



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Vehicle Use
INITIAL EFFECTIVE DATE	December 12, 2016
LAST REVISION DATE	Replaces <i>Section 13.12</i> of the Personnel, Administration and Financial Policies and Procedures Manual approved on February 24, 2014. Revised May 14, 2018.
POLICY NUMBER	15.01

OBJECTIVE The City of Watauga’s Vehicle Use Policy outlines the City’s commitment to maintaining a safe vehicle fleet, the safety of employees, others and the protection of property. The purpose of this policy is to define and describe the usage parameters related to the operation of City of Watauga vehicles.

SCOPE This policy applies to all employees or approved personnel who operate City vehicles of any type on either a regular or occasional basis. The City reserves the right to deny any employee the use of a City vehicle and may choose not to indemnify any employee who fails to adhere to the policies and procedures outlined in this policy. Furthermore, any City employee who does not adhere to this policy may be subject to disciplinary action up to and including termination.

POLICY

A. Vehicle Use Assignments

Vehicles owned, leased or rented by the City shall be used only in the discharge and transaction of City business except for employees who have been authorized restricted use.

Employees must have written authorization from their Department Director to operate a City Vehicle of any type. In addition, they must acknowledge that they have read and understand the Vehicle Use Policy. **See *Appendix A Vehicle Use Policy Acknowledgement Form.***

Employee Vehicle Usage assignments and authorization shall be categorized as one (1) of the following:

1. Work-Related Use Only

City vehicles may be assigned to the employees in this category to allow them to respond to work activities as required. Vehicles are garaged at a City facility. No personal use is allowed. City Vehicle may also be assigned to employees in this category by Department Directors for overnight use to an employee for work related activities on an on-call basis or City-related travel, if applicable. During scheduled work shifts, an employee operating a City vehicle is authorized to stop for reasonable, limited time periods for meals or to obtain refreshments.

Breaks are limited to a one (1) mile radius from the City of Watauga unless conducting official City business outside of the City.

2. Restricted Use

City vehicles may be assigned to employees who need to respond, at any time, to work related appointments and emergencies. These employees have 24-hour use of their assigned vehicles and may garage them at their residences overnight due to the duties of their positions. These vehicles shall not be taken outside of the state of Texas, unless travel is approved by the Department Director. Under no circumstances shall this vehicle be used for personal leisure.

Employees authorized to take vehicles home are authorized to make *de minimis* or reasonable, brief, and limited stops before or after assigned work shifts while travelling to and from work to conduct personal errands, such as obtaining a limited number of grocery items (a loaf of bread, gallon of milk, etc.), picking-up dry cleaning, making bank transactions, and the like. If an employee is authorized and assigned to take a city owned vehicle home, the employee shall make arrangements with their supervisor regarding where the vehicle shall be parked or garaged while the employee is on extended leaves, including vacations and medically related leaves.

Non-employee family members may be passengers during this restricted, need based use. Employees who use the vehicle to transport non-employees (for example, to pick up a child from day care) must understand that they are liable for any damages, payments, or costs that exceed the limits of employer insurance coverage. Employees who transport non-employees during personal use of a City vehicle should be aware that such use indicates acceptance of any liability not covered by City insurance. Furthermore, employees who are performing *de minimis* personal errands while operating a city vehicle will not be covered under workers' compensation. Exceptions to this policy must be approved by the City Manager in writing.

B. Driver Responsibilities

1. Operating City vehicles in a safe and courteous manner and observing traffic laws.
2. Maintaining a valid Texas driver's license and notifying their supervisors immediately if they receive any notification from the Department of Public Safety (DPS) that affects their ability to drive a City vehicle. An employee whose job requires the employee to hold a commercial driver's license (CDL) must maintain a current endorsement for the type of vehicle the employee operates. Failure to maintain the appropriate license needed for the employee's job will result in loss of driving privileges and/or disciplinary action up to, and including, dismissal.
3. Conducting a pre-operation vehicle inspection routinely, as required by Department, to ensure equipment operates safely and report any mechanical or safety defects to the Fleet Department immediately. See **Appendix B Vehicle Inspection Checklist**.
4. Using a City vehicle for City business if one is provided.
5. Employee's spouses, family members, contractors or other non-employees are not authorized to drive City vehicles.

6. Informing supervisor(s) of motor vehicle incidents such as traffic violations and parking violations within 24 hours of notification.
7. Paying any citations and fees, which occurred while operating a City vehicle, in a timely manner or be subject to potential disciplinary procedures.
8. Reporting all accidents in City vehicles, regardless of severity, to the police and to the immediate supervisor. Accidents are to be reported immediately (from the scene, during the same day, or as soon as practicable).
9. Cooperating with incident investigators.
10. Complying with corrective actions such as training, for violation of safe driving practices.
11. Attending required trainings, including but not limited to Defensive Driving Training, as scheduled.
12. Wearing a seat belt, if equipped, when riding in or operating a City vehicle/equipment is mandatory.
13. Knowing and obeying State motor vehicle laws and defensive driving rules.
14. Prohibiting the transportation of any personal guest in a City vehicle, unless approved by the Department Director and if the guest is essential to municipal functions. Supervisors may grant specific and limited exceptions to this rule when the employee demonstrates good cause and an urgent need.
15. Not transporting animals in a City vehicle, unless the animal is associated with City business.
16. Smoking and smokeless tobacco products are prohibited in City vehicles.
17. Using alcohol, illegal drugs, prescription drug or any drugs or substances that may affect the employee's ability to drive safely is prohibited.
18. Complying with vehicle maintenance schedules as directed by the Fleet Department.
19. Not altering City owned vehicles or equipment in any way unless approval is obtained by Supervisor.
20. Properly securing, and removing the ignition keys from the vehicle at any time during which the vehicle is parked and unattended. An exception applies to Police and Fire.
21. Under no circumstances will anyone under the age of eighteen years old be permitted to operate a City motor vehicle or a personal vehicle on City business.
22. No City employee will carry a weapon in any City vehicle while conducting City business unless authorized as part of their normal course and scope of employment, such as a police officer. **See Policy 10.11 Weapons.**
23. The City reserves the right to install GPS systems in order to complement the City's Asset Management Program. GPS data may be used during the course of vehicular incident or personnel disciplinary investigations.

C. Using Electronic Devices

The use of wireless communication devices while operating a motor vehicle is prohibited unless the vehicle is stopped or the wireless communication device is used with a hands-free device.

This policy does not apply to authorized emergency personnel using a portable electronic device while acting in official capacity.

The only exception to this policy is if the device is used to make an emergency call to: an emergency response service, including a rescue, emergency medical, or hazardous material response service, a hospital, a fire department, a health clinic, a medical doctor's office, an individual to administer first aid treatment or a police department.

D. License Suspension and Revocations

The City may, at any time, check the driving record of a City employee who drives as part of their job duties to determine that they have maintained the necessary qualifications as a City driver.

1. When official notification from the Texas Department of Public Safety is received stating that an employee has a suspended or revoked license, the supervisor must:
 - a. Notify the employee of the information received.
 - b. Request that employee rectify the situation within thirty (30) days. If employee is unable to rectify the situation immediately, then the Department shall remove the employee from driving duties, until driver status is restored.
2. If an employee is notified by the Texas Department of Public Safety that they have a suspended or revoked license, the employee must:
 - a. Report the information to their supervisor immediately.
 - b. Rectify the situation. If employee is unable to rectify the situation, then the Department shall immediately remove the employee from driving duties, until driver status is restored.
3. The Department may, depending on employee's work assignment, approve an employee's request for personal leave, vacation, or temporary assignment to another job that does not require driving.
4. If the employee's driver's license is suspended or revoked, the employee will have thirty (30) days to rectify his or her driving status. During this time they will not be allowed to drive a City Vehicle. It will be up to the Department Director or designee whether the employee will be allowed to continue to work during that period to perform their assignment.
5. At the discretion of the Department Director or designee, at the end of thirty (30) days, an employee who has not been able to correct licensure revocation or suspension may be released from employment for failure to meet the minimum requirements of his/her employment.

E. Driver's License and Driving Records

The Human Resources Department, as part of the post-offer evaluation process, will conduct a driver's license check on all new employees whose essential job functions include the operation of City vehicles/equipment or his/her personal vehicle to conduct City business. An applicant does not meet criteria and will not be considered for positions requiring driving if the record reveals any of the following:

1. More than three (3) convictions, pleas of guilty, or pleas of nolo contendere for hazardous moving violations in the last two (2) years.

2. More than five (5) convictions, pleas of guilty, or pleas of nolo contendere for hazardous moving violations in the last five (5) years.
3. Pending or unresolved traffic citations from any agency or jurisdiction whose conviction would create a minimum standard violation.
4. More than two (2) at-fault vehicle accidents in the last two (2) years.
5. Have any license suspensions in the last two (2) years. New hires with an out-of-state license will have 30 days to obtain a Texas license.
6. One (1) Driving While Intoxicated (DWI) or One (1) Driving Under the Influence (DUI) conviction in the previous 36 months, including probated sentences.

F. Use of City Vehicles by Volunteer Personnel

1. City volunteers are prohibited from operating a City vehicle unless specifically authorized by the City Manager and Department Director.
2. Volunteers may be authorized to drive City vehicles provided that a criminal background and driving records check has been conducted and successfully passed.
3. Volunteer drivers are not considered to be City employees, and thus are not covered by the Texas Worker's Compensation Act.
4. Department Directors, who use volunteer drivers, shall ensure that the **Vehicle Use Policy Acknowledgement Form** is completed and signed by the driver.
5. Department Directors shall ensure that volunteer drivers are scheduled to attend a Defensive Driving Course as soon as possible if they are to drive City vehicles on a regular basis.

G. Personal Vehicle Use

The use of personal vehicles for City business must be approved by the Department Director. When at all possible, the City encourages employees to use a City vehicle instead of a personal vehicle. When using a personal vehicle for City business, employees are not authorized to run personal errands. All employees using a personal vehicle for City business use must complete the See **Appendix C Personal Vehicle Use Waiver of Liability Form**.

Employees who use their personal vehicle for City business will be reimbursed for mileage pursuant to **4.03 Travel and Reimbursement**. Reimbursed mileage is defined as mileage driven over and above the employee's normal commuting mileage and is based on IRS rates.

Employees, who use their personal vehicles while conducting City business, regularly or occasionally, shall maintain current liability insurance, registration, inspection and driver's license in accordance with Texas law.

City employees are expected to carry liability insurance on any personal vehicle used to transact City business. The City will not assume responsibility for any deductible amounts necessitated by claims, and the employee shall bear the responsibility of pursuing claims against either their carrier or the other driver in the event of a collision or other loss. If the City employee does not receive full compensation (e.g., an uninsured driver), a claim for the unpaid expense may be filed in the City Secretary's Office. All such claims must be accompanied by full

documentation of payments and expenses. All claims are subject to approval by the City's insurance carrier.

H. Fleet Safety Committee

The Fleet Safety Committee is responsible for reviewing records, including accidents, moving violations, etc. to determine if an employee's driving record indicates a pattern of unsafe or irresponsible driving, and to make a recommendation to the Department Director for discipline or revocation of driving privileges. The Fleet Safety Committee will include: one (1) Police Officer, the Fleet Superintendent one (1) Human Resources Representative and one (1) Finance Representative. The Fleet Safety Committee meets, as needed, at the request of the Human Resources Director.

Criteria that may indicate an unacceptable record includes, but is not limited to:

- a. Three (3) or more moving violations in a year.
- b. Three (3) or more chargeable accidents within a year. Chargeable means that the driver is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration.
- c. Any combination of accidents or moving violations.

I. Federal Taxation on the Personal Use of City Vehicles

The City is required to comply with the IRS's regulations regarding the reporting of income. In accordance with Internal Revenue Service (IRS) Rules, employees are to be taxed on the value of their personal use of employer-provided vehicles for commuting to and from work, unless the vehicles qualify as a non-personal use vehicle as defined by IRS Reg. § 1.274-5T.

The City will use the Commuting Valuation method to report income for employees authorized for non-business use of commuting and *de minimis* personal errands. This method will use \$3 per day for each day of commuting as the amount of taxable income reported to the IRS. This amount may be amended by the IRS at any time. Marked and unmarked law enforcement vehicles and fire emergency response vehicles are excluded from this IRS requirement.



Appendix A

CITY OF WATAUGA
Vehicle Use Policy Acknowledgement

I, _____ (Print Driver's Name) have read and understand the Vehicle Use Policy established by the City of Watauga, I agree to abide by the provisions of this policy. I understand that violation of this policy will result in disciplinary action, up to and including termination of employment.

I, _____ (Print Driver's Name) understand that operating privileges can be revoked if:

- 1. Driver does not adhere to responsibilities listed in Vehicle Use Policy.
2. Driver's license is revoked, suspended, withdrawn or denied.
3. Driver refuses to undergo drug or alcohol testing in accordance with organizational policies or as required by applicable state or local jurisdiction.
4. Driver operates outside the limitations of a restricted license.

Driver Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

I, _____, (Print Department Director's Name) authorize the aforementioned employee to operate a City vehicle. Said employee's vehicle use assignment is:

___ Work-related Use Only (most common)

___ Restricted Use

Department Director Signature: _____ Date: _____

City Manager Signature: _____ Date: _____



Appendix B

**CITY OF WATAUGA
VEHICLE INSPECTION FORM**

Date _____ Inspection Sticker Expiration Date _____

Odometer Reading _____ License Plate No. _____

CONDITION								
ITEM	Sat.	Un. Sat	ITEM	Sat	Un. Sat	ITEM	Sat.	Un. Sat.
Horn			Transmission Fluid			Front Bumper		
Mirrors			Brakes			Grill		
Glass			Play in Steering Wheel			Lt. Frt. Fender		
Battery			Exhaust System			Rt. Frt. Fender		
Engine			Head Lights			Hood		
Windshield Wipers			Parking Lights			Left Doors		
Power Steering			Tail Lights			Right Doors		
Turn Indicator			Brake Lights			Rear Bumper		
4-Way Flashers			Back-up Lights			Top		
Check Gauges			Tires & Air Pressure			Seats		
Engine Oil Level			Seat Belts			Cab Area Clean		
Power Steer Fluid			Mud Flaps			First Aid Kit		
Engine Coolant								

Explain all items shown as unsatisfactory in the "remarks" section.

Remarks: _____

The report *must be signed by the employee who performed the inspection!* ** Completed report will be turned in to the Fleet and Facilities Superintendent.

 Employee's (Driver's) Signature



Appendix C

CITY OF WATAUGA

Personal Vehicle Use Waiver of Liability

Name (Last)	(First)	(DL #)	Position
Business /School/ Training/ Location		Training Type (if applicable)	Number of days

In consideration of being allowed to operate a personal vehicle or any non-City of Watauga vehicle on official Department training and/or business:

I, _____ the undersigned, binding my heirs, executors, administrators and assigns do hereby release and agree not to hold liable, the City of Watauga, its elected officials, agents, and employees from any and all actions, causes of action, claims, demands, costs or damages arising from or resulting from property damage sustained by me or my property while operating a personal vehicle or any non-City of Watauga vehicle. I further agree, binding my heirs executors, administrators and assigns to indemnify, hold and save harmless the City of Watauga, its elected officials, agents, officers, employees, from any liability, action, claim, damage, award or judgment incurred by the above City or individuals as a result of any act or omission caused in part by a person indemnified hereunder. In addition, I make the following representations and acknowledgments upon which intend the City to rely:

1. I understand and agree that while operating a personal vehicle or any non-City of Watauga vehicle, I will not be afforded fuel or mileage reimbursement unless approved by the Department Director or their designee due to vehicle availability.
2. I understand and agree that while operating a personal vehicle or any non-City of Watauga vehicle (personally owned or leased vehicle), I or any passengers may not be covered by the City of Watauga for any worker's compensation, death, property damage, or other disability benefits.
3. I agree to be in possession of a current state driving license, have the appropriate registration, inspection and provide proof of automobile insurance for said vehicle.
4. I understand that the City of Watauga does not authorize the use of said vehicle to run any personal errands during working hours.

Reason for Request:

Signature and Printed Name of Person Requesting Waiver

Date

This instrument was acknowledged before me on ___/___/___ by the individual listed above.

SWORN AND SUBSCRIBED BEFORE ME this the _____ day of _____, 20____

NOTARY PUBLIC in and for the State of Texas

My Commission Expires _____

Approved:

Signature and Printed Name of Department Director or designee

Date