

BARNSTABLE COUNTY VEHICLE USE POLICY

1. PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and standards for:

- (a) Vehicle Uses-County, Personal
- (b) Personal Vehicle Use for Work Related Travel
- (c) County Vehicle Assignments
- (d) Commuting and Imputed Tax
- (e) Vehicle Accident Reporting
- (f) Responsibilities When Driving a County or a Personal Vehicle
- (g) Policy Exemptions

2. APPLICABILITY

The entire policy applies to all Barnstable County employees. Employee's whose employment is regulated by individual agreement or collective bargaining agreements are subject only to those portions of this policy that are not specifically regulated by law or agreement.

If any provision of this policy violates any governing law or regulation, or if any law or regulation applicable to this policy becomes effective after the effective date of this policy, then this policy shall be deemed changed to be in compliance with such governing law or regulation.

3. DEFINITIONS

- (a) **Expense Reimbursement-** payment for approved expenses relating to Personal Vehicle use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.
- (b) **County Vehicle-** those automobiles, truck, vans, boats, or other self-propelled equipment owned, rented, or leased by County and licensed for travel on a public way.
- (c) **Personal Vehicle-** that vehicle owned or available for private use by the employee.

4. VEHICLE USES

- (a) **County Vehicles**
It is the policy of the County that certain positions require employee access to County Vehicles, either during their work shift or on a 24-hour on-call basis. County Vehicles are not Personal Vehicles and are not for personal use.
- (b) **Personal Vehicles**
It is the policy of the County to reimburse employees for reasonable expenses which they

incur as a result of Personal Vehicle use on behalf of the County. Receipts and Expense Reports must be submitted in a timely manner in order for employee to be reimbursed for such expenses.

(c) Registering and Insuring a Vehicle

Whenever a new vehicle is purchased and registered, The Director of Facilities and County Assets must be notified and appropriate paperwork completed immediately to add the vehicle to the County's insurance policy.

5. ADMINISTRATIVE REQUIREMENTS

(a) Reimbursement of Work-Related Travel Expenses

When an employee is authorized to use a Personal Vehicle for work-related travel, he or she shall be reimbursed for mileage at the IRS standard mileage rate, unless covered by contract or stipend, according to the IRS, the standard mileage rate for business purposes is based on an annual study of the fixed and variable costs of operating a vehicle. Employees will be notified by the Human Resources Department of any changes to the IRS rate.

In accordance with IRS regulations/rulings, the mileage rate is intended to cover, but is not limited to, the cost of fuel, repairs, insurance, all operating costs, and general wear and tear on the Personal Vehicle.

In addition to the mileage rate, the County will reimburse employees authorized to travel outside of the County, driving a Personal or County Vehicle, within the scope of employment, for tolls and reasonable parking expenses, when receipts are provided.

(b) Insurance

Employees who are authorized to use Personal Vehicles for work related travel are required to show proof to their Department Head, on an annual basis, of the following minimum levels of insurance coverage:

- Bodily Injury: \$1000,000/\$300,000
- Property Damage: \$100,000

Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

In order to be reimbursed for Personal Vehicle use, employees must complete a Payment Form provided by the Purchasing Department and submitted with appropriate supporting documentation and/or receipts in a timely manner.

6. EMPLOYEE DRIVING RECORDS

Employees in the course of their employment on a regular basis may be subject to driving record check, through the Registry of Motor Vehicles. This is necessary for the County to appropriately identify potential risk of liability.

A copy of the operators Massachusetts driving record (MVR) shall be obtained by the HR Department to verify the historical driving record of the operator. This will also be obtained on a quarterly or at least annual basis.

If the operator has an out of state license, then the operator must provide, upon request, a copy of their existing state driving record to the HR Department. Any out of pocket expense in obtaining a copy of the driving record will be reimbursed by the County upon submission of a receipt, in a timely fashion.

Driving records shall be reviewed by the HR Department and the County Administrator or their designee.

Driving records determined to be a safety concern by the County Administrator, may result in the disapproval of an employee's vehicle use in the course of employment, after consultation with the appropriate Department Head.

7. ASSIGNMENT OF COUNTY VEHICLES

Employees are required to have a valid motor vehicle license for the class of vehicle to be operated issued by the Commonwealth of Massachusetts or their state of current residence and must show proof of such valid license to his/her Supervisor or Department Head prior to being assigned a County Vehicle.

The assignment of County Vehicles for 24-hour use will be made by the County Administrator their designee, and will only be considered for employees who require a vehicle to perform the essential functions of the job:

- (a) Officially designated on-call status;
- (b) Requirement for frequent emergency availability during non-working hours;
- (c) Issuance of a pager or other communication device; and/or,
- (d) Emergency or other equipment contained in the vehicle.

County Vehicle assignments may be rescinded in writing for good reason or cause by the County Administrator or their designee.

Prior to the assignment of a County vehicle, a copy of the operators Massachusetts driving record will be required as described in this policy.

Employees assigned a County Vehicle for 24-hour use involving a commute of more than 25 miles one way, shall reimburse the County for the additional fuel cost as determined by the County Treasurer. Employee who have been assigned a County Vehicle and have established commuting patterns of more than 25 miles one way prior to July 2006 shall be exempt from this provision, as long as there is no break in assignment of a County Vehicle greater than 6 months, after which the exemption will no longer apply.

8. IMPUTED INCOME TAXATION

Employees authorized to commute in a County Vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The County Treasurer shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use County Vehicles for commuting purposes, and the normal, one-way commuting distance, each December 1st.

9. RULES & RESPONSIBILITIES

Employees who drive a County or Personal Vehicle are responsible for, but not limited to, the following:

- (a) County Vehicles may only be operated by County employees.
- (b) Individuals assigned a County Vehicle with commuting privileges may take "incidental personal uses" such as stopping at a grocery store or going to the bank, on his/her way home, but only if the stop does not add mileage to the trip.
- (c) Operators should exercise sound judgment at all times when using assigned County Vehicles and should avoid the appearance of misuse.
- (d) The Massachusetts Ethics Code discusses unwarranted privileges. Using public equipment or resources for personal use constitutes use of an official position to obtain an unwarranted privilege not similarly available to others. Misuse of an assigned County Vehicle is an ethics violation.
- (e) County Vehicles will not be used to transport any individual who is not directly or indirectly related to County business. Passengers shall be limited to County employees and individuals who are directly associated with County work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in County Vehicles.
- (f) The use of Personal Vehicles for transporting individual's unrelated to County business shall not occur on County work time.
- (g) County Vehicles shall contain only those items for which the vehicle is assigned.
- (h) The County shall not be liable for the loss or damage of any personal property transported in the County Vehicle or for any personal property while using their Personal Vehicle for work related travel.
- (i) Employees are expected to keep County Vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their supervisors immediately.
- (j) Employees assigned County Vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.
- (k) Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a County Vehicle wear seat belts at all times, if the County Vehicles is so equipped.
- (l) All operators of vehicles that require a CDL license, must be tested for drugs and alcohol as provided by US DOT regulations and the County drug/alcohol policy.
- (m) Employees may not operate County Vehicles or Personal Vehicles being used for work related travel, under the influence of alcohol, illegal drugs, or any controlled substances.
- (n) Employees are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in a County Vehicle or in a Personal Vehicle being used for work related travel.
- (o) The transporting of unopened alcoholic containers is limited to "incidental personal use" as

described in this policy.

- (p) Employees operating a County Vehicle or a Personal Vehicle while on work related travel, must maintain a valid motor vehicle license issued by the Commonwealth of Massachusetts or the state of their current residence, which must be provided upon request by a Supervisor during a specific or periodic license check.
- (q) Employees operating a County Vehicle or a Personal Vehicle while on work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.
- (r) Employees who incur parking or other fines/citations while operating or using an assigned County Vehicle or using a Personal Vehicle on work related travel, will be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the County Administrator.
- (s) Employees who are issued citations for any offense while operating or using a County Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation.
- (t) An employee who is assigned a County Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in his or her Personal Vehicle or in a County Vehicle, must notify his or her Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of County Vehicle privileges.
- (u) No employee may use a County Vehicle for out of state use without advance approval of the County Administrator or their designee.
- (v) When utilizing a County Vehicle, employees are required to obtain fuel from designated County fueling facilities, unless fueling is required in the course of out of County travel.
- (w) Smoking is not permitted in a County Vehicle in accordance with M.G.L. c270 s22. Those utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle that does not smoke.

10. CELLULAR PHONES AND HANDHELD ELECTRONIC DEVICES

The use of cellular phone and handheld electronic devices is prohibited. This prohibition includes the receiving (accepting) or placing calls; retrieving, sending, or responding to text and image messaging, Internet browsing; reading, drafting, or sending emails; checking voice messages, and operating any application installed on cellular phones or handheld devices. In the event of exigent circumstances, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional matters, and remain focused on the road and driving conditions. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

11. VEHICLE ACCIDENTS

In the event that an employee's Personal Vehicle is damaged during an approved, work-related trip, and the damage is not due to negligence of the employee, the County will reimburse the employee to cover the part of the cost of repair, up to a maximum of \$500 or the amount of the deductible, whichever

is less, per occurrence. A copy of a police report and evidence of the employee's vehicle insurance deductible (comprehensive or collision) payment shall accompany any request for reimbursement.

When an employee using a County Vehicle or Personal Vehicle on work related travel is involved in a motor vehicle accident, the operator must:

1. Stop the vehicle.
2. Obtain the following information
 - (a) Name(s) and address(es) of the other driver(s);
 - (b) Driver's license number(s) of the other driver(s);
 - (c) Name(s) and address(es) of the owner(s);
 - (d) Registration number(s) of the other vehicle(s) involved;
 - (e) Name(s) and address(es) of other driver(s) insurance company(ies); and,
 - (f) Name(s) and address(es) of any witness(es) to the accident.
3. Do not admit liability for the accident, even if the employee believes it was their fault.
4. Immediately report details to the employee's immediate supervisor.
5. When any person has been injured and/or when vehicles have suffered significant damage; the local or state police must be called to the scene.
6. Do not move the vehicle in these circumstances until authorized by the policy.
7. Unless an injury prevents the operator from doing so, he/she must fill out a Vehicle Accident Report (VAR) within 48 hours of the accident. A blank copy of the form may be obtained from the HR Department. The completed VAR shall be filed with their direct Supervisor.
8. The Supervisor shall ensure all information is in the report and file a copy with the County's Human Resources Department.

12. SPECIAL CIRCUMSTANCES

This policy is intended to provide a basic framework governing the use of Personal and County Vehicles in the County and such cannot contain procedures governing every situation that might arise. Employees seeking clarification of this policy should contact the HR Director. Exemptions from certain provisions of this policy may be authorized by the County Administrator, under mitigating circumstances, after review by the Department Head. Such exemptions must be documented and signed off by the employee (see Attachment A), approved by the County Administrator or their designee, and noted by the Human Resources Director, so as to be placed in the employee's personnel file.

13. EXEMPTIONS

Exemptions to the Vehicle Use Policy are strictly limited. Exemptions that will increase the liability to the County are not allowed. Issues related to insurance coverage, transportation of individuals unrelated to County business, operating a vehicle without a valid motor vehicle license, are examples of what may not be exempted.

14. DISCIPLINE

Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including suspension or removal of County vehicle privileges, suspension and/or termination of employment.

Approved by Board of Regional County Commissioners on December 13, 2017:

Leo Cakounes
Chair

Mary Pat Flynn
Vice Chair

Ron Beaty
County Commissioner

ATTACHMENT A – EXEMPTION FORM

Employees seeking an exemption from provisions of the Barnstable County *Vehicle Use Policy* must submit this form to their Department Head for review, and then to the County Administrator who may authorize limited exemptions to this policy under documented mitigating circumstances and in accordance with allowed policy exemptions. This form also gets noted by the Human Resources Director and placed in the employee's personnel file.

Employee Name: _____
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Department: _____ Title _____

List specific policy sections for exemption consideration and indicate why needed (attach additional paper if required):

Employee Signature: _____ Date: _____

Reviewed: _____ Date: _____
Department Head Signature Print Name

Department Head Approved YES ___ NO ___ INITIALS _____
Human Resources Approved YES ___ NO ___ INITIALS _____
County Administr. Approved YES ___ NO ___ INITIALS _____

ATTACHMENT B – ACKNOWLEDGMENT

I, _____ (print name), as an employee of the County of Barnstable, hereby acknowledge that I have received, read, understand, and agree to abide by the Barnstable County *Vehicle Use Policy*.

If assigned a County Vehicle and/or receive a Vehicle Reimbursement and/or use a Personal Vehicle for work related travel, I shall comply with the respective provisions of the policy or those portions of the policy not specifically regulated by law or collective bargaining agreement or individual agreement/contract.

In addition, I authorize the HR Director to obtain or shall provide to the HR Director (out of state residents), on an annual basis for County Vehicle usage or on a case by case basis for Personal Vehicle usage, and at no cost to me, a copy of my driving record, which shall only be used in determining my safety record, enabling me to be assigned and/or operate a County Vehicle or to use my Personal Vehicle for work related travel, should the need be required. In consultation with the appropriate Department Head, the County Administrator shall make such a determination.

Once signed, this form will be placed in the employee's personnel file by the HR Director for records purposes

Employee Signature: _____

Date: _____

ATTACHMENT C – EXEMPTIONS LIMITATIONS

The following is a guide for the County Administrator or their designee in determining what sections of the Barnstable County *Vehicle Use Policy* may be exempted.

Keep in mind that **Attachment A** of the *Vehicle Use Policy* must be filled out and appropriately signed, approved, and placed in the employee's personnel file for an exemption to be fully authorized.

Only the following sections of the *Vehicle Use Policy* may be exempted, if the employee provides an adequate mitigating circumstance(s) that is/are approved by the County Administrator:

1. If the County Administrator believes that there are extenuating circumstances that require an individual to be assigned a County Vehicle for 24-hour usage, but does not meet the eligibility requirements in this section.
2. If a compelling business reason is provided and approved by the County Administrator that rationalizes why someone should be allowed to commute greater than 25 miles one-way, then it will not be the financial responsibility on the employee to reimburse the County. However, an exemption to this section does not alleviate the employee from section 5.B.6 (Imputed Income Taxation), which is governed by law and handled by the County Treasurer's office.
3. County Vehicles shall only contain items for which the vehicle is assigned. If this section is exempted, companion section 5.C.4.b shall not be exempted. The County shall not be liable for the loss or damage of allowable transported non-work related items.
4. Deals with obtaining fuel from designated County fueling facilities.

Only the above 4 sections of the *Vehicle Use Policy* may be exempted. All other sections of the policy may not be exempted, whether agreed upon by the County Administrator. Exemptions for individuals with contract agreements with the County are subject to contract amendments initiated by the Personnel Board to ensure consistency with application and intent, and subsequently approved by the appropriate appointing authority.

By allowing exemptions from the *Vehicle Use Policy*, the County Administrator have determined that any of the above exemptions listed on approved **Attachment A** are needed for the employee to perform his/her job responsibilities more effectively or that the indicated exemptions will not inhibit the employee from further meeting his/her job responsibilities.

ATTACHMENT D – GUIDELINES FOR ACCEPTABLE DRIVERS

An acceptable rating to drive a County vehicle or for employees to use personal vehicles for County business shall be 1 or 2.

Rating (based on last 3 years of driving experience)

(1) Superior- no traffic citation or motor vehicle accidents

(2) Good- no more than 1 moving traffic citation, or 1 motor vehicle accident (not at fault)

(3) Marginal- no more than 2 moving traffic citations, or 2 motor vehicle accidents (not at fault), or 1 at fault motor vehicle accident

(4) Probationary status- anything in excess of marginal rating. A six month watch is indicated and MVR's checked at six months intervals.

(5) Unacceptable- any driver whose MVR shows any one of the following records is not acceptable:

- Three or more accidents (at fault) in the last three years.
- One or more Type A violations in the last three years.
- Any combination of accidents and Type B violations equaling four or more in the last 2 years.
- An operator's license that has been suspended or revoked within the past three years.

Type A Violations

1. Driving while intoxicated
2. Driving under the influence of drugs
3. Negligent homicide arising out of the use of a motor vehicle
4. Operating a motor vehicle during a period of suspension or revocation of an operator's license.
5. Using a motor vehicle for the commission of a felony.
6. Aggravated assault with a motor vehicle.
7. Operating a motor vehicle without the owner's authorization.
8. Permitting an unlicensed person to drive.
9. Reckless driving.
1. 10. Speeding contest.
10. Hit and run (bodily injury and physical damage) driving.

Type B Violations

All moving violations not listed as Type A violations