

**Subject:** VEHICLE AND EQUIPMENT OPERATION

**Date:** March 28, 2018

**Pages:** 1 of 7

**Replaces Policy Dated:** November 12, 2003

**STATEMENT OF POLICY:** The County is strongly committed to programs which promote safety in the workplace. This policy is consistent with the application of good risk management practices and in compliance with Federal Regulations and State laws governing motor vehicles.

**PURPOSE:** To establish a procedure and outline driver's license requirements, and vehicle fleet safety rules and regulations designed to:

- A. Ensure the safest practical working environment for our driving employees.
- B. Protect the citizens of the County.
- C. Control the financial liability of the County in driving situations.

**SCOPE:** This policy and these procedures apply to any employee, official, volunteer, or other persons while operating mobile equipment or any motor vehicle designed for use on public highways on behalf of Pinal County and while operating any such vehicle owned, rented, or leased by Pinal County at any time.

**POLICY:**

**General**

1. Contractors or other individuals who are not County employees, or official County volunteers, are prohibited from the operation of County vehicles and equipment.
2. No person under the age of 18 is permitted to operate a County vehicle.
3. A valid and appropriate driver's license for the type and class of a vehicle to be driven shall be required for all employees driving vehicles or equipment.
4. Current employees that are hired, promoted or re-assigned to positions requiring a CDL, shall have a valid CDL, and medical certificate at the time of promotion or re-assignment.
5. A Class D license shall be required of employees to drive any vehicle that does not require a motorcycle or commercial license. This includes employees operating a vehicle designed to carry up to fifteen passengers including the driver.
6. Job applicants, including present County employees, shall have a permissible driving history as defined under section *E. Driving Record Standards* within this policy shall be considered for employment for driving positions.

7. No employee shall drive on County business after consuming alcoholic beverages or any other substance including prescription and/or over the counter medication that may impair driving. Any physical or mental impairment affecting the ability to operate a vehicle safely shall be reported immediately to the employee's supervisor. Refer to PCPP 6.10, Drug-Free Workplace, for direction regarding zero tolerance for the use, possession, or distribution of drugs and alcohol in the workplace and post-accident testing procedures.
  - a. Specific exceptions to the use, presence in the body, and/or presence on County property of alcohol by an employee in the workplace are authorized for Sheriff's Department personnel who are working in an officially designated and undercover or covert investigative capacity.
  - b. Any exception under this Policy, which authorizes use, presence in body, and/or presences on County property of alcohol by a Sheriff's Department employee in the workplace shall be specifically authorized by the affected employee's immediate supervisor and shall relate specifically to the employee's duties in their undercover or investigative capacity.
8. Specific authorization for any of the above-mentioned exceptions to this policy shall be given and obtained within a reasonable time of the use, presences in the body, and/or presence on County property by a Sheriff's Department employee in the workplace.
9. Employees shall comply with all applicable federal, state, and local statutes when operating a vehicle on County business.

### **Management Responsibilities**

County management, including Elected Officials, shall be responsible for:

1. Allowing only those employees who maintain the appropriate driver's license to drive a motor vehicle on County business.
2. Maintaining an awareness of all vehicles under their control which require a CDL license and/or endorsement to operate.
3. Risk Management or Departments/Elected Offices shall acquire employee driving records annually from the Arizona Department of Motor Vehicle Division (MVD) and rate according to section *E. Driving Record Standards* within this policy. Review the driving record for each employee and generate a written report to the Driving Review Board of all actions taken on employees with less than an acceptable driving record.
4. Human Resources shall acquire the driving records for all individuals recommended for employment/promotion for full-time, part-time, permanent, driving positions prior to an offer of employment to assure that the individual meets standards within this policy.
5. Immediately removing the driving privileges of any employee whose license is cancelled, expired, refused, revoked, suspended, or restricted. Restricted license will be reviewed by the Driving Review Board on an individual basis and a determination will be made on whether the employee will be able to drive a County vehicle during this period.

6. Periodically check with each employee in a driving position to verify that an appropriate license is in the employee's possession and prohibiting any employee without an appropriate driver's license in his/her possession from driving on County business.
7. Reporting each DUI (driving under the influence) charge/conviction received by their subordinates to the Risk Management Office within three working days of the charge/conviction or date of notification. Information which shall be provided to Risk Management when such notification is made includes: Employee's full name, date of violation, nature and location of violation, description of vehicle driven, court of appearance, court date, and a copy of the citation/charge.

### **Employee Responsibilities**

An employee driving on County business shall comply with the following:

1. Maintain the appropriate valid driver's license in their possession at all times.
2. Ensure that both an insurance certificate and vehicle registration are present in the vehicle at all times.
3. Notify their supervisor if their driver's license is cancelled, expired, refused, revoked, suspended, restricted or if he/she experiences any other change in status of his/her driver's license such as the addition or deletion of endorsements or restrictions.
4. Notify his/her supervisor if he/she is arrested or cited for a violation of any part of the Arizona Revised Statutes concerning driving under the influence of drugs or alcohol.
5. Shall not drive on County business after there has been a change in status of his/her driver's license. Proof of reinstatement shall be provided to the supervisor and Risk Management before driving on County business
6. Be physically and mentally capable of operating a motor vehicle safely;
7. Wear a seat belt and ensure that all passengers wear seat belts while driving any vehicle on County business.
8. Manage their environment so as to minimize distractions that could negatively affect their ability to drive safely.
9. Attend a Defensive Driving class presented by the County or a firm approved by the County.
10. Have an acceptable driving history.

Notify supervisor immediately if they receives any citation, or is involved in an accident on County business.

### **Insurance Requirements**

1. County owned vehicles- The County is self-insured, therefore each department or elected office is responsible for vehicle damage repairs or the replacement of a County owned vehicle damaged or totaled as the result of an accident.

2. Rented or leased vehicles- Vehicle rentals should utilize the state contract with Enterprise and National Rental Car companies that include physical damage and general liability insurance coverage as part of the state contract.
  
3. Personal vehicles for County business- Employees that choose to utilize their personal vehicle for official County business must maintain proper insurance requirements as required by state law.

**Driving Record Standards**

The employee shall be rated annually on the basis of any vehicle violation points assessed against them by the Arizona Motor Vehicle Division (MVD).

MVD Points	Driving Record Rating	Rating Code
0 - 4	Acceptable; meets requirements	A
5 - 7	Needs Improvement	N
8 or more	Unacceptable	U

1. Any employee receiving a “Needs Improvement” rating shall be advised that they shall be subject to increased periodic monitoring of their Driving Record. If they accumulate any additional points within the next twelve months, their rating may be lowered to “Unacceptable” and their driving privileges shall be reviewed by the Driving Review Board.
  
2. Any employee receiving an “Unacceptable” rating shall have their driving privileges suspended pending a review by the driving review board. An employee in a driving position who has an unfavorable status change in his/her driver’s license shall be removed immediately from all driving responsibilities. Alternative employment arrangements and/or disciplinary action up to and including termination shall be reviewed based upon the nature and duration of the loss of driving privileges to be handled by the appropriate Appointing Authority.

**Standard Procedures for Vehicle/Equipment Accident Reporting**

Vehicular / Equipment accident is any occurrence involving a County vehicle and/or equipment regardless of property damage or personal injury. When a County vehicle and/or equipment is involved in an accident, the following procedure shall be followed:

1. **Protect the accident scene:** The employee shall keep the effects of the accident from becoming worse by immediately placing warning signals or other devices.
  
2. **Report the accident:** Immediately notify the local law enforcement agency and their immediate supervisor of the accident. The supervisor shall immediately notify the Risk Management Office, their Department Director or Elected Official of the accident.
  
3. **Seek Medical Attention:** If the employee needs medical attention, the employee’s supervisor SHALL obtain the necessary medical assistance for the employee and comply with all applicable Workers Compensation reporting requirements. (See On-the-job Injuries and Illnesses Policy)

4. **While still at the scene:** Get as much information as possible, filling out the accident report. Take pictures if at all possible and when the police come, be cooperative. Be factual, don't speculate.

5. **Maintain confidentiality:** The employee shall refrain from giving information about the accident to anyone except to the employee's direct supervisor, Risk Management and the investigating law enforcement agency. If the employee is contacted to give a statement, get the name of the individual, company and telephone number and refer him/her to Risk Management. Inform Risk Management of the call and give the name, company and telephone number of the individual that called.

### **Driving Review Board**

The purpose of this policy and procedure is to reduce equipment accidents and abuse through the systematic review of driver qualifications, mechanized equipment accidents and on the job injuries to determine the cause and identify ways which the accident could be avoided.

#### **1. DEFINITIONS:**

- a. Board Member Eligibility- The appointed employee must be in a regular status position at a supervisory level with a minimum of one year employment with Pinal County.
- b. Bodily Injury- Bodily injury is injury to any citizen or employee which requires treatment by a medical professional.
- c. Driving Review Board- A board established to review, investigate and recommend disciplinary actions of County employees involved in vehicle accidents; review employees' driver license rating of unacceptable under section E, and make recommendations.
- d. Equipment Abuse- Equipment abuse is damage done to any mechanized equipment which is caused by deliberate or negligent actions involving operation or placement of such mechanized equipment.
- e. Equipment Accidents- An equipment accident is any unplanned occurrence involving a County vehicle or mechanized equipment in which damage is done to the mechanized equipment or vehicle, private or public property, or involving injury to any property or persons involved.
- f. Property Damage- Property damage is any tangible damage to property or equipment.
- g. Year of Record- The year of record is defined as the period of 12 months from the date of most recent accident and automatically applies to every at fault accident, unless otherwise indicated.

**2. DRIVING REVIEW BOARD STRUCTURE:**

The board shall consist of five voting members. The first three members will have permanent status.

- a. County Manager or designee, voting member
- b. Human Resources Director, voting member
- c. A person selected by the Executive Director of the Arizona Counties Insurance Pool (ACIP) having education, training or experience in accident investigations, voting member.
- d. One voting member appointed by Risk Management on a case by case basis as their expertise is needed and may be selected from any department within the County.
- e. One voting member that is a supervisor of the same department that employs the individual whose accident is under review. Representatives will be selected by the elected official or appointing authority of the respective department.
- f. Risk Manager, advisor and clerk, non-voting member.

**3. BOARD DUTIES:**

The Driving Review Board is empowered to:

- a. Review all vehicle and equipment accidents, as referred by the Risk Manager.
- b. Conduct such investigations and interview sufficient witnesses as may be necessary to make a determination of fault.
- c. Conduct a review of all County employees whose driving record has been designated as “unsatisfactory” or whose license has been “restricted” and to issue decisions as to revocation, suspension, and reinstatement of driving privileges.
- d. Make recommendations of procedural changes, corrective measures, policy revisions or equipment modifications to minimize a repeat of similar accidents.

**4. BOARD REQUIREMENTS:**

- a. The Appointing Authority must make the employee involved in the accident under review available to offer direct testimony before the Driving Review Board upon the board’s request.
- b. The Appointing Authority must notify the employee of the Driving Review Board meeting and the review of his/her case.
- c. The Appointing Authority shall be responsible for reviewing with employee, the Board’s recommendation for corrective measures.

**5. BOARD LIMITATIONS:**

The Driver’s Review Board may not impose or make recommendations to the Appointing Authority as to discipline. Employees that have driving privileges suspended or revoked should be terminated if maintaining those privileges are an essential function for the position. Employees not required to maintain driving privileges are left to the discretion of the Appointing Authority. Decisions of the Board are final and are not appealable to the Pinal County Merit Commission or Law Enforcement Merit Council. All discipline remains the discretion of the Appointing Authority as the Board only reviews driving privileges.

## **Distracted Driving**

The use of hand-held mobile devices or portable electronic devices is strictly prohibited while operating a County owned motor vehicle or personal vehicle to facilitate County business. A driver is further restricted from engaging in certain activities provided they do not reduce the driver's focus. Nothing in this policy supersedes state or federal regulations.

### **1. DEFINITIONS:**

"Hand held mobile device" and "portable electronic device" means a wireless communication device that is designed to engage in calls, receive and transmit text messages, images, and data, and requires being held in one hand. Examples include but are not limited to hand-held mobile telephone, personal digital assistant, MP3 or other hand-held music player, electronic reading device, global positioning system or navigation system, laptop computer, pager, electronic game device, or portable computing device.

### **2. APPLICATION:**

This section applies to all employees, volunteers, and contractors when any of the following conditions apply:

- a. Operating a County owned vehicle.
- b. Operating a personal vehicle for County business.\*
- c. Using a cell phone supplied by the County.
- d. Using a personal phone for County business.

\*Personal Vehicle Use: The use of a personal vehicle is authorized for official County business, in accordance with PCPP 4.80. Employees that choose to utilize a personal vehicle under PCPP 4.80 must also comply with this policy. Employees found to be in violation of this vehicle & equipment operation policy are ineligible for reimbursement under PCPP 4.80

### **3. PROHIBITED ACTS:**

County employees are prohibited from employing a hand held mobile device or portable electronic device while operating a County owned motor vehicle or personal vehicle used to facilitate County business. Employees are prohibited from engaging in the following activities while holding or touching the device while the vehicle is in motion or in traffic:

- i. Dialing or accepting a phone call unless in regards to an emergency situation
- ii. Speaking or listening to a conversation on a device
- iii. Viewing, talking, or transmitting electronic images
- iv. Composing, sending, viewing, accessing, retrieving or saving text messages, emails, or other electronic data
- v. This definition excludes activities that are pursuant to Sheriff's Office, Animal Control, Public Works, and Medical Examiner's Office protocols.

### **4. RESTRICTED ACTS:**

County employees are restricted from engaging in activities that would otherwise distract them from safely operating a County owned motor vehicle or personal vehicle used to facilitate County business. They may only engage in the following activities provided they do not reduce the driver's focus:

- a. Speaking with passengers.
- b. Adjusting the radio, climate controls or other accessories that are integrated into the motor vehicle.
- c. Eating and drinking.
- d. Operating a two-way radio or other device as necessary for road communication or pursuant to Sheriff's Office, Animal Care, Public Works, or Medical Examiner's Office protocols.

**5. EXCEPTIONS:**

- a. The use of a hand held mobile device or portable electronic device while driving or in traffic may be permitted when an employee is reporting a traffic accident, making a '911' emergency call, or has reason to fear for his/her life or safety. Using a hand held mobile device or portable electronic device in these situations is permitted if at least one of the following conditions exists:
  - i. It is necessary to immediately report an emergency/observation to the appropriate authorities or call for help
  - ii. Circumstances place the employee more at risk if he/she attempts to stop
  - iii. There is no safe area to park the vehicle
- b. A hand held mobile device or portable electronic device may be used under the following circumstances:
  - i. While vehicle is parked
  - ii. The device is affixed to the vehicle and used as a global positioning or navigation system
  - iii. The device is being used in the hands-free position while the vehicle is in motion (e.g., Bluetooth, speaker phone).