



Personnel and Administrative Policy and Procedure

SUBJECT: Vehicle Use	EFFECTIVE DATE: December 1, 2006 REVIEWED: REVISED: June 15, 2008; December 2012; February 2019
CATEGORY: 200 POLICY NUMBER: 200.59	CROSS REFERENCE: Mileage Reimbursement Policy 400.2 Business Travel Reimbursement Policy 200.56 Cellular Telephone Usage Policy 500.3 Taxable Fringe Benefit Policy 400.4

Purpose: To set forth a standard policy and procedure for the safe use and operation of City vehicles and for the use of privately-owned vehicles used to carry out the duties of City employees. It is the intent of this policy that should unsafe behavior occur, it is identified and corrected. If driving is a regular part of a person's day, the City will make a vehicle available and it is preferred that the employee use City provided transportation. The City will strive to make vehicles available for all work-related trips. There are fleet vehicles available at City locations for this purpose. However, upon approval from their supervisor, an employee may choose to use their personal vehicle for attending meetings and other occasional 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. Other departments may also have additional policies related to this topic.

Scope: This procedure will apply to all employees and all elected officials of the City. Also included are person(s) on a grant program funded by the Federal Government, which requires Worker's Compensation coverage as a prerequisite of the grant. Currently volunteers are not covered to drive City vehicles, with the exception of individuals participating in the Cadet Program with the City Police Department.

Policy: Driving is a potentially hazardous task performed by employees. Therefore, it is the policy of the City that employees 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 radios while the vehicle is moving, and not operating a vehicle when the driver's ability to react is impaired. Drivers are expected to follow Oregon laws and regulations, and defensive driving principles, to prevent accidents despite unsafe driving by others and/or adverse driving conditions.

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

City vehicles are for use of employees in the performance of their duties. ORS 244 (Government Standards and Practices) prohibits public officials, which includes government employees, from availing themselves of a benefit not available to the general public. City vehicle assignments are not to be used as fringe benefits for personal use, but rather to enhance the performance of City employees carrying out their duties. The Department Head and the City Manager must approve exceptions in writing.

Procedures

Use of City Vehicles

The following general policy guidelines shall be used when making vehicle use decisions.

1. The Fleet Division has responsibility to maintain all City vehicles in a mechanically safe condition.
2. 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 drivers license may drive City vehicles on a limited basis.
3. Employees whose position descriptions require them to drive a City vehicle or equipment or drive their personal vehicle for work must possess and maintain a valid Oregon or Washington State driver's license with an acceptable driving record and in some cases the employee must possess a Commercial Driver's License (CDL); or provide an alternate means of transportation that is approved by the Manager and HR Director.
4. City employees shall not take City vehicles home overnight or on weekends unless for City business and approved in writing by the Department Head. A Department Head may authorize such usage for emergency call-outs and for extraordinary need for a specific project or program. A written record of such needs to be maintained by the Department Head for each occurrence and kept in accordance with records retention. The vehicle is not to be used for personal errands. There may be exceptions for those in law enforcement that are assigned an on-call vehicle by the Chief of Police in order to respond to emergency situations.
5. Employees will not use City vehicles, either marked and unmarked, for personal benefit; i.e., going to lunch, shopping, picking up laundry, check cashing, transporting family or friends, etc. Employees who are scheduled for work away from City facilities or for meetings or work, which precedes and follows the lunch, may use City vehicles to go to lunch. A personal stop for lunch or other purposes is permissible only when all of the following conditions are met:
 - a. It occurs between business destinations.
 - b. It adds **no** mileage to the vehicle i.e. a side trip to a restaurant that is .5 miles away to pick up lunch would be considered adding mileage to the vehicle.
 - c. It occurs on designated and approved breaks i.e. lunch and morning or afternoon contractual breaks. I.e. If going past a restaurant and stop to pick up lunch that time waiting for lunch counts towards the time spent on break.
6. During such stops, where practical, park City vehicles in the public right-of-way to minimize public perception of personal use. Safety of self and others should always be a consideration in determining an appropriate location to take a break in the field. If warranted at the location use cones, signs or other safety markers to designate the area if impeding into traffic.
7. For conferences, training, and meetings involving spouses or registered domestic partners, they may accompany employees with Department Head or City Manager approval. Passengers are required to wear seat belts when riding in a City vehicle.

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8. The City's automobile liability policy provides insurance for employees who drive City owned vehicles as part of their job.
9. If the employee uses a personally owned vehicle while conducting City business, the employee's personal insurance will be primary as it relates to liability and physical damage. Therefore, in the event of an accident, the employee's own insurance is going to defend, negotiate, and settle any claim on behalf of the employee. If the employee's vehicle is damaged, the employee will need to look to their insurance to reimburse them for damages, including payment of any deductible. The City is not responsible for comprehensive or collision deductibles on vehicles owned by employees. 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

1. It is the responsibility of all City employees to thoroughly check the operational condition of their assigned vehicle and to report all necessary maintenance and repairs in writing to the Fleet Division.
2. It is the driver's responsibility to keep their vehicle clean and ready for the next driver; all personal belongings, including food, should be removed when returning the vehicle.
3. Employees shall drive in a courteous, safe and legal manner, and obey all laws governing the use of motor vehicles.
4. Seat belts must be worn when driving or riding in City vehicles or when using a personal vehicle for City business.
5. Smoking is prohibited in all City vehicles.
6. Drivers will drive according to the road conditions during inclement weather. Drivers should be prepared in advance of severe weather, if at all possible.
7. 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 forty-eight (48) hours of receiving any citation while in a City vehicle.
8. For photo radar or other citations issued against the vehicle's registration, the employee'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.
9. In the event of an accident on City business, drivers shall immediately contact their supervisor, and, if driving a City vehicle, follow all instructions/procedures for reporting accidents. When possible, pictures of the accident scene and any damage to vehicles and equipment should be taken. An incident report needs to be filed with the Risk Manager and Human Resources.
10. If an employee who drives as part of their job duties has their driver's license suspended or revoked, the employee must report that immediately to their supervisor or the Human Resources Director. If you have a driver's license that is currently suspended or revoked, you will not be allowed to drive for the City.

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11. 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 the conviction prevents the employee from performing the duties of their position.
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 should first obtain approval from their physician that it is safe to drive while taking the medication. If the employee comes to work but due to the medication cannot drive, the employee shall immediately inform their supervisor and ask for an alternate work assignment. If there is no work available, the employee may be sent home.
13. Employees are expected to use good judgment always while driving on behalf of the City. In circumstances where the employee is uncertain of their capability to operate a vehicle (e.g. ill, prescription or over the counter medication impairment, extended or continuous shifts, end of day long distance travel, fatigue, poor weather or road conditions, etc.) the employee is expected to contact their supervisor or manager to assist in making the safest determination.
14. CDL holders must comply with all applicable federal motor carrier safety regulations.
15. See the Cellular Telephone Use Policy and Procedure for further information, governing the use of a cell phone while driving when performing City business.
16. See the Drug and Alcohol Policy and Procedure for further information governing the use of drugs and alcohol on the job and post-accident testing.

Passengers: Only authorized passengers can ride in City vehicles and other vehicles while in use for City business. Authorized passengers are:

1. City employees conducting City business.
2. Officers and agents representing the City.
3. Volunteers acting on behalf of the City.
4. Vendors and contractors working on behalf of the City.
5. Participants in official 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 Manager, Elected Officials or other manager with authority to grant such approval

(See Business [Travel Policy and Procedure 400.4](#) for additional information)

Care and Maintenance of Vehicles

Reporting vehicle damage is the responsibility of the employee operating the vehicle. It is to be a written report to the Fleet Division.

Operational checks to be performed by an employee prior to using a vehicle at the beginning of each shift or use:

- a. Inspect the exterior of the vehicle for body damage or other defects.
- b. To prevent paint damage, do not place any items on the body area of the vehicle.
- c. Do not check the radiator on any vehicle that has been recently driven and is still warm. This is to

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- prevent burns to the operator and prevent wasteful overflow of radiator coolant.
- d. Check engine and transmission oil level and fill if needed when taking a vehicle out of town.
- e. Check all emergency and lighting equipment for proper operation.
- f. Visually examine tires for pressure, damage or excessive wear.
- g. Note the fuel level of vehicle.
- h. Check all other equipment in the vehicle. Report missing items as necessary. Write up repair problems if necessary.
- i. Check the mileage sticker to determine if service is needed.

If a vehicle is found to need repair during the pre-trip inspection, a notification needs to be made to the Fleet Division.

Fueling

No vehicle will be left for the oncoming shift/person with less than one quarter of a tank of gasoline. If the vehicle has less than one-quarter tank of fuel the person driving the vehicle must refuel the vehicle before returning it.

Security

- a. It is the responsibility of each employee to protect city property and equipment.
- b. Vehicles will be secured whenever they are left unattended or parked out of the direct view of the employee. Windows are to be rolled up and doors locked.
- c. Employees will not leave items of value, such as tools or electronic equipment, in vehicles when unattended or overnight. Any employee negligently incurring a loss from a City vehicle not secured as indicated above may be required to replace the loss at his or her own expense. This does not apply standard equipment regularly stored in vehicles.

Accidents/Incidents Procedures

If you are on City business, **the following applies whether you are in a City vehicle or your personal vehicle:**

1. Employees involved in accidents within City limits of Milwaukie shall immediately notify 911 Dispatch at the emergency number if the situation warrants. Employees will notify 911 Dispatch at non-emergency number of (503) 786-7500 if there are no personal injuries and all vehicles can be moved to the side of the road safely. Dispatch will advise the Sergeant on duty who shall investigate the accident or damage to City equipment. If the situation warrants, they will request an outside agency to conduct the investigation. The Police Department will forward a written report to Risk Management. If the accident is outside City jurisdiction the employee shall contact the appropriate law enforcement agency for that jurisdiction and request an investigation.
2. If there are injuries, whether real or apparent, reported by any party involved in accident seek medical attention immediately.
3. **Report any incident or accident involving another vehicle, object, or a pedestrian to your supervisor immediately.** An employee who is a passenger or involved in the accident in any way, must report the accident to their supervisor within one (1) business day. Any employee who is a CDL driver and involved in an accident while driving for City business must be sent for a drug screen as soon as possible but at least within four (4) hours of the accident. If employee is incapacitated the supervisor will complete the form.

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4. **Do not make any promises to the claimant. Do not admit fault.** State simply that you will report the accident to the Insurance Company through your supervisor.
5. Drivers involved in an accident must complete a City Accident and Liability Form. Accident Report Card can be found in the glove box of each vehicle. It can be used to collect information at the scene that would be used to fill out the City Accident and Liability Form. Passengers in vehicles involved in an accident need to complete a statement concerning what happened and submit it to their supervisor within one working day of said accident. Give these forms to the supervisor. The supervisor will forward through the Department Head to risk management.
6. If the individual is injured, it is the supervisor's responsibility to complete a Supervisor's Accident Investigation Loss Source Identification Form and send it to Human Resources within 48 hours. If the employee seeks medical treatment an 801 Form must be completed and forward to Human Resources.
7. Report any suspension of driving privileges to a supervisor or to Human Resources immediately or within one business day. Supervisors are to notify the Human Resources Director immediately of any reported suspensions. The City will not become involved in obtaining an occupational license for any employee. The City will allow employees up to one month of unpaid or vacation leave time to obtain an occupational license. After that time an employee will be laid off for inability to perform the duties of the position. Terms of layoff will apply.
8. Employees will pay all fines associated with their own traffic violations occurring on the job, whether in a City vehicle or in a personal vehicle (excluding mechanical violations on City vehicles/equipment). In addition, traffic violations and/or at-fault accidents, while in a City vehicle, will be subject to disciplinary action for cause, up to and including termination.
9. Incidents involving drugs or alcohol issues are subject to the City's Drug and Alcohol Policy. This Policy will not supersede law or policy pertaining to the driving of heavy vehicles subject to a Commercial Driver's License. In those cases, the more stringent rules of the State or Federal government will apply.

Full Time Assignment/Take Home Privileges

1. 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 permanent 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 pursuant to paragraph 2.
2. City Manager may authorize in writing take home privilege for a City-owned vehicle when the employee's official City duties require that they are:
 - (a) Regularly on-call and need to respond to emergencies; or
 - (b) Regularly conducting City business after normal working hours or on weekends.

Taking home a City vehicle is considered a rare exception and is not to be granted for routine on call assignments.

3. Employees who are assigned take home privileges of a city vehicle may use the vehicle during breaks

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and lunch hour on a limited basis for errands and going to lunch.

4. On call employees should use their discretion at all times when transporting non-city personnel and/or using the vehicle for personal purposes.
5. When transporting non-City employees in a City vehicle for a planned event, supervisor approval is required in advance. If it occurs as a result of an emergency call, a supervisor should be made aware of the situation the first time the employee is back in the workplace after the event.
6. Use of a City vehicle for commuting purposes may be a taxable fringe benefit.

Taxable “Fringe Benefit” for Use of City Vehicle

Refer to the Taxable Fringe Benefit Policy and Procedure for details on when vehicle use may be subject to taxation as a fringe benefit in accordance with the IRS.

The most common vehicles excluded from as a fringe benefit from the IRS are as follows:

- Clearly marked, through painted insignia or words, police, fire, and public safety vehicles.
- Unmarked vehicles used by law enforcement officers if the use is officially authorized.
- An ambulance or hearse used for its specific purpose.
- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
- Delivery trucks with seating for the driver only, or the driver plus a folding jump seat.
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose.
- School buses.
- Tractors and other special-purpose farm vehicles.
- Bucket trucks, cement mixers, combines, cranes and derricks, dump trucks (including garbage trucks), flatbed trucks, forklifts, qualified moving vans, qualified specialized utility repair trucks, and refrigerated trucks.

Personal Vehicle

The first choice for business transportation is a City owned vehicle or public transportation when possible. Privately owned vehicles may be used with [mileage reimbursement](#) at the current IRS rate for business purposes when authorized by your supervisor. This rate is published annually by the Finance Department.

All employees who drive a personal vehicle on City business must possess a valid Oregon or Washington driver's license and insurance coverage on their private vehicle, to include liability limits no less than the State's requirements.

As used in this policy, “the conduct of City business” includes miles driven in the personally owned vehicle for City purposes, during paid work hours, by any City employee.

Do not use City gas pumps or credit cards for gas for any use other than City vehicles and equipment.

Private Vehicle Reimbursement (PVR)

When a City employee meets the requirements for individual assignment of a City vehicle with work-to-home use authorized, the City may elect to provide a flat monthly reimbursement in lieu of an assigned City vehicle provided that the current rate is less than the cost of providing a City-owned vehicle adequate to meet the specific business transportation needs of the employee.

- a. The private vehicle reimbursement rate is established by the City Council and is reviewed annually by the City Manager.
- b. All private vehicle reimbursement payments are reported to the IRS as income received by the employees.
- c. Private vehicle reimbursement is considered full payment for private vehicle use in lieu of an assigned City vehicle. The Department Head on a case-by-case basis should consider requests for additional mileage payments for unusual travel expense incurred beyond a 25-mile radius of City Hall.

Commercial Driver's License (CDL) Positions

Some positions at the City require that the incumbent possess a CDL. The employee will be given two (2) opportunities, during the probationary period, on work time, to test for the permit and two (2) opportunities on work time to take the driving portion of the exam. The initial cost of exams will be covered by the employee. If successful in passing the required CDL exams, written or driving, the City will reimburse the employee for the cost of exams passed. Should a probationary employee be unable to obtain a CDL after two attempts, any further attempts will be at the cost and time of the employee. The department will provide time for all study for and completion of the written test required for the drive training and test. Should an employee need additional training, it will be the employee's responsibility to obtain training and testing on their own time and at their own expense. No overtime costs shall be incurred for studying for or taking the CDL tests. If a probationary employee is not able to obtain a CDL during the probationary period, it will result in termination.

A regular status employee is expected to maintain a continuous CDL and will be given work time to take the medical exam. If the employee uses the medical facilities of the City's occupational health provider, the City will pay for the cost of the exam. It is the employee's responsibility to ensure they schedule medical appointments and any required tests far enough in advance to maintain continuous coverage of their CDL.

Complete and Return to HR

VEHICLE USE AGREEMENT

I, _____, have received,
(Print Name)

read, understand and agree to comply with the provisions and terms of the Vehicle Use Policy.

Employee Signature

Date