



Human Resources Department

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To: City Council
Mayor William R. Marks

From: Marsha Sloss, HR Director

Date: July 12, 2022

Subject: Draft Vehicle Policy

Per recent discussions about the City's vehicle policy, there has been some changes made to clarify the policy. The main areas that were modified are as follows:

- Define a clear difference between "Limited Assignment" and "Continuous Use" vehicles
- Expand the take home vehicle use for a police officer per the Chief's approval
- Include a section specific to a Mayor's use of a City vehicle

The overall intent of the policy remains the same; however, there were some minor revisions made to clean up language that is either no longer applicable or to clarify areas that were unclear.

I respectfully request to update this policy with Council's approval. Please call if you have any questions or concerns.

Thanks

Cc: File

DRAFT

Red Highlighted – new language; Strikethrough – deletion

6.8 CITY VEHICLE AND DRIVING POLICY

Revision: 6/82	Effective: 6/82
Revision: 11/84	Effective: 11/84
Revision: 11/21/02	Effective: 11/21/02
Revision: 6/23/03	Effective: 6/23/03
Revision: 6/17/2022	Effective: 7/19/2022

6.8.1 GENERAL POLICY STATEMENT

The primary purpose of city vehicles is to provide effective and efficient services to the citizens of Athens. The City vehicle and driving policy is established to promote this purpose and applies to both General Fund and Athens Utilities vehicles and drivers.

6.8.2 AUTHORIZED DRIVERS AND USE OF CITY VEHICLES

A. City Vehicles – General Rules

Employees may be assigned city vehicles for use in connection with their city duties, as set forth in this Section 6.8.2.

The use of any city vehicle is contingent on the City's financial ability to maintain the necessary equipment due to fiscal needs and requirements, The use of a city vehicle is a privilege and should not be considered an employment right, , or a mandatory fringe benefit. An employee has no expectation that he or she will continue to be allowed to use a city vehicle.

The use of any city vehicle is contingent on the City's financial ability to maintain the necessary equipment and the use may be restricted, suspended, or revoked by the Mayor or a Department Head (with respect to employees of that department) at any time due to fiscal needs and requirements, a violation of any employee rule, the employee's failure to comply with City or departmental policies, failure to properly maintain the assigned vehicle, or any reason, without any notice, hearing, or appeal. The use of a city vehicle is a privilege and should not be considered an employment right, property right, or a mandatory fringe benefit. An employee has no expectation that he or she will continue to be allowed to use a city vehicle.

Each department shall maintain a current list of all employees who are authorized to drive city vehicles. This list must include the employee's driver's license number and the expiration date. This information requires a periodic review as to status and violations by Human Resources, ~~the Department Head~~.

City vehicles may be operated only by employees who:

- Are at least 18 years old.
- Have a valid driver's license.
- Are authorized to drive a city vehicle in accordance with their position description and job duties.
- Are authorized to drive by the Mayor or Department Head (with respect to employees of that department); and
- Are insured under the City's vehicle insurance.

The selection of specific vehicles for assignment will be at the discretion of the Department Head. Employees with assigned vehicles will not exchange vehicles without the approval of the Mayor or Department Head.

City vehicles will not be loaned to employees who are experiencing problems with personal transportation to work.

No employee may use a city vehicle in connection with his or her outside employment or moonlighting (*i.e.*, any service rendered for wages or fees, including independent contractual services), except as specifically addressed herein with respect to police officers.

No employee may use a city vehicle in connection with any unlawful activity.

No employee shall purchase or transport any alcoholic beverage, illegal drug, or controlled substance in a city vehicle unless required to do so in the performance of their job duties.

No employee may possess weapons or firearms in a city vehicle unless law enforcement or animal control enforcement vehicles, or in emergency or unusual situations specifically approved by the Mayor or Department Head.

No employee may smoke while operating all city vehicles or motorized equipment. Cell phone use shall be kept to a minimum to ensure safety of the driver and others when needed, and should be used hands free while the vehicle is moving.

No employee may use a city vehicle in connection with any immoral activities that could reasonably be expected to cast the employee or the City in an unfavorable light or damage the City's reputation, etc. (including but not limited to traveling to a place of adult entertainment).

~~Mileage logs will be kept by each Department showing the date, time, purpose, and miles traveled by any vehicle used by any employee outside of regular work hours. Garage service records will also be maintained.~~

In addition to any other penalties and consequences set forth in this manual, any violation of this policy may result in the restriction, suspension, or revocation of the employee's use of the vehicle.

There shall be two classes of city vehicles: (a) limited-assignment city vehicles, which are assigned to employees that are not on continuous on-call status; and (b) continuous-use city vehicles, which are assigned to employees that are on continuous on-call status.

B. Limited-Assignment City Vehicles

The rules in this Subsection B shall apply to limited-assignment city vehicles, which are assigned to employees that are not on continuous on-call status. This class of vehicle typically includes job assignments where employees utilize the vehicles during a regularly-scheduled workday and directly in connection with their job duties (such as garbage trucks, fire trucks, police cars, utility maintenance trucks, etc.).

City vehicles may be assigned by the Mayor or Department Heads (to employees within their departments) for use in connection with city business. The selection of specific vehicles for assignment will be at the discretion of the Mayor or Department Head.

City vehicles will not be driven to other cities or locations outside the scope of the employee's normal job duties and work area without the express written approval of the Mayor or Department Head.

An employee may also be permitted to drive a city vehicle home overnight if:

- There is a clear business necessity and easily recognizable benefit to the City;
- The employee has been placed on a specific 24-hour on-call status for emergencies or after-hours duties, or the employee will be attending job-related out of town training conferences, meetings, and seminars; and
- The employee has approval from the Department Head.

In addition, upon the approval of the Chief of Police, for the purpose of deterring crime, a law enforcement officer may be permitted to drive a police car:

- Home overnight, if the officer's residence is within Limestone County (or in such immediate proximity to the county line, as to serve the goals of crime deterrence in Limestone County, as determined by the Chief);
- To church services, where the officer also carries his/her badge and firearm; and/or
- To the officer's off-duty employment, if he/she is working as a security guard or in similar work.

City vehicles may be also be used for reasonable stops in transit to and from work. For the purpose of this policy, a reasonable stop is one that does not materially increase the number of miles the vehicle is driven and may include, but is not limited to, short errands and stops for meals.

Employees may be permitted to drive city vehicles home for lunch breaks if:

- the residence is within a reasonable distance from the job site;
- such activity does not interfere with job responsibilities and customer response;
- the privilege is not abused; and
- the employee has the Department Head's written permission.

City vehicles shall not be used for activities such as: personal vacations, hunting trips, fishing trips, personal business outside of the employee's daily work area, or any other activities which could reasonably be expected to cast the employee or the City in an unfavorable light or damage the City's reputation, etc.

City vehicles will not be used to transport family members or citizens other than City employees except in the line and scope of duty and in connection with City business unless:

- The employee is attending job-related out-of-town training conferences, meetings, and seminars;
- Such persons are official guests of the City;
- The employee is making a reasonable stop in transit to and from his/her work site; or
- The employee has specific permission from the Department Head or the Mayor.

C. Continuous-Use City Vehicles

The rules in this Subsection C shall apply to continuous-use city vehicles, which are assigned to employees that are on continuous on-call status, as identified by the Mayor or by a Department Head (for employees within that department).

For purposes of this vehicle policy, a city employee is on "continuous on-call status" if he/she is a supervisor or manager that is typically and regularly subject to being called upon at any time, day or night, to attend to the business of the city immediately and without delay. City vehicles may be assigned to those employees who have continuous on-call status.

Employees with continuous on-call status include the following personnel: Fire Chief, Police Chief, and other Department Heads and employees designated by the Mayor or by a Department Head (for employees within that department). An employee may also be provided a city vehicle and recognized as being on continuous on-call status for a limited time and on a temporary basis, given the needs of the City at any given time. Continuous-use city vehicles are considered an integral part of the employee's position and responsibilities and they should be used accordingly.

If an employee that is on continuous on-call status is assigned a continuous-use city vehicle, then that employee may use the vehicle for any and all purposes, including both business and personal use, so that the employee may be immediately accessible to the City whenever needed, at any time, day or night. However, notwithstanding the foregoing, when that employee is not on city business, he or she may not use the vehicle outside of the employee's normal work area (unless with the Mayor's permission in unusual situations).

D. Mayor's City Vehicle

The Mayor is provided a city vehicle by the Athens Gas Department, and the rules in this Subsection D shall apply to the Mayor's use of that vehicle. Like an employee on "continuous on-call status", the Mayor is typically and regularly subject to being called upon at any time, day or night, to attend to the business of the city immediately and without delay. As such, the Mayor may use the vehicle for any and all purposes, including both business and personal use, so that the employee may be immediately accessible to the City whenever needed, at any time, day or night, and such use is not limited to a particular work area. The rules in Section 6.8.2(A) shall also apply to the Mayor's use of a city vehicle, except that the Mayor's use of a city vehicle may not be restricted, suspended, or revoked except by the action of the City Council.

6.8.3 DRIVER'S LICENSES

Prospective and current city employees whose duties include the operation of a city vehicle must possess a valid and current Alabama driver license or other appropriate driver's license to include a Commercial Driver's License for the class of vehicle driven.

~~Department Heads are responsible for insuring that a periodic license check is conducted for each department. Any employee who drives a city vehicle must furnish proof of a driver's license upon request.~~

Under no circumstances shall a City employee whose driver's license has expired or has been cancelled, suspended, or revoked be allowed to operate a city vehicle or motorized equipment.

The driver must notify their supervisor and Human Resources immediately and may be subject to transfer, demotion, or termination depending on circumstances, insurability status, regulations, and job duties if he or she otherwise becomes unqualified to operate a City vehicle.

~~An employee who loses his/her driver's license for up to 90 days may be accommodated at the City's discretion depending on specific circumstances, insurability status, Federal or State regulations, and job duties.~~

~~If a driver's license is suspended or revoked for any reason for more than 90 days, the employee is subject to immediate termination.~~

~~If the loss of license is due to a conviction for driving under the influence (DUI) of alcohol or a controlled substance, the employee will be suspended and will be referred to the Employee Assistance Program for assessment and treatment. The employee may also be subject to termination depending on circumstances, insurability status, regulations, and job duties.~~

CDL drivers who have been convicted of violating any State or local law related to motor traffic control (other than a parking violation) while driving any type of vehicle, including a personal vehicle, are required to report this conviction to the City of Athens immediately. Notification must be made by completing a Commercial Driver's License Violation form no later than the next business day following a conviction. ~~This form must be submitted to the immediate supervisor and to Human Resources.~~ Human Resources is required to provide DOT with official notice of a conviction within 30 days.

Failure to report the restriction, suspension, cancellation, or revocation of a driver's license or the driving of city vehicles or equipment without a license is grounds for immediate termination.

Records concerning the loss of a driver's license will be retained in the employee's personnel file in Human Resources.

6.8.4 CITY VEHICLE INSURANCE

Motor vehicle records are obtained from the Department of Public Safety for all drivers prior to hire. Drivers must maintain **an acceptable good** driving record **as determined by Alabama Law Enforcement Agency, Driver's License Division** and maintain insurability status under the City's vehicle insurance. Driving records are periodically updated and audited by the City's insurance providers to satisfy requirements for insurability. An employee who becomes uninsurable under the City's vehicle insurance due to DUI's, excessive traffic citations, or other business reasons is subject to termination.

6.8.5 VEHICLE OPERATIONS AND DRIVER SAFETY

Every operator of a city vehicle is a representative of the City of Athens, and is expected to conduct him or herself accordingly. Drivers shall be responsible for ensuring that each vehicle is in a safe operating condition before driving. Unsafe conditions must be reported immediately. The interior of a city vehicle shall be kept clean and orderly, and the exterior shall be kept reasonably clean at all times.

~~All drivers will participate in periodic defensive driving courses sponsored by the City. Drivers will drive courteously and safely at all times and practice defensive driving techniques.~~

All drivers are subject to random drug and alcohol testing. Employees will not drive after having consumed alcohol or drugs including over-the-counter medications or prescription drugs that may impair their ability to operate a motor vehicle. Employees are required to self-identify to their supervisor if they are taking any type of medication that may impact judgement, alter alertness, or in any way affect their ability to drive. (See City of Athens Drug and Alcohol Testing Program Policy and Procedures Manual.)

All drivers must report any medical condition that might impact their ability to drive or to remain alert.

Drivers are required to comply with all traffic, parking, and speed regulations and related ordinances unless specifically exempted by ~~Gas Pipeline Safety Response~~ Federal or State Regulations or departmental Standard-Operating-Procedures for life-threatening emergencies. In general, all traffic laws should take precedence over expected customer response times in all but extreme emergency situations. The number one priority must be public and driver safety.

Drivers must report all traffic violations that occur during working hours or non-working hours while driving a city vehicle to their supervisor immediately. If a driver receives a traffic citation, the driver is responsible for the payment of any fine assessed.

~~If provided, seat belts must be worn at all times when driving or riding in a city vehicle.~~

~~Headlights must be used during rain, fog, or inclement weather conditions when driving or riding in a city vehicle.~~

~~Weapons or firearms are not permitted in any city vehicle except: 1) law enforcement or animal control enforcement vehicles, or 2) in emergency or unusual situations specifically approved by the Mayor.~~

~~Smoking is prohibited while operating all city vehicles or motorized equipment.~~

~~All distractions while operating a vehicle or motorized equipment must be minimized. Eating while operating a vehicle or piece of motorized equipment is prohibited. Likewise, the use of cell phones is not permitted while driving a city vehicle except for handling emergencies or critical city business. In these instances, the driver should pull off the road whenever feasible to answer a cell phone. Phone and radio conversations should be kept as brief as possible in order to avoid becoming distracted.~~

~~While operating a city vehicle, employees will be neatly and appropriately dressed and will maintain a professional image in any contact with the public.~~

~~Assigned vehicles will be parked at an employee's home in a location that provides the best visibility and security for the vehicle.~~

~~Any assigned driver on leave for more than one week shall leave the assigned vehicle in the department's use or park it at a city facility.~~

6.8.6 VEHICLE ACCIDENTS

Any city employee involved in an accident while operating a city vehicle or piece of motorized equipment shall notify his or her supervisor immediately. Any accident/incident involving a city vehicle must be reported whether or not the accident results in injuries to a person or damage to vehicles or property or whether or not the city vehicle was moving or stationary.

Supervisors are responsible for completing a City Vehicle Incident Report and also a City of Athens Police Report depending on the nature of the incident. ~~Both reports must be submitted promptly to the Safety Committee, the City Clerk or Utilities Finance Director as appropriate, and the Human Resources Director.~~

~~Reports must be provided to Human Resources to be filed and submitted to the worker's compensation carrier when necessary.~~

~~Any driver involved in a vehicle accident will be required to take a drug and alcohol test immediately if circumstances indicate possible driver fault or error. All vehicle accidents must be reported immediately to the Director of Human Resources, who will determine if a drug and alcohol screen is warranted in accordance with the City's Drug and Alcohol Testing Policy and Procedures.~~

~~6.8.7 VEHICLE MAINTENANCE~~

~~All city vehicles shall be identified as city vehicles with an appropriate decal or emblem on the side of the vehicle and a city license plate, with the exception of certain law enforcement vehicles and other vehicles designated by the Mayor.~~

~~City vehicles shall receive maintenance service at the designated City Garage or other location determined by the Department Manager. Drivers shall be responsible for insuring that each vehicle is in a safe operating condition before driving. Unsafe conditions must be reported immediately. The interior of a city vehicle shall be kept clean and orderly, and the exterior shall be kept reasonably clean at all times.~~

~~No additional equipment shall be installed or attached to a city vehicle without the approval of the Department Head. Employees shall reimburse the City for the cost of any damages to a vehicle from personal installation of equipment.~~