	<b>City of Albany</b> Human Resources Policy Policy #: HR-SF-07-002 Title: Vehicle Incident Prevention	<b>Safety</b>
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**Purpose**

Driving is among the most hazardous tasks performed by City of Albany (City) employees. Therefore, it is the policy of the City that employees and volunteers will follow safe driving practices, to prevent avoidable vehicle related incidents. 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 defensive driving principles, Oregon laws and regulations to prevent accidents in spite of unsafe driving by others and/or adverse driving conditions.

City supervisors 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.

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**Policy**

Only drivers that meet the following eligibility criteria will be allowed to drive on City business.

1. Job Applicants

When any position is being filled for which driving is an essential function, the driving record for the previous ten (10) years shall be evaluated according to the following procedure:

- a. Hiring managers may offer employment contingent upon receiving a successful driving record check. However, it is suggested that the applicant's driving record is checked prior to a contingent hiring offer whenever possible.
- b. If the applicant being considered for hire is from outside the State of Oregon, Human Resources will request from the applicant a copy of the applicant's driving record(s) from the state(s) of residence for the past ten (10) years to be sent in a timely manner by fax, e-mail or conventional mail.
- c. Offers of employment are made contingent upon successful completion of background checks, including driving record checks. Human Resources will complete the driving record check and send an email to the appropriate department manager with the results. If the driving record is not deemed acceptable, a recommendation not to hire the applicant, may be made.
- d. If the supervisor requesting the hire wishes to contest this recommendation, an appeal may be made to the Human Resources Director. A record of DUI, license suspension or revocation, moving violations and/or accidents shall be considered in determining

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whether an applicant is acceptable (see Appendix A).

2. City Employees/volunteers

Any City employee/volunteer, excluding City commission members or other appointed volunteers, must meet the following criteria in order to be allowed to drive on City business:

- a. Must possess a valid Oregon driver's license or provide an alternate means of transportation that is approved by the Manager/Administrator.
- b. Be at least 18 years old.
- c. Possess a valid Commercial Driver's License if driving a vehicle requiring such.
- d. If involved in an at-fault accident on City business involving human injury, or significant property damage, an employee/volunteer is required to complete a defensive driving course within six (6) months of the accident. The cost of any such class would be borne by the department of the at-fault employee.
- e. If in possession of an Oregon/Washington (or other State) driver's license, sign a release form allowing the City access to his/her motor vehicle records.
- f. If driving their personally owned vehicle, must possess current, valid proof of insurance at the inception of this policy or when driving responsibilities that are covered by this policy begin, evidencing liability limits no less than the State required minimum of \$25,000 single occurrence/\$50,000 annual aggregate.
- g. Employees whose duties may entail more stringent driving requirements (e.g., CDL holders; police; firefighters; etc.) shall be subject to their departmental requirements, which may exceed the requirements within this Policy. City employees/volunteers shall maintain an acceptable driving record, to be determined as follows:

At the time of hire or assignment of driving privileges or responsibilities to an employee/volunteer, the employee / department shall provide pertinent information (e.g., name, date of birth, driver's license number) to Human Resources for "flagging" purposes. The City shall retain an account with DMV and monitor the employee/volunteer's driving record by reviewing any "flagged records". If a violation falls into the categories noted in Appendix A, Human Resources will inform the Manager/Administrator. In the event that the City receives notice of a violation(s), Human Resources will consult with the department supervisor to determine an appropriate response. Violations falling into the categories noted in Appendix A and its definitions, or a pattern of violations, along with other factors, if relevant, will be used to determine if the employee/volunteer has an acceptable driving record.

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3. Other Drivers

In addition to City employee/volunteers, the following people may be allowed to drive vehicles on City business:

- a. An officer or agent representing the City.
- b. Another person designated to act on behalf of the City such as a volunteer committee member, a City Commission member or other appointed volunteer.

Drivers in this category must meet the following criteria in order to be allowed to drive on City business:

- a. Possess a driver's license valid in the State of Oregon; and
- b. Be at least 18 years old; and
- c. Possess a commercial driver's license if driving a vehicle requiring such; and
- d. If driving their personally owned vehicle, possess proof of valid insurance evidencing liability limits no less than the State required minimum of \$25,000 single occurrence/\$50,000 annual aggregate.
- e. Obtain permission from the City Manager or appropriate Department Head within the area they are serving.


4. Discipline

Employees who are found to have violated this policy or find any indications of misconduct involving vehicles may be grounds for disciplinary action up to and including termination. Volunteers found in violation of this policy may be asked to separate from their area of service. If an employee or volunteer is, during their term of employment/service, subject to a driver's license suspension or revocation, and driving is among the essential functions of their position, such action may likewise lead to disciplinary action up to and including termination.

It is the intent of this policy that unsafe behavior be identified and corrected. Should discipline become necessary, it shall follow the City Personnel Policy/Manual and collective bargaining agreements, as applicable.

5. Training

The City will provide for periodic safe driver training which will be mandatory for all staff that regularly drive City vehicles, or regularly drive personal vehicles on City business. The determination, as to which staff shall attend will be made by City supervisors based on actual job duties. Training will be offered on a voluntary basis to all regular employees upon supervisory approval.

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6. License Verification

Human Resources, in conjunction with City supervisors, shall track and notify all employees whose positions require the maintenance of a commercial driver's license (CDL) of upcoming renewal dates. Failure to renew a required CDL within the prescribed time frame will result in cessation of driving duties, and may result in disciplinary action.

**DRIVER RESPONSIBILITIES**

The following responsibilities apply to anyone who drives any vehicle on City business:

1. Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion, provided that the vehicle is so equipped.
2. Drivers shall have the vehicle's lights on when driving unless specific job related protocol requires otherwise.
3. Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicle is in safe operating condition prior to its use. This should include tires properly inflated (i.e., not visibly deflated), clean windows, mirrors properly positioned and all lights in working order.
4. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all City and departmental safety policies and rules.
5. Drivers will drive according to the road conditions during inclement weather. Drivers will access necessary information and be prepared, in advance, regarding bad weather and road conditions.
6. 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 48 hours of receiving any citation while in a City vehicle.
7. For photo radar or other citations issued against the vehicle's registration, the employee/volunteer's department will complete an "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.
8. In the event of an accident on City business, drivers shall immediately contact their supervisor, and, if driving a City vehicle, may be requested follow all City instructions/procedures for reporting accidents or submitting to post-accident drug testing as outlined in applicable City Policy governing substance abuse.
9. A driver whose license has been suspended or revoked shall immediately notify his/her supervisor.
10. 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

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as grounds for disciplinary action up to and including dismissal, whether the offenses and infractions occurred during or outside work hours. Volunteers with driving record convictions on or off the job may be subject to reassignment or removal from volunteer placement.

11. In the event of a citizen emergency that requires the use of a City vehicle, managers can grant prior authorization under specific circumstances they establish. If an employee/volunteer on City business, who is not classified in a City position rendering public safety services, encounters a stranded motorist, please be aware: a.) there is no obligation to stop and render assistance, b.) you should consider all objective circumstances regarding your own personal safety before choosing to stop, c.) the only authorized action is to help connect the motorist with appropriate roadside assistance.
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/volunteer should first obtain approval from his/her physician that it is safe to drive while taking the medication. If the employee/volunteer comes to work but due to the medication cannot drive, the employee/volunteer shall immediately inform their supervisor and ask for an alternate work assignment. If there is no work available, the employee/volunteer may be assigned to other duties or sent home.
13. Employees/volunteers are expected to use good judgment at all times while driving on behalf of the City. In circumstances where the employee/volunteer is uncertain if he/she should be operating or continue to operate a vehicle (such as prescription or over-the-counter medication, extended or continuous shifts, end-of-day long distance travel, fatigue, poor weather or road conditions) the employee/volunteer is expected contact their supervisor/manager to assist in making the safest determination, of whether to continue to drive or not.

## **CELL PHONES**

The City encourages the safe use of cellular telephones by employee/volunteers who use these tools to conduct business for the City. However, when employee/volunteers are operating a vehicle, driving is the first responsibility. Employee/volunteers who use cell phones while on City business should refrain from making or receiving business calls while driving whenever possible. If an employee/volunteer needs to make or receive a business phone call while driving, an appropriate hands free device must be used for this purpose in accordance with applicable statute. If notes are to be taken, the traffic is heavy, or road conditions are poor, the employee/volunteer must make sure the vehicle is stopped and that he/she is parked properly and off the roadway to make or receive a call.

Employees/volunteers who are faced with an emergency, such as a traffic accident or car trouble, may find it necessary to make a phone call while driving.

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## VEHICLE USE

### 1. City-owned/supplied vehicles

The City provides vehicles for use by qualified drivers to conduct official City business in the course and scope of their job and/or to maintain the ability to respond to City business outside the employee/volunteer's normal work hours when special equipment or tools are available in or on the vehicle. City vehicles shall not be used for personal business. Use of City vehicles to commute to and from work, except as stated above, is prohibited, unless approved in advance by the Department Head.

### 2. Privately owned motor vehicles

The City allows use of privately owned motor vehicles to conduct official City business. A privately owned motor vehicle used for City business must be legal for operation on public roadways, and be in safe mechanical condition that is adequate to provide safe transport for the applicable road and weather conditions. Vehicle equipment must conform to State of Oregon requirements. If an employee's vehicle does not meet these standards, that employee must initiate a discussion with their direct supervisor regarding alternatives that may exist. Vehicle registration and insurance must be current.

### 3. Insurance requirements

- a. The driver of a privately owned motor vehicle used to conduct official City business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon.

Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel, and operating costs) for its use.

- b. The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

### 4. Out-of-State rental vehicles

The City provides excess liability coverage to supplement the coverage automatically provided by car rental companies. However, the Oregon Tort Claims Act does not apply outside of Oregon. For that reason, drivers shall purchase the offered insurance through the rental company. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the City if an accident occurs when the vehicle is used outside the scope of City business, (e.g., on an out-of-state trip where a rental vehicle is used for a non job-related side trip). Travelers are required to know the driving laws for any state they drive in, apply the criteria of common sense, propriety, and consider the



relationship to business purpose to the use of rental vehicles and transporting passengers while on City business.

### **PASSENGERS**

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

1. City employees conducting City business;
2. Officer 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 City business, training, tours and programs;
6. Representatives of other governmental agencies working with the City;
7. Anyone with prior authorization by the department Director or City Manager.

Drivers shall not transport passengers unless the passengers are wearing safety belts or other restraint devices in accordance with Oregon Revised Statutes.



## **APPENDIX A**

### Evidence of an Acceptable Driving Record

1. No class “A” infraction convictions during the past thirty-six (36) months and no more than one (1) class “A” infraction conviction between the past (36) and (60) months.
2. No more than one (1) class “B” infraction conviction during the past twelve (12) months and no more than two (2) class “B” infraction convictions during the past thirty-six (36) months.
3. No more than two (2) class “C” infraction convictions during the past twelve (12) months and no more than three (3) class “C” infraction convictions during the past thirty-six (36) months.
4. No felony or misdemeanor driving convictions within the past sixty (60) months.

## **Definitions**

### **EXAMPLES OF VIOLATIONS LISTED BY CLASSIFICATION**

#### **CLASS “A” INFRACTION**

- Failure to obey a traffic flagger
- Driving while suspended (infraction)
- Careless driving (accident involved)
- Speed racing
- Speeding (30+ MPH over posted limit)
- Failure to stop for school bus

#### **CLASS “B” INFRACTION**

- Passing in a no pass zone
- Failure to drive on right side of the road
- No operator’s license
- Careless driving (no accident involved)
- Failure to obey a traffic control device
- Driving uninsured

#### **CLASS “C” INFRACTION**

- Failure to use traction devices
- Defective headlights
- Illegal U-turn
- Failure to yield to pedestrian in crosswalk
- Speeding (11-20 MPH over the limit)

#### **CLASS “D” INFRACTION**

- Impeding the flow of traffic
- Failure to signal lane change
- Failure to display license plates





- Speeding (1-10 MPH over the limit)
- Failure to use safety belts
- Failure to change information on driver’s license

**CLASS “A” MISDEMEANOR**

- D.U.I.I.
- Reckless endangerment of a highway worker
- Providing false information to a police officer
- Hit and run (property damage)
- Reckless driving
- Driving while suspended

**CLASS “B” MISDEMEANOR**

- Providing false information regarding liability insurance
- Providing false information on accident report

**CLASS “C” MISDEMEANOR**

- Failure to display a driver’s license
- Failure to return suspended license

**CLASS “C” FELONY**

- Hit and run (injury)
- Attempting to elude a peace officer
- Driving while suspended/revoked

**References**

HR Safety Policy, HR-SF-04-004 – Substance Abuse  
 HR Safety Policy, HR-SF-05-003 – Substance Abuse-DOT  
 HR Safety Policy, HR-SF-06-003 – Substance Abuse-FTA

**Review and Authorization**

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HR Director:		City Manager:

1. Form or worksheet revision related to this document? No  Yes

If yes, attach a copy of the revised form or worksheet.

2. Training required? No  Yes