



<b>SUBJECT:</b> Vehicle Use	<b>EFFECTIVE:</b> December 2006 <b>REVIEWED:</b> June 2008, December 2012, February 2019 <b>REVISED:</b> April 2023
<b>CATEGORY:</b> 200 (Personnel) <b>POLICY NUMBER:</b> 200.59	<b>CROSS REFERENCE:</b> <b>Mileage Reimbursement Policy 400.2</b> <b>Business Travel Reimbursement Policy 400.5</b> <b>Taxable Fringe Benefit Policy 400.4</b>

**Purpose**

To identify appropriate use and operation of city- and privately-owned vehicles used for city business. If driving is a regular and significant part of a person’s workday, the city will provide a vehicle and expects the employee to use it. The city will strive to make fleet vehicles available at city locations for work-related trips. Managers may approve employee requests to use personally owned vehicles for attending meetings and other occasional work-related travel.

The Police Department covers many of the topics addressed in this policy in its General Orders. Where Police General Orders and this policy differ, the Police General Orders will take precedence over this policy for police personnel.

**Scope**

This policy applies to all city employees and elected officials. For insurance reasons, volunteers may not drive city vehicles, except for individuals participating in Reserve or Cadet Programs with the Police Department.

**Policy**

City vehicles are for employee use in the performance of their duties. ORS 244 (Government Ethics) prohibits public officials, which includes government employees, from availing themselves of a benefit not available to the public. City vehicle assignments are for city business only, not for personal use. The department head and city manager must approve exceptions in writing and the benefit must be taxed.

**Guidelines for Use**

**Use of City Vehicles:**

- The Fleet Division maintains all city vehicles in a mechanically safe condition.
- Employees who drive city vehicles must be at least eighteen (18) years of age. Cadets who are sixteen (16) years old and have a valid driver license may drive city vehicles on a limited basis.

- Employees whose job classification requires them to drive a city vehicle or equipment or drive their personal vehicle for work must possess and maintain a valid driver license with an acceptable driving record or provide an alternate means of transportation approved by the manager and Human Resources (HR) director.
- Employees may not take city vehicles home overnight or on weekends unless for city business, approved in advance and in writing by the department head or designee. A department head may authorize such usage for emergency call-outs or for extraordinary need for a specific project or program, including certain court schedules.
- Employees may not use city vehicles for personal benefit, such as running errands or transporting family or friends. Some exceptions apply to sworn police officers assigned an on-call vehicle by the Chief of Police for emergency response.
- Employees who are scheduled for work away from city facilities for meetings or other work, which precedes and follows a meal period, may use a city vehicle to access a meal. The destination must be between business destinations with limited deviation.
- The city's automobile liability policy provides insurance for employees who drive city-owned vehicles as part of their job.
- If the employee uses a personally owned vehicle while conducting city business, the employee's personal insurance provides primary coverage related to liability and physical damage. It is the employee's responsibility to ensure that their automobile insurance coverage includes driving the vehicle for work-related trips. The city's automobile liability insurance will provide excess liability coverage over and above the employee's insurance should those limits be exhausted.

### **Driver Responsibilities**

- Drivers should thoroughly check the safety and operational condition of the assigned vehicle and to report all necessary maintenance and repairs in writing to the Fleet Division.
- Drivers should keep the vehicle clean and ready for the next driver; all personal belongings, including food, should be removed when returning the vehicle.
- Drivers must drive in a courteous, safe and legal manner, and obey all laws governing the use of motor vehicles.
- Drivers must refrain from smoking or vaping, or allowing others to smoke or vape, in all city vehicles.
- Drivers must refuel the city vehicle before returning it if it has one-quarter tank of fuel or less.
- Drivers are personally responsible and liable for any citations received while driving a city-owned or personally owned vehicle on city business, including those issued by photo enforcement. All citations for moving violations and/or parking fines received while driving city vehicles must be paid or otherwise resolved promptly by the driver. Drivers must notify their manager within 48 hours of receiving any citation in a city vehicle.
- Drivers must immediately contact their manager, and, if a collision or accident occurs while driving a city vehicle and follow all instructions/procedures for reporting accidents, including filing an incident report with Finance and Human Resources.

### **License Requirements for Driving-Required Positions**

- 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. In general, employees in positions for which driving is required as an essential function will be disqualified if the person has been convicted of more than three (3) Class A, B, or C traffic violations in the past three years as defined in OAR 735-064-0220 and/or any traffic crimes within the past five (5) years as defined in ORS 801.545 (i.e. criminal driving while suspended, reckless driving, driving under the influence of intoxicants, etc.).
- Employees who have their driver license suspended or revoked must immediately inform their manager and the HR Director. The employee may not drive for the city until the situation is resolved. During a license suspension, the employee may use up to 30 calendar days' vacation or unpaid leave. After 30 days have lapsed and employee has not retained a valid driving privilege, the employee may be terminated for inability to perform the essential functions of the job. Employees terminated for this reason are eligible for rehire as if they had resigned.

### **Passengers**

Only authorized passengers may ride in city vehicles and other vehicles, including personal vehicles, while in use for city business. Authorized passengers are:

- City employees conducting city business.
- Officers and agents representing the city.
- Volunteers acting on behalf of the city.
- Vendors and contractors working on behalf of the city.
- Participants in official business, training, tours and programs.
- Representatives of other governmental agencies working with the city.
- For police employees with assigned take-home vehicles, family members may be transported when the employee is traveling to and from work as authorized by the Police Chief.
- Anyone with prior authorization by the department head or with specific authorization by the city manager, elected officials or other manager with authority to grant such approval. This includes spouses accompanying employees for business travel for conferences, trainings, and other authorized purposes.

### **Care and Maintenance of City Vehicles**

Employees operating city vehicles must report vehicle damage in writing to the Fleet Division.

### **Pre-trip Inspection:**

Prior to using a city vehicle, employees must perform the following safety/operation inspection at the beginning of each shift or use:

- Inspect the exterior of the vehicle for body damage or other defects.
- Check all emergency and lighting equipment for proper operation.
- Visually examine tires for pressure, damage or excessive wear.
- Note the vehicle fuel level.
- Check all other equipment in the vehicle. Report anything missing or in disrepair as necessary.

- Check the mileage sticker to determine if service is needed.
- For longer trips, check engine and transmission oil level and fill if needed.
- Do not check the radiator on any vehicle that has been recently driven and is still warm. This is to prevent burns to the operator and prevent wasteful overflow of radiator coolant.

If a vehicle is found to need repair during the pre-trip inspection, notify the Fleet Division.

#### **Security:**

- Each employee is responsible for protecting city property and equipment.
- Vehicles should be secured (i.e., windows up, doors locked, keys removed) whenever left unattended.
- Employees should not leave items of value, such as tools or electronic equipment, in vehicles when unattended or overnight except for standard equipment regularly stored in city vehicles.

#### **Accidents/Incidents Procedures**

The following applies to employees on city business, whether operating a city vehicle or a personally owned vehicle:

- Employees involved in accidents within Milwaukie city limits of Milwaukie must immediately notify 911 Dispatch at the emergency number if the situation warrants.
- Employees involved in vehicle collisions or accidents must follow the accident/incident procedures found on the intranet and in the glove box of the city vehicle including any required reports.
- CDL drivers involved in an accident must be sent for a drug and alcohol test as soon as practicable if any of the following apply:
  - Bodily injury with immediate medical treatment away from the scene AND driver received a citation.
  - Disabling damage to any motor vehicle requiring the vehicle to be towed away AND driver received a citation.
  - Any human fatality regardless of whether driver received a citation.
- If an employee is injured, the manager must complete a Manager's Investigation & Report section of the Accident, Incident, and Liability form and send it to Human Resources within 48 hours. If the employee seeks medical treatment, a SAIF Report of Job Injury or Illness (form 801) must be completed and forwarded to Human Resources.

#### **Full-time Assignment**

At the request of the department head, the city manager may authorize the full-time assignment of a city vehicle to an individual when it is clearly demonstrated that more efficient use of city resources will result from individual assignment or when it is an operational requirement of the requesting division. A full-time assignment of a vehicle will not include home-to-work travel unless specifically approved in writing and approved by the Human Resources Director.

#### **Take- Home Privileges**

Taking home a city vehicle is considered a rare exception and is not to be granted for routine on-call assignments outside the police department.

- City manager or their designee may authorize in writing take home privilege for a city-owned vehicle when the employee's official city duties require:
  - Regular on-call duties and need to respond to emergencies; or
  - Regular need to conduct city business after normal working hours or on weekends.
- Employees assigned take-home privileges of a city vehicle may use the vehicle during rest breaks and meal periods on a limited basis for errands and accessing meals.
- Use of a city vehicle for commuting purposes may be a taxable fringe benefit. (See Taxable Fringe Benefit policy 400.4)

### **Personally Owned Vehicle**

When a city vehicle is unavailable or impractical, managers may approve employee requests to use a personally owned vehicle for attending meetings and other occasional work-related travel.

The city reimburses mileage at the IRS rate.

- Employee must maintain insurance coverage with liability limits no less than the state's requirements. Personal insurance is the primary coverage.
- City fuel pumps or credit cards for fuel may not be used for personally owned vehicles.

### **Personally Owned Vehicle Reimbursement**

In lieu of an assigned city vehicle, certain employees, as part of an employment agreement, may be reimbursed a flat monthly rate for the use of personally owned vehicles as determined by City Council. This benefit is taxable under the Taxable Fringe Benefit policy.

### **Responsibilities**

#### **Employees/Drivers:**

- Avoid using city vehicles for personal use.
- Ensure passengers are approved and abide by rules in this policy.
- Notify manager of any citations or collisions/accidents while conducting city business.

#### **Managers:**

- Assist employees with accident/incident reporting process as needed.
- Ensure resolution of citations received by employees while driving on behalf of the city.
- Take specific actions related to collisions/accidents involving CDL drivers.

#### **Department Heads:**

- Approve certain exceptions.

#### **Human Resources:**

- Monitor employee driving records and develop mitigation plans as appropriate.