

EMERY COUNTY RISK MANAGEMENT PROCEDURES

VEHICLES/TRANSPORATION

1. GENERAL PROVISIONS. Vehicle Allowances... (This is also covered in the Emery County Policies and Procedures Manual Title 7, Chapter F) Mileage reimbursement shall be at the approved IRS rate.

General. County employees who drive a private vehicle in the normal course of their duties shall receive payment for mileage driven on authorized County business but shall not be paid to cover commuting mileage between an employee's residence and their customary work site.

Call-Out. Employees shall be reimbursed mileage at the IRS standard mileage rate when mileage is incurred for "call-out" time. Mileage shall begin at the employee's residence for any emergency call-out.

1.1 County vehicles shall only be used for official County business, or when authorized through an Inter-local Agreement for business purposes deemed relevant to the County's interests. Operators of County vehicles will assume full responsibility for safe operation, as well as the safety and welfare of any passengers. Only County employees, approved volunteers and others authorized by Inter-local Agreement may operate County vehicles. All operators of County vehicles shall review and agree to abide by all County rules and regulations relating to vehicle use. All employees driving on County business shall comply with federal, state and local laws regulating vehicle operation.

1.2 County Vehicle Assignments...(This is also covered in the Emery County Policies and Procedures Manual Title 7, Chapter F) County vehicles may be assigned to employees requiring vehicles of specialized function, for example, emergency vehicles, building inspectors, maintenance personnel, etc. Approval shall be obtained from an Elected Official or Department Head and the County Commission for assignments of vehicles and the designation of which employees are assigned County vehicles. As described in Title 3, Chapter B, the County maintains ownership in all County property, may demand the return of the property, or may assign the property to another employee at its sole discretion. Employees have no right of privacy in County property, and nothing precludes the County from tracking, monitoring, inspecting, or repossessing the same.

Requirements for Assignment.

1. All employees or approved volunteers who drive County vehicles shall have a current Utah driver's license.
2. To assure proper vehicle maintenance, each employee assigned a vehicle will be accountable for its service and repair.

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Personal Use Prohibited. Except for incidental, emergency, or for authorized commuting, personal use of any County vehicle is prohibited. This does not apply to any County department; i.e. Law Enforcement or Emergency Management, which has a separate policy, properly established as Departmental Policies, related to the personal use of vehicles owned or managed by that department.

1. De minimus Use. Incidental personal use of a County vehicle is permitted when such use is a de minimus distance from the route of official use of the vehicle and when such use does not adversely affect the vehicle or the public perception of the County.
2. Emergency Use. County vehicles may be used for personal use in emergency situations related to serious medical problems or property damage where the user of the County vehicle must respond quickly. Any emergency personal use of a County vehicle must be reported to the user's supervisor within two business days, or as soon as practical, following the emergency use.
3. Taking Vehicles Home. Unless authorized by the County Commission, and with the exception of a designated law enforcement vehicle or as noted differently in this policy, no County vehicle may be taken home or used for normal commuting between home and work.
 - a. *Authorization for Regularly Taking Vehicle Home.* Authorization to regularly take home a County vehicle may be permitted under certain circumstances. The request must be in writing, approved by the County Commission, and placed in the employee's personnel file. No person may provide authorization to him/herself to take home a County vehicle. Permitted circumstances may include when:
 - i. The user has demonstrated, and continues to demonstrate, a need to respond to an average of five (5) emergency situations or call-outs to work per month. This must be documented on an "On-Call Form." This form must be submitted to their supervisor with a copy to the County Commission.
 - ii. The user's nature of work requires immediate response to situations that require a vehicle with specific capabilities or specific safety or emergency equipment that cannot reasonably be carried in the user's personal vehicle.
 - iii. The user may be called or sent to locations other than where his/her County vehicle is normally parked.

Authorized users under this Section who use the County vehicle to

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commute to and from work will be assessed \$1.50 each way (\$720.00 per year) for 48 weeks out of the year. This takes into consideration two weeks of vacation and two weeks of holiday time away from work.

- b. *Limited Occasions.* Situations may arise when it is impractical or uneconomical for a user to acquire or return a vehicle the same day of the authorized use due to the time or distance required to do so. Permission may be given in such circumstances for the user to take the vehicle home prior to or immediately following the authorized use.
4. Travel Outside of County. Employees may use a County vehicle outside the County only to the extent they have received prior authorization from an Elected Official or Department Head.
 5. Use Outside of the State. Authorization to use a County vehicle outside the State must be approved by an Elected Official or Department Head and the County Commission in an open public meeting. The request must be documented with the following information and kept in the department personnel file:
 - a. The name of the person authorized to use a County vehicle;
 - b. The time frame during which the authorization is effective;
 - c. The purpose of the use;
 - d. Any other terms relevant to the authorization; and,
 - e. Signatures of the authorizing Elected Official or Department Head and the County Commissioner assigned to that department.

2. COMMERCIAL DRIVER LICENSE (CDL). Employees operating a commercial vehicle must comply with all of the requirements of the Commercial Motor Vehicle Safety Act of 1986. This federal law governs the operation of the following vehicles:

- A. A single vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds.
- B. A trailer with a GVWR of more than 10,000 pounds if the gross combination weight rating is more than 26,000 pounds.
- C. A vehicle designed to transport more than 15 persons (including the driver).

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D. Any size vehicle which requires hazardous materials placards.

E. Any size vehicle used as a school bus.

2.1 Employees operating a commercial vehicle shall:

- A. Notify their immediate supervisor within 30 days of a conviction for any traffic violation except parking citations.
- B. Notify the Drivers License Division within 30 days if they are convicted in any other state of any traffic violation except parking citations.
- C. Notify their immediate supervisor if their license is suspended, revoked, or canceled, or if they are disqualified from driving.
- D. Not drive without a valid Commercial Driver's License.
- E. Not be allowed to drive if they possess more than one license or if their CDL is suspended or revoked.
- F. Not be allowed to drive if they are subject to an out-of-service order.

2.2 Costs of CDL. When it is necessary for employees to renew their CDL, the County shall pay the total amount of the costs for the written test, skills test and for all endorsements required by the County. The County shall also pay the entire cost for required physical examinations. The employee shall undergo the exam at a medical facility determined by the County. In specifying a medical facility, insurance coverage may be taken into consideration by the Department Head/Elected Official. Expenses incurred by the County shall be paid out of department budgets.

2.3 New employees may be expected to have a valid CDL upon hire and bear the entire cost of obtaining a CDL including medical examination costs. At the discretion of the Department Head/Elected Official, the County may bear the cost of licensing for new employees and employees promoted or placed in positions requiring a CDL. The County may require employees to take the tests for skills and endorsements from a designated County employee trained in giving such tests. The Road Supervisor shall implement and enforce procedures necessary to administer tests.

3. RECORD KEEPING REQUIREMENTS. Employees receiving mileage reimbursement using the County's pumps or using a credit or gas card must keep proper and accurate records of miles driven and gas purchased. Mileage reporting forms are available from the Emery County Clerk/Auditor. Other forms of the employee's preference may also be used as long as they provide sufficient information. Requests for reimbursement lacking all of the information required on the sample form will be returned to the Department Head/Elected Official.

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4. METHOD OF PAYMENT. A Claim, available from the Clerk/Auditor, shall be submitted when reimbursement for mileage expense is requested. All documentation for the period applied for must be attached to the Claim when submitted. Claims shall be submitted to the Clerk/Auditor in accordance with current financial policy procedures.

5. VERIFICATION OF LICENSE AND INSURANCE. The County may require employees to periodically provide proof of insurance and proof of current license. The County may also verify license status by checking Motor Vehicle Records (MVR). Employees are responsible for any traffic citations they receive while operating Emery County or personal vehicles on County business.

6. SAFE DRIVING PRACTICES. Employees are required to operate vehicles in a safe manner at all times when on County business. Employees are encouraged to drive in a safe, reasonable, and defensive manner. When operating a vehicle while on County business, employees will maintain their full attention to driving activities. No phase of the job requires more urgent attention than driving in a safe manner when operating a vehicle. Employees shall comply with all traffic regulations, except as authorized for emergency vehicles. Before daily use of a vehicle, drivers shall inspect the vehicle for visible damage, inoperable lights, under-inflated tires, or any other noticeable condition, which may create an unsafe situation. Employees and approved volunteers who are expected to drive on County business must complete Defensive Driving Course within twelve (12) months of their hire/appointment date and must repeat the course every five years.

7. REPORTING ACCIDENTS. All accidents must be reported immediately to the supervisor and to the Personnel Director. All CDL holders shall comply with federal and state laws regarding the reporting of accidents, citations, or driving convictions and shall immediately report such occurrences to their supervisor.

8. SEAT BELTS. Employees operating a County vehicle or private vehicle on County business shall wear seat belts. All occupants shall wear seat belts when vehicle is being operated. Child restraint devices shall be used in accordance with state law.

9. DISTRACTED DRIVING. All employees must avoid driving while distracted. Except for situations involving public safety emergencies, the use of cell phones, computers, PDA's and other similar devices is prohibited while the vehicle is in motion. Employees are encouraged to stop driving and pull off to a safe area to use a cell phone in the vehicle. Employees using a cell phone or other electronic device while driving must continue to operate the vehicle in a safe manner while using the device. Employees found responsible for at-fault driving accidents while using electronic devices shall be presumed to be in violation of this policy.

10. FATIGUED DRIVING. Drivers shall not operate a County-owned vehicle or personal vehicle on County business when fatigued. Employees who are too fatigued to drive safely are required to immediately cease vehicle operation and report the situation to the Department Head/Elected Official. Department Head/Elected Official will make a determination regarding the action to be taken. It is the responsibility of employees to report any inability to perform their essential job functions.

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11. SAFE TRAILER USAGE. Trailers shall be fastened to hitches, and safety chains shall be secured, as required by state law, before moving vehicles. All items to be transported shall be secured.

12. UNATTENDED VEHICLES. Unattended vehicles shall not be left with the engine running. Vehicles shall be turned off and the keys removed from the vehicle. This does not include law enforcement vehicles. No Emery County vehicle shall be left unattended with the key in the ignition. All Emery County vehicles parked, except for emergency vehicles, shall be locked when not in use. Before leaving the operator's seat, employees shall ensure that the vehicle shift selector is placed in park, and if needed, the parking brake applied. If the vehicle does not have a park position, the shift selector shall be placed in neutral and the parking brake applied.

13. SAFE BACKING. When backing vehicles, employees must make certain there is a clear view of the area immediately to the rear. In vehicles without rear window visibility, the driver shall get out of the vehicle and inspect the area to the rear before backing. If a second employee is available, this person shall serve as a guide to back up the driver. Department supervisors may require a second operator for this purpose.

14. TRANSPORTING PASSENGERS. No one other than County employees or approved volunteers will be transported as passengers except for the necessary transportation of inmates, or other individuals authorized by the Sheriff, and senior citizens participating in authorized Senior Service Program activities requiring transportation. Safety belts shall be worn at all times by all passengers where seat belts are provided. No more than three persons shall ride in the front seat of any vehicle. Where there are only single seats, there shall be only one person per seat. In pickup trucks, riders shall always sit in the front cab. All employees or passengers in small utility vehicles such as rhinos, rangers and mules shall sit in the seating area and are restricted from riding on the back or hauling area. Employees or passengers shall not board or alight from any moving vehicle. Employees or passengers shall not ride on the running board of any vehicle. Riding on the side, tool box, tailgate or roof of any vehicle or in the back of a truck bed when the vehicle is in motion is not allowed.

15. ACCIDENT REVIEW BOARD. The Risk Management Committee shall serve as an Accident Review Board and will meet with employees, supervisors, and Department Head/Elected Official following an accident occurring on County time or in a County vehicle.

The Accident Review Board will interview the employee, the supervisor, Department Head/Elected Official and other witnesses or individuals with knowledge of the situation as appropriate. The Department Head/Elected Official or supervisor shall report on the actions taken to review and investigate the accident. Appropriate items for discussion might include: What happened? What seems to be the cause(s) of the accident? Were appropriate safeguards in place? Were policies and procedures followed? Could this have been avoided? And what actions will be taken to avoid repeat or other accidents? The Department Head/Elected Official or supervisor shall determine if the employee caused or contributed to the accident and communicate this decision to the Accident Review Board. If the employee caused or contributed, the employee will be considered to be at-fault.

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Employees involved in an accident and determined to be at-fault for causing or contributing to the accident will be required to repeat Defensive Driving and shall receive a reduced rating on their next performance appraisal. Employees determined by the Accident Review Board to be at-fault for causing or contributing to two (2) accidents causing property damage or personal injury within a consecutive three (3) year period shall be required to pay \$500, or the actual cost of repairing the property damage and treating personal injuries caused by the accident -- whichever amount is less. The payment shall be deducted from the employees' compensation. In addition, employees determined by the Accident Review Board to be at-fault for causing or contributing to a single accident where the Board determines that aggravating circumstances are involved may be required to pay up to \$1,000. Such circumstances may include, but shall not be limited to, factors such as negligence; recklessness; failure to use seatbelts; and/or distracted driving involving the non-essential use of cell phones, computers, or other electronic equipment. The required payments shall be implemented through personnel actions. An employee may submit a written request to the Personnel Director to have the payment deducted over a maximum of twelve consecutive pay periods. The Personnel Director may approve or deny the request.

Employees who have, during the course of employment, caused or contributed to two or more vehicle accidents as determined by the Accident Review Board within a three-year period of time may lose driving privileges and may be re-assigned to a non-driving position (depending upon qualifications and availability), or be dismissed from employment. Employees losing their driving privileges who are not dismissed will be eligible to drive after one year if they complete the required training and have an acceptable MVR. This statement does not imply any rights of reinstatement or reassignment instead, employees will be eligible in accordance with Personnel Policies and Procedures.

The Accident Review Board will review the recommendation and make a determination to accept or reject the Department Head/Elected Official or supervisor's conclusion. The Accident Review Board may issue guidance to the Department Head/Elected Official and supervisor regarding its review and also may suggest ways to avoid or reduce the possibility of this type of accident occurring again. The Accident Review Board shall determine what deductible and other costs will be charged to the Department/Office budget.

16. INCENTIVES. The County may provide incentives for employees who drive during the course of employment that recognizes and rewards those who have not caused any accidents during the previous year nor received any citations, and had a Workers Compensation claim which cost the county money. Incentive Plans may be developed by Departments and shall be approved by the Commission.