

City of Portland, ME
ADMINISTRATIVE REGULATION NO. 19
USE OF CITY VEHICLES

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Date: May 6, 2016

1 INTRODUCTION

1.1 SCOPE

The purpose of this AR is to outline obligations and expectations of employees that have use of City vehicles. These policies and procedures apply to all City-owned or leased motor vehicles used for official City business. Assignment of a City vehicle is a privilege, not a right of any employee.

These policies and procedures are designed as minimum requirements and do not prohibit departments from establishing and enforcing more stringent requirements. City departments shall establish necessary procedures to ensure compliance with established policies and procedures.

1.2 VEHICLE CATEGORIES

- a. **City vehicle, not taken home** - Vehicles assigned to employees to be used only for daily City business during the work shift(s) and are not to be taken home.
- b. **City vehicle, taken home in specific circumstances** - City vehicles shall be taken home only when necessary to improve responsiveness and/or effectiveness during emergency or other specialized situations. Employees who are authorized to drive City vehicles home on a regular basis may be required to leave their City vehicles with their Department Head or the Fleet Manager when on vacation or extended sick leave. Department Heads may request assignment of a take-home vehicle for a specific position, in writing, to the City Manager. Final determination of whether a take-home vehicle is assigned rests with the City Manager.

2. DRIVER ELIGIBILITY AND USAGE

Only authorized drivers are eligible to drive a City vehicle.

Prior to driving a City vehicle, the driver shall sign the AR19 Use of City Vehicles Acknowledgement Statement (Appendix 1). A copy of the signed Acknowledgement Statement

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shall be kept on file with Fleet Services. Drivers who do not sign the Acknowledgement Statement are NOT authorized to drive City vehicles.

2.1 DRIVER ELIGIBILITY

In order to be eligible to drive a City vehicle, the employee must have a valid driver's license with a good driving record and appropriate endorsements for the class of vehicle driven.

2.2 DRIVER RECORD REVIEW

The driving record of each authorized driver will be reviewed by the City at time of hire, annually for the authorized driver's term of employment with the City, or at any other time the City deems necessary for the purposes of administering this policy. Each department's Principal Administrative Officer (PAO) or designee shall check for a valid driver's license and driving record before an employee can be authorized to drive a City vehicle.

Personnel other than authorized members of the City's police and legal departments may not access driver records other than as provided for above. Unauthorized or improper review of driving records may result in disciplinary action.

2.3 PERMISSIBLE USE OF CITY VEHICLES

City vehicles are to be used only to conduct official City business. Whenever possible, trips should be planned to coincide with other authorized driver travel requirements so that vehicles are used efficiently and economically.

- a. City vehicles shall not be used for personal reasons, including but not limited to, transport of friends or family members (e.g., transporting children to and from school or to other events).
- b. Passengers in City automobiles are limited to persons being transported in connection with City business or other City employees.
- c. Pets or other animals shall not be transported in a City vehicle at any time, except as follows:
 1. Members of the Police Department when done as part of their job duty;
 2. In transportation of animal carcasses (See Dead Animal Carcasses Policy and Procedures); and
 3. Exceptions may be made for an approved service animal needed by an employee to perform his/her job duties. Prior approval is required.

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- d. There shall be no smoking or tobacco use (See smoking and tobacco use policy) in City vehicles.

2.4 SAFETY

All drivers shall operate City vehicles in compliance with the Motor Vehicle Laws of the jurisdiction in which the vehicle is being driven and in a manner that reflects concern for safety and courtesy towards the public.

- a. An authorized driver shall operate a City vehicle in accordance with any license requirements or restrictions, such as corrective lenses, daytime only, etc.
- b. The driver of a City vehicle should take every precaution to ensure the safety of passengers. No person may ride in a City vehicle unless properly restrained by a seat belt. It shall be the driver's responsibility to ensure that all passengers are properly restrained.
- c. All traffic and parking laws are to be obeyed. Posted speed limits are not to be exceeded, nor is the vehicle to be operated above safe driving speeds for road conditions.
- d. The driver of a City vehicle shall take every precaution to ensure the safety of the vehicle and its contents. The driver shall lock the vehicle and take the keys except in those instances when a commercial parking garage requires the keys be left with the vehicle.

2.5 MOVING VIOLATION REPORTING

Drivers charged with a moving violation while driving a City vehicle shall notify their supervisor immediately.

2.6 ACCIDENT GUIDELINES AND REPORTING

In the event of an accident, refer to Administrative Regulation 20 - Reporting of Accidents Involving City Vehicles/Personal Vehicles Used for City Business or Other Potential Claims (hereinafter, AR 20).

Authorized drivers are required to familiarize themselves with AR 20. This policy can be found on the City website or a copy can be obtained through the Human Resources department.

Authorized drivers who are involved in an accident involving a City vehicle shall follow those guidelines as noted in AR 20, which include reporting the accident to their supervisor immediately, even if no other vehicle is involved or there are no apparent injuries or damages. The supervisor shall contact a member of the Safety Team to investigate and contact should be made with the local Police Department.

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2.7 USE OF DRUGS AND ALCOHOL

The following apply to all vehicle use categories:

No employee may drive a City vehicle if impaired by illegal or prescription drugs, alcohol or other medications that affect the operation of a vehicle.

It is the policy of the City that City employees shall not report to work under the influence of drugs or alcohol. Employees shall not engage in any transaction involving the acquisition of drug or alcohol for use, sale or to be provided to any other employee or other person while on duty, at work, or on-call. [See Drug Free Workplace Policy] If there is use of alcohol or drugs by an employee while traveling on behalf of the City, the employee will be subject to disciplinary action up to and including termination.

Category B vehicle use:

If an employee who has a category B vehicle is called back to work and has consumed alcohol within four (4) hours of the call, the employee is not to respond to work in a City vehicle. If the employee is impaired, the employee should not report to work. If the employee is not impaired but has consumed alcohol within four (4) hours of the call, the employee should make other arrangements to come to work including, but not limited to, having someone drive them in a non-City vehicle. Whether or not the employee is impaired is a judgment call for the employee, depending upon how much time has passed since the last drink and how much alcohol was consumed.

Disciplinary Action

An employee's violation of these rules regarding use of City vehicles may result in disciplinary action up to and including termination. Further, if an employee has a pattern of unavailability for emergency callbacks as a result of drug or alcohol consumption, this could result in disciplinary action and/or loss of use of the City vehicle.

3. SUMMARY OF DEPARTMENT RESPONSIBILITIES PRIOR TO AUTHORIZING A DRIVER TO DRIVE A CITY VEHICLE

Prior to authorizing an individual to drive a City vehicle, the Department Head or designee shall:

1. Provide the driver with a copy of AR19 Use of City Vehicles.

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2. Obtain a signed Acknowledgement Statement that the driver has read AR19 (Appendix 1) Use of City Vehicles, and forward the original to Human Resources for the employee file and a copy to Fleet Services.
3. Each department's PAO or designee shall check for a valid driver's license and review the individual's driving record through the State of Maine Bureau of Motor Vehicles. For drivers with out-of-state licenses, the certified driver record provided by the employee will be reviewed to ensure that the driver is eligible to drive a City vehicle. Any driver whose record indicates the inability to operate a vehicle in a safe or responsible manner will not be authorized to operate a City vehicle. In any instance where a department's PAO or designee is unsure as to a driver's eligibility based on their record, they are to seek review and approval by the department head and the Human Resources Department Director. Further, any driving record that includes either a recent (within twelve months) OR serious violation or motor vehicle accident, requires review and approval by the department head and the Human Resources Department Director.

Once the above steps have been completed, the Department Head or designee shall provide Human Resources and Fleet Services with confirmation that the employee is authorized to drive a city vehicle.

4. VEHICLE ASSIGNMENT

4.1 ASSIGNMENT CRITERIA

Whenever practicable, Departments shall pool City vehicles to increase utilization of vehicles and promote flexibility of driver transportation. When a Department Head and the City Manager decide that it is in the best interest of the City, individual authorized drivers may be assigned a City vehicle (which is not to be taken home unless specific, written permission is granted by the City Manager). Assignment of vehicles shall be based in the following criteria:

- a. City vehicles should only be assigned by Departments to those authorized drivers who travel the greatest number of official miles per year; unless the City determines that the use of a City vehicle is required for the efficient operation of a City program regardless of the miles traveled.
- b. City vehicles may be assigned by individual Departments to those authorized drivers that have specific field assignments when it is in the City's best interest.

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- c. City vehicles may be assigned by Departments to those authorized drivers who have a need for specialized vehicle equipment in the performance of the driver's job.
- d. City vehicles shall not be assigned to an individual whose driving record indicates the inability to operate a vehicle in a safe or responsible manner. An indicator would be the number of moving violations over a specified time period.

4.2 OFFICIAL MILEAGE REQUIREMENT

Fleet Services shall monitor usage of each City vehicle to ensure that vehicles failing to accumulate at least 5,000 miles annually are still required for City operations and are assigned to ensure the most efficient and effective use of the vehicle.

Fleet Services may notify a Department that a vehicle must be reassigned due to improper or inefficient assignment. Upon notification, the Department Head or designee shall forfeit the vehicle within thirty (30) days or return the vehicle to Fleet Services for disposal or reassignment to another Department.

If the Department Head feels reassignment is not necessary, they may request a reconsideration which will be reviewed first by Fleet Services and then by the City Manager. Final determination rests with the City Manager.

5. FRINGE BENEFIT – TAX LIABILITY

When required to do so by federal tax law, the commuting value of the vehicle is added to the employee's taxable wages. Public Safety vehicles and certain pickup trucks and vans are exempted by federal law from the requirement to report taxable earnings. Employees can contact the Payroll Office in Finance if they have a question on the taxable value assigned to them.

Maintenance, fuel, and other related costs are paid by the City.

City Payroll division will annually notify departments of reporting requirements.

6. VEHICLE SAFETY

6.1 MOVING VIOLATION REPORTING

Departments are required to notify Human Resources – Safety Division in writing within two (2) business days of receiving notice of any moving violation committed by a driver while operating a City vehicle.

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6.2 DEPARTMENT ACCIDENT REVIEW COMMITTEES

The purpose of an Accident Review Committee shall be to review the preventability of accidents and foster employee accountability as well as provide recommendations for improvements in driver performance and when applicable, department procedures. Accident Review Committees shall consist of a representative from the Safety Division and mix of Department employees and management. Department members shall rotate annually, if there are a sufficient number of employees to do so within a department.

The Committee shall:

1. Review Department vehicle accidents to determine:

- Driver history/performance.
- Accident cause(s)/conditions.
- Accident preventability.
- Recommended corrective action.

If an employee requests to speak at the Accident Review meeting and/or to submit documentation for consideration, they will be permitted to do so.

2. If the accident is found to have been preventable, provide a summary of findings and recommendations to the Department Head and/or designee, for the overall safe operation of the fleet.

The Department Head, and/or designee, shall review Accident Review Committee findings and recommendations. An employee may appeal a finding by requesting a review in writing. A review will also include a member of the legal department. Findings as a result of this review will be final.

Recommendations shall be returned to the appropriate supervisor for action.

7. REIMBURSEMENT

7.1 REIMBURSEMENT FOR PARKING AND TOLLS

City employees shall be reimbursed for legitimate, lawful, and documented parking and toll expenses incurred while conducting City business.

7.2 VEHICLE FUELING

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The City maintains a central fueling location for gasoline and diesel fuels. For access to the City's fuel site, the supervisor of newly authorized City drivers must contact the Fleet Manager. All authorized drivers are assigned a unique PIN code which allows access to the fuel pumps. PIN codes are to be used only by the person for whom they are assigned. Fuel keys are assigned to specific City vehicles and are not to be used for any other vehicle. Sharing fuel keys or PIN codes is not allowed. Doing so may result in disciplinary action.

Receipts for fuel obtained from commercial sources during emergency or unusual circumstances shall be reported to Fleet Services.

As an alternative to the central fueling depot, some departments and vehicles are being given WEX cards to be able to obtain gas and diesel at private locations. A fuel purchasing card user agreement will need to be signed for all users given authority to use the WEX system.

Whereas the use of vehicles produces greenhouse gas emissions and the cost of fuel is high, authorized drivers shall exercise best management practices to conserve fuel and reduce harmful emissions. This includes but is not limited to adherence to the City's Anti-Idle Policy (This policy can be found on the City website or a copy can be obtained through the Human Resources department).

7.3 DRIVERS' RESPONSIBILITIES

Authorized drivers shall keep City vehicles clean and presentable to the public. Authorized drivers of City vehicles shall report any mechanical defects to their Fleet Liaison (or directly to Fleet Services if no liaison exists) immediately so the vehicle can be scheduled for repair.

Employees are expected to obey all motor vehicle laws as well as City policies on vehicle usage (e.g. seat belts, fueling and cell phone usage.) Any and all penalties or fines associated with traffic or parking infractions are the responsibility of the driver.

Employees are expected to provide reasonable care and custody of the vehicle.

Employees must report any vehicle damage or accidents to the Safety Division in HR or the employees Safety Officer in the manner outlined in AR 20, Reporting of Accidents Involving City Vehicles/Personal Vehicles Used for City Business or Other Potential Claims.

Employees are expected to fully cooperate with the City in any accident/ incident investigation. Failure to do so could result in disciplinary action, including but not limited to the loss of City vehicle usage.

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Appendix #1

ACKNOWLEDGEMENT STATEMENT

AR19 USE OF CITY VEHICLES

TO: ALL DRIVERS OF CITY VEHICLES

Drivers are required to carefully read the Policies and Procedures for drivers of City vehicles and sign this Acknowledgement Statement at the bottom of the page. The signed statement will be retained by the City.

Only drivers who have signed this Acknowledgement Statement and who have been authorized, by their Department Head or designee shall operate City vehicles.

ACKNOWLEDGEMENT

The undersigned certifies he/she has read the Policies and Procedures contained in AR 19, Use of City Vehicles.

Further, the undersigned understands that a violation of these rules would be cause for disciplinary action.

SIGNED: _____

PRINTED NAME: _____

DEPARTMENT: _____

CLASSIFICATION: _____

DATE: _____