



# COMMISSIONERS COURT COMMUNICATION

AGENDA DATE: 5/21/2012

CONSENT OR REGULAR: Consent

CONTRACT REFERENCE NO  
(IF APPLICABLE): \_\_\_\_\_

**SUBJECT:** Approve the addition of Section 5.09 Vehicle Use and Traffic Accident Policy to the El Paso County **Civil Service Rules and Regulations**. The addition has been reviewed by the County Attorney’s Office and approved by the Civil Service Commission.

**BACKGROUND/DISCUSSION OF TOPIC:**

The current County **Civil Service Rules and Regulations** do not contain a policy for addressing the use of County owned vehicles. The attached policy would establish rules for employees operating County owned vehicles or operating privately owned vehicles for County business. The rules include: vehicle use and safety, prohibition on use of cell phones without hands free devices, use of privately owned vehicles for County business, restrictions on operation of a County vehicle with a conviction of a DWI or other moving violations, training requirements, regular inspections and maintenance, and procedures for employees involved in traffic accidents.

**FISCAL IMPACT:**

Potential cost associated with post accident drug testing. Estimated costs are \$25.00 for each breath test request and \$22.50 for each urine test request. Costs are dependent on number of County traffic accidents that fit within definition required for post accident testing. Conservative estimates indicate less than ten traffic accidents per year requiring post accident testing.

**PIOR COMMISSIONERS COURT ACTION:**

N/A

**RECOMMENDATION:**

Staff recommends for the Commissioners Court to approve the addition of Section 5.09 Vehicle Use and Traffic Accident Policy to the El Paso County **Civil Service Rules and Regulations**.

**COUNTY ATTORNEY APPROVAL:**

The Vehicle Use and Traffic Accident Policy has been reviewed and approved by the County Attorney’s Office.

SUBMITTED BY:	Sam Trujillo, Risk Manager Human Resources Department		
---------------	--	--	--

# EL PASO COUNTY

## VEHICLE USE AND TRAFFIC ACCIDENT POLICY

### SECTION 5-09

#### PURPOSE

The purpose of this policy is to establish and maintain regulations for use of County owned vehicles or personal vehicles used for County business.

#### DISCUSSION

The County of El Paso recognizes that in order to complete its mission, a variety of vehicles must be driven on a daily basis. Vehicle safety is the responsibility of every employee who drives a vehicle on County business. No employee will be allowed to operate a vehicle on County business in an unsafe manner.

#### PROCEDURE

##### VEHICLE USE AND SAFETY

#### 5-9-01 Vehicle Use and Safety

- A.** All employees operating a County vehicle or a vehicle on County business shall comply with all Federal, State, County and local laws governing the safe and legal operation of vehicles.
- B.** Employees shall not operate a County vehicle or vehicle on County business without being properly licensed for the vehicle.
- C.** All employees shall operate all vehicles in accordance with its designed use, taking into consideration traffic and conditions surrounding the use of the vehicle and the safety of others.
- D.** Seat belts shall be appropriately worn by all occupants at all times when the vehicle is in motion.
- E.** The use of tobacco is prohibited in all County vehicles.
- F.** The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Under no circumstances shall passengers ride on fenders, running boards, the tops of vehicles, or any place not designed for passengers. Drivers are responsible to ensure all doors are secured and seat belts are used prior to moving the vehicle.
- G.** Employees transporting materials shall secure the material tightly to prevent movement or loss in transport.
- H.** All vehicles shall be properly parked and secured before being left unattended. Keys will not be left in any unattended vehicle.

## CELLULAR TELEPHONES OR OTHER ELECTRONIC DEVICES

### **5-9-02 Cellular telephones or other electronic devices:**

- A. Use of cellular telephones without a hands-free device while operating a motor vehicle is prohibited.
- B. Employees are prohibited from sending, entering, or viewing text messages, email messages, or retrieving any data or electronic information while operating County owned vehicle or privately owned vehicles for County business.
- C. For the purposes of this section "Operating a motor vehicle" means to be in physical control of the motor vehicle while it is in motion.

### **5-9-03 Personal Use:**

Unless authorized by law, at no time may a County vehicle be used for personal gain, personal business, to drive to a place of secondary or part-time employment not related to official County business, or for any other non County-related use.

This section is not intended to prohibit reasonable incidental stops such as stops at convenience stores or stops for lunch breaks.

### **5-9-04 Passengers:**

The following passengers in County owned vehicles are permitted: anyone in care of a law enforcement official or other emergency responder; County employees; and non-employees on County related business.

## USE OF PERSONAL VEHICLES ON COUNTY BUSINESS

### **5-9-05 Use of Personal Vehicles on County Business**

Employees, interns, or volunteers authorized by their supervisors to use their personal vehicles on County business are subject to provisions of this policy including:

- Maintaining a current vehicle registration and state vehicle inspection;
- Maintaining auto liability insurance with at least the minimum limits set by the State of Texas;
- Maintaining their vehicles in a safe operating condition when driven on County business;
- Using their personal liability insurance as primary coverage if involved in an automobile accident;

For the purposes of this provision, when a personal vehicle is used for County business, an employee is considered as not acting within the course and scope of employment prior to the employee's first assignment or after the employee's last assignment.

**DRIVER PERFORMANCE**

**5-9-06 Driver Performance**

An employee shall be considered a high risk driver and prohibited from operating a County owned vehicle or personal vehicle on County business if the employee has been convicted of:

***Within the last 12 months***

-Two or more moving violations;

***Within the last 36 months***

-Three or more moving violations;

-Hit and Run;

-Failure to Report an Accident; or

-Reckless Driving.

***Within the past 60 months***

-Driving While Intoxicated (DWI) or Driving Under the Influence (DUI);

***Within their lifetime***

- Negligent homicide arising out of the use of a motor vehicle; or

-Using a motor vehicle in the commission of a felony;

**MOTOR VEHICLES RECORDS CHECKS**

**5-9-07 Motor Vehicles Records checks**

Motor vehicle records (MVR) checks will be performed on:

-New Hires and Employees where vehicle operation is a requirement of the job;

-Position change where vehicle operation is required;

-All existing drivers annually or at the discretion of the County.

It will be the responsibility of each Department to notify the Human Resources Department of which employee positions will be required to operate a vehicle on County business.

## DRIVER TRAINING

### 5-9-08 Driver Training

Employees that drive a County owned vehicle or use a personal vehicle for County business will be required to complete a defensive driving course at least once every three years starting from their hire/anniversary date.

Opportunities to complete a defensive driving course will be provided by the County annually.

## VEHICLE INSPECTION AND MAINTENANCE

### 5-9-09 Vehicle Inspection and Maintenance

**A.** Employees will be responsible for the general maintenance checks, cleanliness and condition of their assigned County vehicles.

**B.** Lights, brakes and all safety equipment shall be checked regularly to verify proper working order. Any malfunction of the County vehicle shall be reported to the immediate supervisor and arrangements for repairs shall be made immediately. If a County vehicle is found to be unsafe, proper repairs shall be made before it is placed back in service.

**C.** Employees shall take reasonable steps to ensure that routine maintenance is performed on County owned vehicles in accordance with the vehicle operating manual.

**D.** Employees will ensure the County vehicle contains a current valid insurance card.

**E.** Employees shall not:

-Make any mechanical adjustments, installations, or alterations to County owned vehicles unless authorized by the Department Director/Elected Official;

-Display or attach any specialized license plates, bumper stickers, decals, or similar items on County owned vehicles unless authorized by the Department Director/Elected Official;

### 5-9-10 Supervisors

Supervisors will regularly inspect County owned vehicles assigned to subordinates under their command. Vehicles will be inspected to determine:

-Internal and external cleanliness;

-Adherence to preventive maintenance practices;

-Condition and availability of all equipment;

Supervisors shall document any deficiencies and ensure appropriate action is taken to correct those deficiencies including appropriate disciplinary action, when appropriate.

## TRAFFIC ACCIDENTS

### **5-9-11 Procedure**

All traffic accidents involving County owned vehicles or vehicles used for County business, with the exception of minor accidents involving County property only, will be reported to a Law Enforcement agency having jurisdiction. The appropriate supervisor may investigate minor accidents where only County property is involved.

All County vehicles involved in an accident, no matter how minor, will be inspected prior to the vehicle being returned to service.

### **5-9-12 Employee Responsibilities**

Employees are expected to operate vehicles safely to prevent accidents which may result in injuries and/or property loss.

Duties of the employee using a County owned vehicle or a vehicle on County business involved in a traffic accident shall:

- Immediately notify and cooperate with law enforcement;
- Exchange names, addresses, insurance, and license information;
- Immediately report accident to the employee's supervisor;
- Complete an internal traffic accident report form and submit it to the immediate supervisor prior to end of work shift or as soon as possible;
- Not discuss fault or make any statement that could be construed as an admission of liability.

### **5-9-13 Supervisor Responsibilities**

Duties of the supervisor include:

- Ensuring the appropriate investigating agency is contacted;
- Immediately notifying Director/Elected Official through chain of command;
- Investigating circumstances surrounding accident;
- Ensuring that vehicle is inspected prior to being returned to service;
- Ensuring that involved employee is tested in accordance with the Post Accident Testing policy below.

-Completing the supervisory portion of the internal traffic accident report form and notify Human Resources Risk Management section within 48 hours of the accident. Photographs should be included when appropriate;

## POST ACCIDENT TESTING

### **5-9-14 Post Accident Testing**

An employee operating a County vehicle shall be subject to drug and alcohol testing as soon as practicable following a traffic accident. For the purposes of drug and alcohol testing, a traffic accident is defined as any traffic accident where:

- one or more vehicles was towed from the scene by a tow truck or other vehicle; or
- a bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- a death occurs.