CITY OF ASHLAND

ADMINISTRATIVE POLICY

LAST MODIFICATION: January 4, 2012

1.12.01

ORIGINATING DEPARTMENT: Administration

SUBJECT: Vehicle and Motorized Equipment Policy

PURPOSE: To establish procedures for safe operation of motor vehicles and equipment while conducting City Business.

STATEMENT OF POLICY:

Driving is among the most hazardous tasks performed by employees and volunteers of the City of Ashland. Therefore, it is the policy of the City of Ashland that employees and volunteers will follow safe driving practices. Safe driving practices include steps to ensure the driver's total concentration and safe operation of vehicles, such as: determining clear directions before departing, refraining from operating equipment such as cell phones and hand-held radios (except for emergency services) while the vehicle is moving, and not operating a vehicle when the driver's ability to react is impaired. Drivers are expected to follow safe driving practices as well as all Oregon laws and regulations to prevent accidents, in spite of unsafe driving by others and/or adverse driving conditions.

Managers are responsible for enforcing this policy, and shall ensure all employees and volunteers who drive are notified of this policy and the potential consequences of policy violations.

Note: To simplify this policy, the terms “Vehicle(s)” and “Equipment” are used interchangeably throughout this policy. Any reference made to “vehicle” applies equally to all motorized equipment.

PROCEDURES

The City of Ashland will only allow drivers that meet the following eligibility criteria to drive on its behalf.

Job Applicants

When a position is being filled for which driving is an essential function, applicants for that position will be required to provide a copy of his/her driving record for the previous three (3) years as part of the application process. Job applicants who possess a driving record that does not meet City standards, as defined in Appendix A of this policy, will be eliminated in the selection process, and will not be considered for any city jobs which require driving as an essential job function.

In cases where it is not feasible to require a driving record prior to the interview and selection process the City may opt to make an offer of employment contingent upon receiving a driving record from the Department of Motor Vehicles (DMV) as well as other background investigation processes. If it is determined that an applicant’s driving record does not meet City standards the job offer can be withdrawn. If a hiring manager wants to hire an applicant whose driving record does not meet City standards, an appeal can be made to the City Administrator.

City Employee/Volunteers

All active City employees and volunteers must meet the following criteria in order to be allowed to drive on City of Ashland business:

a. Must possess a valid Oregon driver's license or provide an alternate means of transportation that is approved by the Department Manager or City Administrator.

b. Possess and maintain a valid Commercial Driver's License (CDL) if driving a vehicle requiring such. Additionally, any City employee holding a position that requires commercial driving as part of the job duties shall be required to comply with all applicable City policies and/or Department of Transportation requirements.

c. Shall provide pertinent information to Human Resources for possible DMV "flagging" so the City can monitor the employee's driving record through the DMV by reviewing any "flagged records" **if driving is an essential function of the job.** (*City Departments that already have a procedure in-place for monitoring driving records of their employees will not be subject to additional monitoring by the City. It will continue to be handled by current practice at the Department level*).

   If an at-fault citation or violation occurs **on work time** that falls into any of the categories noted in Appendix A, Human Resources will inform the Employee's supervisor or Department Head and the employee will be required to provide a current DMV report showing his or her personal **and** professional driving record, or the City will obtain his/her current driving history from the DMV. If the report from the DMV contains violations falling into the categories noted in Appendix A, or reveals a pattern of violations or vehicle accidents, the City may determine that the employee/volunteer does not have an acceptable record, and he/she is no longer allowed to drive on City business.

   The City will review and evaluate current employee driving records on a case-by-case basis taking into account the frequency of driving on City business, weather and driving conditions, tenure with the city, position held, and any previous corrective action taken which shows a disregard for safety. The City may place a driver on probation for a period of time during which he/she may be allowed to drive subject to specific conditions imposed by the City.

   In extreme cases when driving history is unacceptable or uninsurable, the City may make the determination that an employee is a high-risk driver and no longer allowed to drive on City business. If driving is the primary function of the job and the City determines the employee is not allowed to drive on City business, he or she will be subject to disciplinary action up to and including termination.

d. **Immediately report any changes in driving privileges to his or her supervisor.** Failure to do so may result in disciplinary action.

e. If involved in a motor vehicle accident on City business, an employee/volunteer **may** be required to complete a defensive driving course within twelve (12) months of the accident. In the event that an employee is involved in more than one accident while on the job he/she may be subject to additional driving restrictions and/or disciplinary actions imposed by the City.

f. If in possession of a driver's license from another state other than Oregon, employee or volunteer must provide a copy of his/her driving record from licensing state prior to being allowed to drive a City vehicle.

g. If an employee or volunteer agrees to use his/her personal vehicle for City business, he/she does so with the understanding that he/she must meet all licenses and insurance requirements in the state of Oregon including state minimum insurance.

Discipline

Violations of this policy or other misconduct involving vehicles may be grounds for disciplinary action up to and including termination. It is the intent of this policy that unsafe behavior be identified and corrected. Should discipline become necessary, it shall follow applicable city progressive discipline and due process policies and/or union contracts. Egregious violations of this policy or any laws that apply to the safe operation of a motor vehicle could result in termination of employment.

DRIVER RESPONSIBILITIES

The following responsibilities apply to anyone who drives any City vehicle on City business:

1. Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion unless exempted from seatbelt requirements by Oregon Law.
2. Drivers shall inspect City vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This inspection should include confirming that tires are not visibly deflated, windows are clean, mirrors are properly positioned and all lights are in working order. A vehicle “pre-trip inspection” (as defined by the DMV) is required for all commercial vehicles.
3. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all City and departmental safety policies and rules.
4. Drivers will drive according to the road conditions during inclement weather. Drivers will prepare in advance, for adverse weather and road conditions.
5. Drivers shall be held personally responsible and liable for any tickets received while driving a vehicle on City business. All tickets for moving violations and/or parking fines received while driving City vehicles shall be paid or otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving any citation while in a City vehicle.
6. For photo radar or other citations issued against the vehicle's registration, the employee/volunteer’s department will complete the "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
7. In the event of an accident on City business, the driver must immediately contact his or her supervisor and the police department. If driving a City vehicle, follow all City instructions/procedures for reporting accidents. Employee must complete the state-required accident form for damage over $1,500. (Accident packets are in each vehicle).
8. A driver whose license has been suspended or revoked shall immediately notify his/her supervisor and he/she will not be allowed to drive on behalf of the City until the required license becomes

reinstated.

9. For employees who are required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered as grounds for disciplinary action up to and including dismissal, whether the offenses and infractions occurred during or outside work hours-- if those convictions result in loss of driving privileges or an uninsurable driving record. Volunteers with driving record convictions on or off the job may be subject to reassignment or removal from volunteer placement.
10. Drivers shall ensure that any passenger riding with them in a City of Ashland vehicle or in any vehicle while on City business, other than those defined in the "Passenger" section on page 5, are authorized by their supervisor. Drivers shall not transport passengers unless the passengers are wearing safety belts or other restraint devices in accordance with Oregon Revised Statutes.
11. In the event of a citizen emergency that requires the use of a City vehicle, managers can grant prior authorization under specific circumstances they establish. If an employee/volunteer on City business encounters a stranded motorist, please be aware: a.) there is no obligation to stop and render assistance, b.) you should consider all objective circumstances regarding your own personal safety before choosing to stop, c.) the only authorized action is to help connect the motorist with appropriate roadside assistance.
12. Drivers shall not drive City vehicles or private vehicles for City business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee/volunteer should first obtain approval from his/her physician that it is safe to drive while taking the medication. If the employee/volunteer comes to work but due to the medication cannot drive, the employee/volunteer shall immediately inform his or her supervisor and ask for an alternate work assignment. If there is no work available, the employee/volunteer may be assigned to another department or sent home.
13. Employees/volunteers are expected to use good judgment at all times while driving on behalf of the City. In circumstances where the employee/volunteer is uncertain if he/she should be operating or continue to operate a vehicle (such as prescription or over-the-counter medication, extended or continuous shifts, end-of-day long distance travel, fatigue, poor weather or road conditions) the employee/volunteer is expected to contact his or her supervisor/manager to assist in making the safest determination, of whether to continue to drive or not.

USING CELL PHONES WHILE DRIVING

The City encourages the safe use of cellular telephones by employees and volunteers who use these tools to conduct business for the City. However, when employees and volunteers are operating a vehicle, driving is the first responsibility. Employees and volunteers who use cell phones must obey all applicable Oregon Laws governing use while operating a motor vehicle.

The use of cell phones without a hands-free device is prohibited for all City employees except emergency response personnel. **Sending text messages or "Texting" on a cell phone while driving is prohibited for all employees including emergency response personnel.**

While hands-free cell phone devices may work for some individuals, the City does not endorse them as a safety device. Even with hands-free devices the driver may still be distracted by the conversation itself, jeopardizing the employee's safety or those around them. Concentration on driving should be the highest priority. Talking on a cell phone while driving, like adjusting the radio, eating, or writing a note, makes it difficult to concentrate on driving. Therefore, if the content of a call impairs concentration, postpone the call until you can stop.

VEHICLE USE

1. **City-owned/supplied vehicles**

   The City provides vehicles for use by qualified drivers to conduct official City business in the course and scope of their jobs and/or to maintain the ability to respond to City business outside the employee/volunteer's normal work hours when special equipment or tools are available in or on the vehicle. **City of Ashland vehicles shall not be used for personal business without approval of a supervisor**. Use of City vehicles to commute to and from work, except as stated above, is prohibited, unless approved in advance by the Department Head. Employees need to be mindful of the importance of representing the City in a positive manner when driving a City vehicle.

2. **Privately owned motor vehicles**

   A privately owned motor vehicle used for City business must be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle equipment must conform to State of Oregon requirements. A motor pool vehicle or rental shall be used when a personally owned vehicle does not meet these standards. Vehicle registration and insurance must be current. Employees driving their personal vehicle on City business must abide by the same "Driver Responsibilities" listed previously in this policy.

3. **Insurance requirements**

   a. The driver of a privately owned motor vehicle used to conduct official City business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon.

   b. Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

   c. The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

4. **Out-of-State rental vehicles**

   The City provides excess liability coverage to supplement the coverage automatically provided by car rental companies. However, the Oregon Tort Claims Act does not apply outside of Oregon. For that reason, drivers shall purchase the offered insurance through the rental company when using a rental vehicle for City business outside of Oregon. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the City if an accident occurs when the vehicle is used outside the scope of City business, (e.g., on an out-of-state trip where a rental vehicle is used for a non job-related side trip). Travelers are required to know the driving laws for any state they drive in, apply the criteria of common sense, propriety, and consider the relationship to business purpose to the use of rental vehicles and transporting passengers while on City business.

PASSENGERS

Only authorized passengers are allowed to ride in City of Ashland vehicles and other vehicles while in use for City business. Authorized passengers are:

1. City employees conducting City business;
2. Officer and agents representing the City of Ashland;
3. Volunteers acting on behalf of the City;
4. Vendors and contractors working on behalf of the City;
5. Participants in official City business, training, tours and programs;
6. Representatives of other governmental agencies working with the City;
7. Anyone with prior authorization by the department manager or with specific authorization by the City Administrator, Elected Officials or other department manager with authority to grant such approval.

Approved: _____ Date: 1/11/12
Larry Patterson, Interim City Administrator

Legal Review: _____ Date: 1/9/12
David Lohman, City Attorney

APPENDIX A

REQUIREMENTS OF AN ACCEPTABLE DRIVING RECORD FOR NEW EMPLOYEES:

1. No class "A" infraction convictions during the past thirty-six (36) months and no more than one (1) class "A" infraction conviction between the past (36) and (60) months.

2. No more than one (1) class "B" infraction conviction during the past twelve (12) months and no more than two (2) class "B" infraction convictions during the past thirty-six (36) months.

3. No more than two (2) class "C" infraction convictions during the past twelve (12) months and no more than three (3) class "C" infraction convictions during the past thirty-six (36) months.

4. Demonstrated ability to maintain a driver's license without suspensions for the past sixty (60) months.

5. No felony or misdemeanor driving convictions within the past sixty (60) months.

EXAMPLES OF VIOLATIONS LISTED BY CLASSIFICATION

CLASS "A" INFRACTION

- Failure to obey a traffic flagger
- Driving while suspended (infraction)
- Careless driving (accident involved)
- Speed racing
- Speeding (30+ MPH over posted limit)
- Failure to stop for school bus

CLASS "B" INFRACTION

- Passing in a no pass zone
- Failure to drive on right side of the road
- No operator's license
- Careless driving (no accident involved)
- Failure to obey a traffic control device
- Driving uninsured

CLASS "C" INFRACTION

- Failure to use traction devices
- Defective headlights
- Illegal U-turn
- Failure to yield to pedestrian in crosswalk
- Speeding (11-20 MPH over the limit)

CLASS "D" INFRACTION

- Impeding the flow of traffic
- Failure to signal lane change
- Failure to display license plates
- Speeding (1-10 MPH over the limit)
- Failure to use safety belts
- Failure to change information on driver's license

CLASS "A" MISDEMEANOR

- D.U.I.I.
- Reckless endangerment of a highway worker
- Providing false information to a police officer
- Hit and run (property damage)
- Reckless driving
- Driving while suspended

CLASS "B" MISDEMEANOR

- Providing false information regarding liability insurance
- Providing false information on accident report

CLASS "C" MISDEMEANOR

- Failure to display a driver's license
- Failure to return suspended license

CLASS "C" FELONY

- Hit and run (injury)
- Attempting to elude a peace officer
- Driving while suspended/revoked