

Subject: VEHICLE AND EQUIPMENT OPERATION

Date: November 12, 2003

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Replaces Policy Dated: N/A

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

- II. **PURPOSE:** To establish a procedure and outline drivers 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

- III. **SCOPE:** The vehicle accident prevention program shall be applied countywide to all positions that require an employee to operate a County vehicle.

- IV. **POLICY:**
 - A. **General**
 - 1. Contractors, volunteers or other individuals who are not County employees are prohibited from the operation of County vehicles and equipment with the exception of the POST Certified Investigators, Pinal County Sheriffs Certified Posse and Certified Reserve members.
 - 2. No County employee under the age of 18 is permitted to operate a County vehicle.
 - 3. A valid and appropriate drivers 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 in accordance with the Operator Advancement Program if applicable.
 - 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 IV. Policy, 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 employees supervisor.
 - 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 Sheriffs 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 Sheriffs Department employee in the workplace shall be specifically authorized by the affected employees immediate supervisor and shall relate specifically to the employees 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 Sheriffs Department employee in the workplace.
 - 9. Employees shall comply with all applicable federal, state, and local statutes when operating a vehicle on County business.

- B. **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 shall acquire employee driving records annually from the Arizona Department of Motor Vehicle Division (MVD) and rate according to section IV. Policy, 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 section IV Policy, E. Driving Record 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 checking 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.
- C. **EMPLOYEE RESPONSIBILITIES:** An employee driving on County business shall comply with the following:
1. Maintain the appropriate valid driver's license in his/her possession at all times.
 2. Ensure that both an insurance certificate and vehicle registration are present in the vehicle at all times.
 3. Notify his/her supervisor if his/her 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 (ARS) 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. Notify his/her supervisor immediately if he/she receives any citation, or is involved in an accident on County business; employees assume full responsibility for any fine incurred during the operation of the vehicle; if he/she accumulates 8 points or more; and notification shall be made as soon as the employee becomes aware of the change in status, arrest or citation, and no later than before the start of the employee's next scheduled work shift.
 7. Notify his/her supervisor immediately if he/she is requested to drive a vehicle on County business and the employee does not have the appropriate driver's license in his/her possession or does not have insurance on their private automobile.
- D. **INSURANCE REQUIREMENTS:**
1. **County owned vehicles** C The County is self insured, therefore each department 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** C Employees who rent or lease a vehicle to be used for County business shall elect both the physical damage and general liability insurance coverage offered by the rental or leasing Company.

E. **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 | Pinal County-s Rating Code |
|------------|---|----------------------------|
| 0 C 4 | Acceptable; meets or exceeds requirements | A |
| 5 C 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. The Driving Review Board shall make a determination as to the retention or loss of their driving privileges or the imposition of disciplinary action as appropriate by the appointing authority or elected official.
- 2. Any employee receiving an **Unacceptable** rating shall have their driving privileges suspended pending a review by the driving review board. Factors considered by the driving review board in determining the employee-s continuing ability to drive will include:
 - a. MVD points assessed.
 - b. Any change in status of the employee-s driver-s license affecting the employee-s ability to drive on County business.
 - c. Chargeable accidents.
 - d. Zero point violations
- 3. Risk Management Department shall acquire the driving record from MVD and provide each Elected Official and Department Director of **Driving Record Rating** with the Pinal County-s Rating code for each employee within their department by December 1st of each year.
- 4. The County-s policy on substance abuse applies to an employee arrested and not yet convicted for DUI while driving on County business.
- 5. 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.

F. **REQUIRED REPORTS:**

- 1. **Employee-s Report of Vehicle Accident/Incident** C The employee shall complete the **Employee-s Report of Vehicle Accident/Incident** immediately, unless medically incapable. All vehicle accidents and incidents shall be reported. This report shall be completed and forwarded to the Risk Management Office within 24 hours of the accident.
- 2. **Supervisor-s Investigation Report** C The employee-s immediate supervisor shall complete the **Supervisor-s Investigation Report**. The report shall be forwarded to the Risk Management Office within 48 hours of the accident. The supervisor is responsible for obtaining the law enforcement agency-s report of the accident and forwarding it to the Risk Management Office within 7 days.
- 3. **Employer-s Report of Industrial Injury** C If the employee is injured in the vehicle accident, the employee shall follow the policy for the reporting of On-the-job Injuries and Illnesses.

G. **POST ACCIDENT TESTING:** When a County employee is involved in an accident that includes damage to a County vehicle (or a vehicle leased or rented in the County-s name) the employee shall submit to drug and alcohol testing under the post-accident provisions of Pinal County-s Drug Testing policy.

- V. **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. If don't know is acceptable, when it is the truth.
 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.

VI. **DEFINITIONS:**

- A. **Acceptable Driving Record** C The driving employee has accumulated four points or fewer in the previous twelve months. Points are as shown under the Driving Records Rating earlier in this policy. In addition, any cancellation, expiration, refusal, revocation, suspension, or restriction affecting the employee's ability to drive on County business, or other factors such as a chargeable accident or zero point violation, are considered in determining whether the employee's driving record is acceptable.

Other factors such as a chargeable accident, zero point violation, or pending DUI charge, are considered in determining if the applicant's driving record is permissible. If the applicant is already a County employee, he/she shall meet the same requirements and have an acceptable driving record on all performance appraisals within the previous twelve months to be considered for a driving position.

1. **Refused** C A license is not issued by MVD; e.g., the person cannot pass the vision test.
 2. **Reinstatement** C The restoration of driving privileges by MVD after the completion of a suspension, etc. The operator has satisfactorily met all requirements, fines, and reinstatement fees, and has had driving privileges restored by Arizona Motor Vehicle Division (MVD). The Moving Violation Record shall show that the license has been reinstated.
 3. **Restricted License** C A driver's license restricted to travel during the licensee's course of employment or between the licensee's place of employment and residence and its use limited to specified periods of the day or night according to the licensee's employment schedule.
 4. **Revoked** C A license which has been rescinded by MVD. The person's driving privileges are repealed for a minimum of one year.
 5. **Suspended** C The temporary removal of the person's driving privileges, which may be for a definite or indefinite period.
 6. **Zero Point Violation** - Traffic violations for which no driving points are assigned; e.g., driving without a license, defective equipment, failure to provide proof of financial responsibility (insurance), etc.
- B. **Appropriate License** C An Arizona driver's license of the class required for the vehicle being driven. The license shall be current and valid and have all endorsements required by the type of equipment, the class of the vehicle being driven, and the load being carried. The license may not have any restrictions that would preclude driving on County business. The appropriate Commercial Driver's License (CDL) is required when driving any CDL vehicle on County business, regardless of where it is operated.

- C. **Authorized** C The employee has been given explicit permission by his/her supervisor to drive a specific class of vehicle on County business.
- D. **Cancelled** C The state has removed the persons driving privileges; e.g., for falsified application or lost driving privileges in another state before applying for a license in Arizona.
- E. **Change in Status** C The driver's license has been cancelled, refused, revoked, suspended, or restricted in such a manner which affects the person's ability to drive on County business, or endorsements have been added or the license has been changed from one class to another.
- F. **Chargeable Accident** C Accidents involving a County vehicle and/or equipment, property damage, and/or personal injury, for which the employee is found at fault by the Driving Review Board.
- G. **County Vehicle** C Owned , leased or rented vehicles, or personal vehicles being driven on County business.
- H. **Driving on County Business** - The use of a motor vehicle to carry out the duties of the position. Driving on County business includes driving a vehicle owned, leased, rented, or otherwise controlled by the County, as well as the use of a personal vehicle on County business.
- I. **Driving Position** C A job that requires driving a vehicle on County business regularly or occasionally as part of the range of duties. This includes permanent, temporary, full-time and/or part-time, positions requiring driving vehicles on County business.
- J. **Driving Record** C The MVD moving violation record and, for County employees, any chargeable driving incidents.
- K. **Employee** - Includes permanent, temporary, full-time, and or part-time workers.
- L. **Expired** C The driver's license is not renewed before its date of termination.
- M. **Non-Driving Position** C Any position not designated as a driving position.
- N. **Permissible Driving History** C The job applicant has the appropriate license and does not have any of the following:
 1. Eight points or more in the previous 39 months.
 2. More than two chargeable accidents within the previous 39 months.
 3. A conviction of driving under the influence within the previous 39 months.
 4. License has been cancelled, refused, revoked, suspended, or restricted as the direct result of a moving violation within the previous 39 months.
 5. A current cancellation, expiration, refusal, revocation, suspension, or restriction that affects the applicant's privilege to drive on County business.
- O. **Personal Vehicle** C Personal vehicles being driven on County business are referred to as a County vehicle for that specific period of time.
- P. **Points** C the violation point system used by Arizona Administrative Code, Department of Transportation - Title, Registration and Driver Licenses.

Vehicle violation points information acquired from the:

**Arizona Administrative Code
Department of Transportation - Title, Registration, and Driver Licenses**

Under A.R.S. ' 28-3303(A)(3), if a driver accumulates eight or more points in a 12 month period defined in subsection (A)(10), the Division shall either order the driver to successfully complete the curriculum of a licensed traffic survival school or suspend the driver's Arizona driver license or the Arizona driving privilege under A.R.S. ' 28-3152 of a driver not licensed by the Division. The Division shall assign points to a driver as follows:

- | | | |
|-----|---|---|
| 1. | Conviction of violating A.R.S. ' 28-1381, driving or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs; | 8 |
| 2. | Conviction of violating A.R.S. ' 28-1382, driving or actual physical control of a vehicle while under the extreme influence of intoxicating liquor or drugs; | 8 |
| 3. | Conviction of violating A.R.S. ' 28-693, reckless driving; | 8 |
| 4. | Conviction of violating A.R.S. ' 28-708, racing on highways; | 8 |
| 5. | Conviction of violating A.R.S. ' 28-695, aggressive driving; | 8 |
| 6. | Conviction or judgement of violating A.R.S. ' ' 28-662, 28-663, 28-664, 28-665, relating to a driver-s duties after an accident; | 6 |
| 7. | Conviction or judgement of violating A.R.S. ' 28-672(C), failure to comply with red traffic-control signal, failure to yield the right of way when turning left at an intersection, or failure to comply with a stop sign, and the failure results in accident causing death to another person | 6 |
| 8. | Conviction or judgement of violating A.R.S. ' 28-672(A), failure to comply with a red traffic-control signal, failure to yield the right of way when turning left at an intersection or failure to comply with a stop sign, and the failure results in an accident causing serious physical injury to another person. | 4 |
| 9. | Conviction or judgement of violating A.R.S. ' 28-701, speeding | 3 |
| 10. | Conviction or judgement of violating A.R.S. ' 28-644(A)(2), driving over or across, or parking in any part of gore area; and | 3 |
| 11. | Conviction or judgement of violating any other traffic regulation that governs a vehicle moving under its own power. | 2 |