug Screening**

If, while operating a city vehicle, an employee is involved in an accident, that employee is subject to an immediate, mandatory drug screening, regardless of whether or not the employee is determined to be at fault.

It is the responsibility of the supervisor of the affected employee to make arrangements for a drug screening to be done within 24 hours following the accident.

Other, additional requirements may apply to holders of commercial driver's licenses under state and federal law.

### **3.13. Safety Guidelines**

Safety is of the utmost concern to the city. All drivers of city vehicles must comply with the following:

- Comply with ALL motor vehicle traffic laws.
- Safety restraints are a proven tool for reducing deaths and minimizing injuries from motor vehicle collisions. Consequently, all occupants must wear safety restraints. The driver is responsible for enforcing use of safety restraints by all occupants.
- No smoking is allowed in city vehicles.
- Driving is a full time job. Avoid all distractions. Concentrate on the other driver by being alert to the unexpected.
- Individuals are prohibited from operating a city vehicle at any time while under the influence of alcohol or any illegal substance.
- Firearms and illegal substances are not permitted in city vehicles at any time.
- city employees may not transport hitchhikers or strangers.
- Employees are to use a cell phone only when the vehicle is legally parked. If an employee

must talk while driving, a hands-free device must be used. ANY failure to comply with this policy will result in disciplinary action, up to and including termination of employment.

- Roads are crowded; consider all vehicles as potential accidents looking for a place to happen.
- Be careful when entering an intersection. Always count to two before entering an intersection from a stop sign or a stoplight.
- Signal entry onto freeways and stay in the center or inside lane for ease of emergency maneuvering.
- Do not insist on the right-of-way; assume the other driver will.
- The use of an iPod or similar device while operating a vehicle is prohibited.
- Bridges are slippery and freeze before roads do because they lack the warmth of the ground under them, so be cautious when temperatures are at or near freezing.
- Use turn signals for parking, lane changes, and all turns in shopping and office center parking lots.
- Always keep a full level of windshield washer solvent.
- Keep the vehicle's headlights clean.
- If wondering whether or not to turn on the headlights, it is time to turn them on.
- Have a supervisor or manager visually inspect the vehicle at least once a year.

## **4. Policies Applicable to Take-Home Vehicles**

### **4.1. Standby Employees to be Issued Take-Home Vehicles**

As mentioned in this document's introduction, certain city employees may from time to time be assigned standby duty by the Operations Manager.

Employees on stand-by duty will be assigned a city-owned vehicle that they may use for commuting to and from home/work during their scheduled standby period, responding to standby call-outs, and for the completion of their normal duties while at work.

### **4.2. Return of Take-home Vehicles during Absences**

If a standby employee will be absent from work for five days or more, the assigned take-home vehicle must be returned to that employee's department.

### **4.3. Taxation of Take-home Vehicles used for Commuting**

With the exception of vehicles used by public safety personnel, the Internal Revenue Service considers the use of a vehicle to commute a fringe benefit and the employee will be taxed on the value of that use. Under the Internal Revenue Service regulations, a per-day value is specified for every day the employee is required to commute. This value will be included in that employee's total W-2 income amount, so that the appropriate tax charge may be calculated against it.

## **Proof of Review of Motor Vehicle Policy**

I confirm that I have thoroughly read this Motor Vehicle Policy, and I understand that as an employee, it is my responsibility to abide by this policy.

If I have questions about the Motor Vehicle Policy presented, I understand it is my responsibility to seek clarification from the Operations Manager.

**Employee Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print Name** \_\_\_\_\_