

ADMINISTRATIVE MANUAL
TOWN OF LOS GATOS

Subject: Vehicle Use and Operation Page: 7 plus Appendix Section Number:

Approved:  Effective Date: Revised Date:
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INTRODUCTION

The operation of vehicles is required in many aspects of local government employment. How each vehicle is handled and maintained directly affects the safety, level of risk, effectiveness and efficiency of government services. The Town is dedicated to eliminating conditions that adversely affect the well-being of employees and otherwise impact the Town's financial stability through accidents and losses.

PURPOSE

The purpose of the Driver Selection/Vehicle Use and Operation policies and procedures is to ensure that only qualified, authorized drivers operate vehicles on Town business and that vehicles are used across all departments consistent with Los Gatos' objectives for safety and cost-effectiveness.

SCOPE

This policy applies to those who operate Town-owned vehicles and those who operate their personal vehicles on behalf of the Town, with no regard to frequency or distance traveled.

DEFINITIONS

Authorized Driver – Any person operating a motor vehicle or other motorized equipment licensed for road use with the pre-authorization by Town or Department Managers or Supervisors in the service of Town business. This includes those using assigned vehicles, shared pool vehicles, department vehicles, rentals, or their own private vehicles. Drivers may include permanent, part time, hourly or temporary employees, volunteers, and contractors. Authorized drivers may or may not have job descriptions stating that driving is an essential job function. No driver will be deemed “authorized” if under the age of 18 years.

Qualified Driver –The Town considers those drivers who meet the following criteria qualified to operate a vehicle on behalf of the Town:

- a) Possess a valid California driver's license of the proper class.
- b) Capable of passing a physical and/or vision/hearing test as required by the class of license.

- c) Capable of passing a physical examination when a question of fitness to drive arises because of illness or injury.
- d) Capable of passing written tests on driving regulations whenever required.
- e) Capable of passing a driving test administered by the California Department of Motor Vehicles.
- f) Have demonstrated proficiency with the particular type of vehicle or equipment routine subject to determination by the employee's immediate supervisor.
- g) Meets Department of Transportation requirements, when applicable to the operation of a vehicle.

Department Driver Policies - Operations-specific policies maintained in Town departments which address unique conditions, rules, or accountabilities for authorized department drivers. These policies may override or expand some of the aspects of the Town Policy. Example: Parks and Public Works SOP or Police Department Policy Manual.

Official Use - Activities directly related to and in execution of duties or services related to Town administration, maintenance, construction, or providing of services. Department Directors are the final arbiters of "Official Use".

POLICY

Employees shall operate all vehicles used for Town business in a safe and economical manner. In order to accomplish this, the following practices will be followed:

A. Use of Vehicles

1. Town vehicles shall be driven for official use only.
2. Town vehicles are available for employee use only while on Town business. Employees are encouraged to use Town vehicles instead of their own for official Town business whenever possible.
3. Any employee for whom driving is an essential function of his/her job or who performs work that requires the operation of a Town vehicle must notify his/her immediate supervisor in the event of license expiration, suspension, or becomes restricted or revoked, as well as report any event or condition that will cause points to be assessed to the employee's driver's license. An employee who fails to report such license status and continues to operate a Town vehicle on behalf of the Town shall be subject to disciplinary action, up to and including termination.
4. Each driver's authorization to operate a vehicle on official Town business extends only as long as the driver operates the vehicle in a safe, cost-effective manner and in compliance with all related policies. A record of preventable accidents or excessive moving violations, identification of poor driving habits by a supervisor, or misuse of Town-owned vehicles shall be cause for assessment for retraining or appropriate disciplinary action.

5. No unauthorized drivers will be allowed to operate a Town vehicle. Passengers, including family members, are allowed to be passengers only if they are accompanying an employee on Town business. For exceptional circumstances, Department Directors may grant a written authorization to allow the transport of family members.
6. Town vehicles shall not be taken home overnight except when authorized for the convenience and benefit of the Town. This is authorized on a case-by-case basis and is based on operational necessity. Examples include, but are not limited to:
 - a) A Police Officer is assigned to undercover duty and requires a vehicle that is specially marked or equipped, and must frequently respond at irregular hours; or
 - b) An employee is returning from an officially authorized out-of-town trip after regular work hours and/or leaving on such a trip before work hours.
7. No personal use of Town Vehicles is permitted. Family members may not drive, move or be passengers in Town vehicles, except as noted in paragraph 5 above.
8. Vehicle storage at an employee's home:
 - a) The Town vehicle must be parked in a driveway or garage and not on a public street unless no off-street parking is available.
 - b) Town-owned vehicles may not travel a distance greater than 50 miles from the Los Gatos Town limits without prior approval from the Department Director.
9. Town vehicles shall be legally and appropriately operated and/or parked at all times. Employee shall observe all California traffic laws, rules and regulations. Violations issued to the driver or parking violations, whether using a Town vehicle or a personal vehicle on Town business, will be the responsibility of the driver and not the Town and must be immediately reported to his/her immediate supervisor.
10. Seat belts must be worn at all times while either operating or riding as a passenger in all Town vehicles and when using a personal vehicle for Town Business.
11. Use of a cellular phone or any other electronic equipment can interfere with the safe operation of the vehicle. For this reason the use of electronic devices in vehicles is restricted as outlined in the Town's Administrative Policies.
12. Vehicles will be operated only when they are in safe operating condition. Drivers in PPW, Police, Building and Planning who are assigned a vehicle on a frequent basis will complete a general condition checklist daily before driving using the procedure outlined in the department's Standard Operating Procedure (SOP). Others driving a vehicle on Town business shall visually inspect the vehicle to assure it is in sound operating condition and report any problems with the vehicle to the PPW supervisor. Town vehicles shall not be driven without functioning head, tail and brake lights, turn signals, and special emergency equipment. Unsafe vehicle conditions must be recorded by the driver

or supervisor. The PPW supervisor shall determine if removal from service is indicated. A Work Order must be submitted to the Vehicle Maintenance Operation for repair. Employees driving a personal vehicle on Town business must maintain functioning head, tail, and brake lights and turn signals.

B. Insurance

Any employee using a personal vehicle on Town business or who receives a monthly car allowance shall maintain auto liability insurance of at least the following limits:

- a) Bodily Injury: \$100,000 Each Person, \$300,000 Each Occurrence.
- b) Property Damage: \$50,000 Each Occurrence.

Drivers of personal vehicles for Town business will be asked to provide proof of insurance to Human Resources each year. The insurance covering the employee's car is considered primary for payment of any claims that result from its operation. The employee is expected to immediately report any claims that result from its operation while on Town business to his or her auto insurer and to his/her immediate supervisor.

C. Driver Operation and Training

1. All drivers must have a valid California driver's license for the appropriate class of vehicle operated
2. Motor Vehicle Records (MVRs) will be obtained and reviewed before hiring for a position requiring driving and ongoing, via the CA DMV Employer Pull Notice (EPN) Program (CVC 1808.1). All employees who are required as part of their job description to drive a Town vehicle on behalf of the Town will be enrolled in the Pull Program. Employees will be enrolled at hire or when they move into a position which requires driving.
 - a) An employee with an "unacceptable driving record" as defined in Appendix A may be denied authorization to operate a vehicle while representing the Town. If the employee must operate a vehicle as part of his or her job requirements, such denial of authorization may lead to disciplinary action. Examples of circumstances that may result in the suspension of driving privileges and further disciplinary action include conviction for DUI, negligent collision or loss of a mandatory Class B license.
 - b) Review of driver qualifications should be made at least annually. In advance of an employee's annual job performance review, supervisors (with the assistance from Human Resources), should view unprotected information in personnel files to consider participation in driver training, records of preventable accidents, driving history, driving certifications, maintenance of adequate insurance levels and other relevant information to determine the employee's suitability for driving while on Town business.

3. For employees holding a Class B or other commercial licenses license, state and federal law require mandatory random drug testing and physicals. This requirement will be monitored in applicable departments and Human Resources. A report indicating a suspended or revoked license shall be cause to deny an employee authorization to operate a vehicle while representing the Town.
4. Driver Training. The Town shall periodically administer or arrange for participation in a Driver Safety Course. Assignments for the course shall be made as follows:
 - a) Mandatory attendance within first year of employment for those employees who must operate Town vehicles as part of their job requirements.
 - b) Mandatory attendance for employees who have been involved in a preventable accident or have received a moving violation.
 - c) For employees who demonstrate driving capabilities or habits that increase risk to employee or Town, fail to observe all traffic laws, including speed limits, or other similar deficiencies, as determined by their immediate supervisor, the employee will be provided "Behind the Wheel Coaching" assistance to identify driving skills or habits which need improvement.
 - d) Mandatory attendance for employees every three (3) years as a refresher to maintain driving eligibility. Employees may voluntarily attend a scheduled Defensive Driver Course between 3-year cycles.

D. Accident Investigation

The purpose of this section is to establish guidelines for the investigation of accidents involving Town vehicles or privately-owned vehicles while the driver thereof is actively engaged in official Town business.

Vehicle accidents shall be reported and investigated in accordance with the Town's IIPP and departmental policies. Each Town owned vehicle has an accident reporting kit in the glove box which has instructions to follow in case of accident. If possible, a disposable or digital camera should be kept in each Town vehicle. Pictures of an accident scene and damage should be made if possible. Drivers of personal vehicles should report accidents in accordance with their insurance carrier requirements.

It is the policy of the Town that if an employee is involved in an accident resulting in personal injury or property damage while operating a Town-owned vehicle or a privately-owned vehicle in the performance of official duties (driving a privately owned vehicle between work and home is not considered part of an employee's official duties), the employee shall:

1. Request that all parties and properties concerned remain at the scene of the accident if possible until a law enforcement representative has released them.

2. All collisions involving Town vehicles or persons on duty and actively engaged in Town business will be reported to the appropriate police agency and will be investigated by the police agency unless the police agency decides not to respond. Report of collisions must be handled in one of the following ways:
 - a) If occurring outside the Town, the collision must be reported to the police agency having jurisdiction.
 - b) If occurring within the Town and involving property damage or a minor (non-hospitalizing) injury, the collision must be reported to the Los Gatos/Monte Sereno Police Department. If a Police Department vehicle is involved, the protocol as documented in departmental policy will be followed.
 - c) If occurring within the Town and the collision results in a fatality or injury requiring immediate hospitalization of any party, the accident will be investigated by an outside authority. Selection of an outside authority will be coordinated by the Police Department and Town Attorney.
3. Employees should avoid making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate Town officials, and representatives of his or her own insurance company if the employee's privately owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations.
4. The employee should complete the information requested in the Vehicle Accident Kit found in the glove compartment of Town vehicles. That information, including any digital photos should be forwarded to the supervisor immediately and no later than one business day after the accident. In addition, a copy of the report should be sent to the Town Attorney, PPW/Vehicle Maintenance and Human Resources.
5. If an employee is injured, procedures should be followed as outlined in the Town's Workers' Compensation (WC) program. Those procedures are outlined on the Town's web site under Human Resources.
6. The Town's Health & Safety Committee shall review the vehicle accident occurrences for emerging trends or indications of remedial action to be recommended.

E. Volunteers and Driver Management

Volunteers who operate vehicles on behalf of the Town must comply with the same qualification, authorization, and safe operating requirements as Town employees. Administration of the volunteer driver program is the responsibility of the department for whom the volunteers work.

Prior to authorization to drive and annually thereafter, the Department must:

1. Verify the volunteer has a current, valid license from the State of California.
2. Obtain and review Motor Vehicle Record and evaluate against the Guidelines for the Evaluation of Motor Vehicle Reports (Appendix A).
3. Prior to initial authorization to drive, arrange for a Town-approved Road Test and provide the volunteer an orientation to the vehicle type they will be operating.
4. Obtain proof of insurance with the limits prescribed in this policy if volunteers will operate their own vehicles.
5. Provide and document orientation and training for pre-trip vehicle condition checks, accident reporting and investigation requirements.

F. Mileage Reimbursement

Employees using their personal vehicles for authorized Town business are eligible for mileage reimbursement in accordance with Finance policies and procedures.

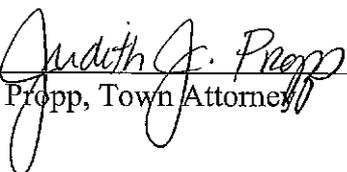
G. Miscellaneous

1. No animals or pets are allowed in Town vehicles except for Police activities.
2. Smoking in a Town vehicle is prohibited.
3. Any installation of personal equipment in a Town vehicle requires prior written approval by the employee's supervisor and PPW Vehicle Maintenance Supervisor.
4. Duplication of Town vehicle keys is prohibited unless expressly authorized in writing by a Department Head.

H. Corrective or Disciplinary Action

The employee's Department Director take corrective action when the employee fails to comply with this Administrative Policy and improperly uses a vehicle or piece of Town equipment. Improper use refers to using the vehicle or equipment in a manner that is prohibited by this policy or determined to be contrary to safe practices as determined by the Town. Corrective action may include discipline up to termination.

APPROVED AS TO FORM:



Judith Propp, Town Attorney

Appendix A

Guideline for the Classification of Motor Vehicle Report (MVR) Risks

Clear	No activity in the last three years and no major violations in the last five years
Acceptable	No major convictions in the last five years and no more than: One at-fault accident in the last three years; or Two minor convictions in the last three years; or One at-fault accident and one minor conviction in the last three years
Borderline	No major convictions within the last five years and: a. Three or more accidents in a twelve-month period—regardless of fault; b. One major conviction from three to five years; c. One at-fault accident and two minor convictions; d. Three minor convictions; e. Two at-fault accidents; or f. Two at-fault accidents and one minor conviction
Unacceptable	Examples of offense that may render a driving record unacceptable include but are not limited to: a. One or more major convictions in the last two years; b. Three or more minor convictions in the last two years; c. Three or more at-fault accidents in the last three years; or d. Any combination of minor convictions and at-fault accidents totaling four or more

Suggested Actions:

- A. Any driver involved in three or more accidents in a 12-month period – regardless of fault – should have his/her driving record reviewed and re-evaluated.
- B. For Borderline ratings:
 - a. Counsel or warn the employee that employment may be jeopardized if there are additional violations or accidents.
 - b. Shift the employee to a non-driving position.
 - c. Supervisor to initiate a request for training and monitor the employee’s driving activity to reinforce proper driving methods.
 - d. Restrict or eliminate authorization to use Town vehicles.
 - e. Restrict or eliminate authorization to use privately-owned vehicles for Town business.
- C. For Unacceptable ratings: Restrict or eliminate authorization to drive any vehicle for Town business.