

**8.21 VEHICLE USE POLICY AND PROCEDURE**

The purpose of the Vehicle Use Policy and Procedure is to define the conditions under which the Town assigns vehicles to specific positions and employees to assist them in fulfilling their position responsibilities; specify the Town standards for employees who operate vehicles on Town business; control usage so that it is restricted to municipal business only; and reduce the Town's liability exposure from the use of such vehicles. As a public agency, it is important that all reasonable measures be taken to mitigate the frequency and severity of all accidental losses, including losses that arise out of the operation of motor vehicles.

**DEFINITIONS**

- ***Moving Violation*** refers to a violation of the Connecticut Vehicle Code that results from or occurred during the operation of a motorized vehicle while the employee was the operator.
- ***Preventable Accident*** means any motor vehicle collision or other operation of a vehicle driven on Town business that resulted in property damage, personal injury, or both in which the employee failed to do everything reasonable to prevent the accident, as determined by the Department Head or designee.

**SCOPE**

This policy pertains to all employees of the Town whether full-time, part-time, temporary, or seasonal employees who drive any vehicle on Town business. This policy also includes volunteers working for the Town.

**BACKGROUND**

The operation of vehicles is required in many aspects of town government service. How each vehicle is operated affects the image of the Town and has an effect on the Town's liability exposures. Accidental damage to Town vehicles causes a waste of taxpayers' funds. In addition to direct costs paid for the repair of damaged vehicles, costs may be incurred for medical expenses as well as the indirect costs of loss of vehicle use; loss of employee productivity, and costs of administering claims. The Town strives to project a professional image to the community and have all Town employees represent the Town in a professional manner and to prevent accidents and injuries whenever possible in order to minimize the economic waste and human suffering that results.

**POLICY**

1. It is the policy of the Town to provide vehicles to employees to be used to assist them in fulfilling their duties and responsibilities and to provide reimbursement to employees as outlined in this policy when they use their personal vehicles to conduct Town business.
2. It is the policy of the Town for all employees utilizing a vehicle to conduct Town business to eliminate conditions that adversely affect the well being of employees or the Town or that lead to a waste of economic resources through accidental loss.
3. Employees shall operate all vehicles used for Town business in a safe, courteous and lawful

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manner. The following practices will be followed:

- a. All drivers will have a current, valid driver license for the type of vehicle operated. Connecticut statutes will apply to determine whether out of state licenses are valid in this state. All drivers must have in their possession their current valid drivers license while driving either a Town vehicle or a personal vehicle on Town business.
- b. All applicable motor vehicle laws will be obeyed. This includes complying with the laws governing the use of cell phones or texting devices while driving. Any traffic or parking citations shall be the responsibility of the driver. Moving violations while driving on Town business may be cause for discipline.
- c. No unauthorized passengers will be allowed to ride in a Town-owned vehicle at any time without the advance approval of the department head. "Unauthorized passenger" means a passenger who has no Town business reason for being in the vehicle. Examples of unauthorized passengers are family members or friends of employees or hitchhikers. Only Town employees are authorized to drive Town-owned vehicles on a routine basis. In an emergency, a Town employee may authorize another Town or public agency employee or a licensed adult family member of the employee to drive a Town-owned vehicle. Examples of emergencies where delegation of the driving may be appropriate are, when the employee has been injured or has taken ill while on a trip and the employee believes it would be safer for another driver to operate the vehicle. The employee when delegating driving responsibility shall use the **utmost discretion**.
- d. Seat Belts: Both lap and shoulder belts if the vehicle is so equipped will be worn at all times pursuant to Connecticut Law.
- e. All vehicle operations resulting in personal injury or property damage will be reported pursuant to the Town's Vehicle Accident Reporting Policy and Procedure.
- f. Town-owned vehicles are for official use only. Department heads or supervisors should be informed of and approve any requests to conduct incidental personal errands in a Town owned vehicle while in route to or from Town business.
- g. Town-owned vehicles shall not be taken home overnight except with the advance approval of the Department Head or the First Selectman. Exceptions to this rule are noted in Appendix A.
- h. Town-owned vehicles may be used for travel to meals when an employee is on business and driving to obtain his or her personal vehicle would result in an unnecessary and wasteful expenditure of time and money.
- i. Vehicles used on Town business will be operated only when they are in safe operating condition. Deficiencies in Town-owned vehicles shall be immediately reported to the Fleet Department.
- j. No smoking is allowed in Town owned vehicles.

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4. The privilege of operating a Town vehicle on official business may be revoked if the operator fails to drive in a safe, courteous and lawful manner or conducts him/herself in a manner unbecoming to the image of the Town. Involvement in a preventable accident may be cause for disciplinary action, a change in driving assignments, and required participation in a driver-training course as determined by the supervisor or department head.
5. Any employee performing work which requires the operation of a vehicle must notify his or her supervisor and the Department of Human Resources immediately upon receipt of a notice from the license holder's State Department of Motor Vehicles *or* a law enforcement officer that his *or* her driver license is or will be expired, canceled, suspended or revoked, or if there is a change in the license Class status. A twenty four hour automatic DUI suspension is considered a change in license status and must be reported. The time period between an automatic suspension and an administrative DMV hearing, when a license is not technically suspended, will be enforced as a period when driving permissions on Town business will be suspended until a decision has been made by the DMV. No disciplinary action will be taken on an employee during the waiting period before the administrative hearing other than a suspension of an employee's permission to drive on Town business. If a change in license status is enacted by a license holder's State DMV, such a person may be able to continue driving on Town business depending upon the reason for the change in the driver license status and if he or she is able to obtain an occupational permit from the Motor Vehicles Division. Failure to report such information may be cause for disciplinary action up to and including termination.
6. The Town will conduct annual checks of all applicable States' Department of Motor Vehicles records on employees authorized to drive on Town business. Such records will be available upon request to the driver, the driver's supervisors and the department head.
7. Personal vehicles may only be used on Town business, and mileage reimbursement collected for that reason when there is an approved "Request to Use Private Vehicle" form filed with the Department of Human Resources. Any employee using a personal vehicle on Town business shall maintain automobile liability insurance as required by the State of Connecticut or the State where the employee resides and the vehicle is registered. Employees using personal vehicles on Town business do so at their own risk and should notify their insurance companies of such use. The employee's insurance shall be primary and any insurance *or* self-insured program carried by the Town shall only apply in excess on any loss occurring in the course and scope of employment. No Collision, PIP, Uninsured Motorist or Comprehensive coverage is provided by the Town for privately owned vehicles. Medical coverage is limited to that which is provided by the employee's health insurance coverage or workers' compensation.

**PROCEDURE**

The considerations given to the initial selection of drivers, and the monitoring of the driving records of authorized drivers, are measures that are likely to reduce the future liability of the Town that result from motor vehicle accidents. Accordingly, the Town will use certain measures to help accomplish the purpose of this policy. Examples of such measures are:

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1. Drivers *may* be considered qualified to drive on Town business when they possess a driver license of the proper Class that is valid in Connecticut. Licenses that have been canceled suspended or revoked will be considered invalid. Drivers with a suspended, invalid or revoked driver's license whose position requires a Driver's License and/or CDL will be deemed unqualified for their position and subject to discipline up to and including termination.
2. Prospective new employees, who are required to drive as part of the minimum requirements for the position applied for, may be made an offer of employment conditioned upon satisfactory evidence of the ability to drive safely. Human Resources will perform motor vehicle records checks for all new full-time employees. The result of the motor vehicle record check and the new employee's driver's license will be forwarded to the Risk Management/Finance Department.
3. The Risk Management/Finance Department will maintain the driver license information and will conduct a motor vehicle record check on an annual basis. The results will be reported to Human Resources for necessary action.
4. The Department of Human Resources will distribute the "Authorized Drivers List" to all Department Heads bi-annually. Only approved individuals may drive on Town business. Employees may be added to the "Authorized Drivers List" by submitting their name to the Director of Human Resources so that their license may be verified.
5. Motor vehicle record checks which are verified as suspended or revoked or indicate an infraction will be reviewed by the Department of Human Resources who will provide guidance on the procedure to follow based on the type of infraction discovered.

Examples of instances when drivers may be considered unqualified to drive a Town Vehicle:

- a. License suspension or revocation;
  - b. Endorsement suspension or revocation;
  - c. License class suspension or revocation;
  - d. The waiting period between an automatic Police Department 24 hour suspension and the hearing date with the Department of Motor Vehicles.
  - e. Have had more than two accidents within the last five years;
  - f. Have been convicted of any traffic crime or other crime involving the use of a motor vehicle within the last five years.
  - g. When an issue of fitness to drive arises because of apparent illness, injury or impairment.
6. Employees, supervisors, managers and Department Heads are required to report changes in the status of driver licenses to the Department of Human Resources as such changes become known.

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### **Taxability of the Value of Town-Furnished Vehicles**

Effective December 1, 1986, as required by the Internal Revenue Service, the Town will report as taxable to the employee, the value of commuting to and from work in Town-furnished vehicles.

Note: Employees using Town vehicles designated and equipped for emergency response such as Fire and Police vehicles are exempt from this taxation.

The Town will follow the special rules that allow for commuting of either a flat charge or per mile at the employee's option. Each employee, through the Department Head, should notify Human Resources of the option selected and, in the case of the cent-per-mile; the commuting miles should be indicated. No employment taxes other than Social Security (FICA) will be withheld but the benefit value will be included in the employee's W-2 at year-end. The amount reported in the W-2 will be based on commuting 225 days a year. If, for any reason the commuting days are significantly different, it will be up to the employee to obtain his/her department head's written verification and to notify the Director of Human Resources in writing prior to December 31st of each calendar year.

### **APPENDIX A**

Except as stated in this policy, municipal vehicles cannot be used for personal use except for commuting to and from work or to and from work related functions required to conduct Town business for those employees where the position duties are *on call 24/7* such as police and fire or other positions that are required to provide emergency "call-in" responsibilities. Any deviations from this policy for police and fire personnel will be treated judiciously and with the approval of the Department Head or Commissioner.

There are a number of represented and unrepresented Town employees that have, as a condition of their employment, take home Town vehicles on a 24/7 basis that do not necessarily fall into an 'on call' or 'emergency call in' status employee. These employees are still subject to the policy regulations for using a Town vehicle as indicated in this policy with the exception that they are permitted to use the vehicle to commute to and from work or work related functions to conduct Town business.

### **ADDITIONAL RESOURCES**

Please refer to the Purchasing Department for more information regarding the Car Pool Program.