

## Use of Vehicles for County Business

<b>Objective:</b>	Minimize the risk of automobile accidents involving County employees.	<b>Policy/Procedure Number:</b>	02-37
<b>Reference:</b> <i>(All applicable federal, state, and local laws)</i>	New York State Vehicle and Traffic Law; Tompkins County Code, Chapter 72; New York State Department of Motor Vehicles	<b>Effective Date:</b>	March 17, 1992
<b>Legislative Policy Statement:</b>		<b>Responsible Department:</b>	Human Resources/County Administration
<b>General Information:</b>	This policy is applicable to Tompkins County employees driving County vehicles and, where noted, employee provided vehicles to conduct County business. Vehicle use shall be managed with priority given to safety.	<b>Modified Date (s):</b>	February 3, 2004; October 6, 2020
		<b>Resolution No.:</b>	16; 2020-172
		<b>Next Scheduled Review:</b>	October 2025

**I. Definitions:** **Employee** - All persons filling positions of any rank within County government, including elected or appointed officials and paid staff

**Motor Vehicle** - Any motorized means of transportation used in the course of performing County business, including any automobile, whether owned or leased by the County or the employee.

**NYS Driver Point System** - The tracking system in which the State of New York assigns penalty points according to the type of a convicted traffic violation received by a driver. The number of assigned points to a person's driving record varies based on the severity of the offense. In addition to the traffic violation penalty points issued under the rules of the NYS driver point system, drivers may also be subject to certain criminal penalties by the State of New York.

**Tobacco Products** - As defined by the FDA includes cigarettes, cigars, roll-your-own tobacco, pipe tobacco, hookah tobacco, dissolvables, nicotine gels, smokeless tobacco (dip, snuff, snus, chewing tobacco), vaporizers, e-cigarettes, and other electronic nicotine or aerosol delivery systems.

**Valid Driver License** - One that is in good standing with the State of New York. The license is not expired, suspended, revoked, or invalid.

### II. Policy:

**A.** Tompkins County must review the Motor Vehicle Record background of employees at time of hire relative to their job duties to ensure that all employees who operate motor vehicles on behalf of Tompkins County do so in a way that provides the highest degree of safety for the general public, clients, inmates, employees and others.

**B.** All employees who drive on County business, even on an infrequent or occasional basis must be age eighteen (18) or older and maintain a valid New York State driver license. New employees whose driver license is from another state must proceed expeditiously to secure a New York State license. Those who operate County vehicles covered by the Department of Transportation Federal Motor Carrier Safety Regulations must have a commercial driver license (CDL) for the class of vehicle operated.

- C.** No individual who is not an employee of Tompkins County may ever operate a County motor vehicle.
- D.** All vehicle operators must comply with all State and Federal driving laws.
- E.** Operators of County vehicles shall consolidate trips where practical and shall not allow vehicles to idle excessively unless doing so is necessary to maintain the health and safety of the operator, the passengers, or the public.
- F.** The use or consumption of tobacco products, alcohol, drugs, medications, or other intoxicants that may interfere with the safe operation of County vehicles and equipment or while operating a privately owned vehicle on County business is strictly prohibited.
- G.** The use of cell phones or other personal electronic devices (whether personally owned or County provided) while driving any vehicle violates New York law and is strictly prohibited.

Exceptions:

1. When the driver uses a hands-free mobile telephone, which allows the user to communicate without the use of either hand;
2. When the purpose of the phone call is to communicate an emergency to a police or fire department, a hospital or physician's office, or an ambulance corps; or
3. When operating an authorized emergency vehicle in the performance of official duties.

- H.** All vehicles shall be legally parked and locked when unattended.
- I.** County vehicles shall not be used to transport any person or employee other than the vehicle operator unless the transport of co-workers or other passengers is directly related to County business.
- J.** County-owned vehicles are to be used for official business only with reasonable consideration for use for meals, while in the course of performing business on behalf of the County. Vehicles shall not be used for the convenience of the County employee with regard to personal transportation needs or other non-business activities except as determined by the Department Head.
- K.** County vehicles may only be driven outside of Tompkins County with prior authorization from the employee's Department Head.
- L.** Any authorized County employee acting in good faith, with no reasonable cause to believe the conduct was unlawful, and within the course and scope of their employment, is covered by the County's self-insured program while driving or riding in a County vehicle or an employee-provided vehicle.
- M.** The County may, in its sole discretion, revoke an employee's driving responsibilities or take other disciplinary action, up to and including termination, in accordance with applicable collective bargaining agreements against a County employee who violates any provision of this policy or who are deemed a liability due to an employee's driving record. The County is under no obligation to transfer an offending employee to a non-driving position, even if one is available.

### **III. Procedure:**

#### **A. Employee Responsibilities**

1. All employees who drive on County business are required to immediately notify their Department Head in the event their motor vehicle license has been restricted, suspended, revoked, or expired.
2. Vehicle parking and moving violation citations are the responsibility of the vehicle operator. Citation fines must be paid promptly. Employees must report to their Supervisor when cited while driving a County vehicle or an employee-provided vehicle on County business.
3. Employees shall be familiar with the manner of operation, fueling, or charging of vehicles that they operate on County business. If drivers are unsure of the operation of their vehicle, they should check the owner's manual in the glove box of the car or contact their Department Head for assistance.
4. If an employee believes a County vehicle is in a dangerous or defective condition, it shall be reported to their Department Head as soon as is practical.
5. Employees shall conduct a visual inspection of the County assigned vehicle or pool vehicle for damage prior to use. Any damage or safety problems observed shall be reported to their Department Head immediately upon discovery and the employee shall discontinue their use of the vehicle.
6. When returning a County vehicle to the Department, the log forms provided in each County vehicle shall be completed daily while on County business.

#### **B. Human Resources Responsibilities**

1. Since an individual's motor vehicle record is indicative of overall driving habits, the Department of Human Resources shall review Department of Motor Vehicle records of current employees and of applicants who are required to drive on County business at time of hire and at a minimum of annually thereafter.
2. If during the course of the driver's license verification review, Human Resources staff finds an employee with an invalid driver's license or who has accumulated eight (8) points or more on their NYS driving record during the previous three (3) years, this information shall be conveyed immediately to the Commissioner of Human Resources and the Department Head. The Department Head must take this information into account when making hiring decisions.

#### **C. Department Head Responsibilities**

1. Each Department Head that has access to the use of County vehicles is required to develop and implement departmental procedures to ensure that:
  - The directives in this policy are followed by the employees under their supervision.

- There is a process for approving employees' use of vehicles to conduct County business that provides for review and monitoring of such use.
2. Whenever an employee who drives on County business has accumulated eight (8) points or more points on their NYS driving record during the previous three (3) year period, the Department Head, at the direction of the Risk Manager or Commissioner of Human Resources, shall encourage the employee to participate in and successfully complete the New York State Accident Prevention course which will reduce four (4) points from the employee's NYS driving record. Employees who still have eight (8) or more points on their NYS driving record at the end of the twelve (12) month period following the notification may be ineligible to drive on County business.
  3. The Department Head may, if the needs of the department permit, revise the responsibilities of the position, or individual filling a position, to lessen the risk involved. Discussions between the Department Head, the Risk Manager, and the Commissioner of Human Resources may be appropriate at this point.
  4. Department Heads may revoke driving privileges at any time for an employee who has two (2) or more preventable accidents in County vehicles within any twelve (12) month period.
  5. Departments who are custodians of County vehicles are responsible for monthly inspections of such vehicles, along with scheduling and recordkeeping of routine maintenance and repairs.

#### **D. Insurance**

1. Tompkins County is self-insured for liability exposures. Employees who operate a County vehicle exclusively on County business would normally be covered if they were at fault in a vehicle accident.
2. If the employee is determined to be operating the County vehicle outside the course and scope of County business and determined to be at fault in an accident, the County will not be liable, and the employee could be held personally responsible for damages. Operating a County vehicle outside the course and scope of County business includes driving to and from work, lunch break, and any other time the employee is not furthering the business of Tompkins County.
3. Employees who operate their personal automobile for County business must maintain personal automobile liability insurance as required by New York State Law.
4. The County may request proof of insurance from employees who regularly use their personal vehicle for County business.
5. Property belonging to Tompkins County placed inside a County-owned vehicle is covered by the County's insurance against theft; however, an employee's personal property is not covered if stolen from a County-owned vehicle, even if the personal property is used for County business.

## **E. Accident Reporting**

1. Whenever possible, law enforcement officials should be called to investigate immediately following a vehicle accident.
2. All vehicle accidents or incidents while on County business shall be reported by following the County's Accident, Incident, and Claim reporting procedures (*Administrative Policy 10-22: Risk Management*).