POLICY STATEMENT:

City Vehicles shall be used only for City business except as otherwise provided in the administrative procedures promulgated by the City of Denton, and the Individual Assigned Vehicle Plan, General Order No. 89.12 of the Police Department, or as specified by the City Council. Risk of loss from vehicle accidents involving all City employees will be minimized through driver record screening, hands-on training and education, defensive driving training, and standardized vehicle accident review procedures.

This policy applies to all employees, regular full-time, regular part-time, temporary, and seasonal. Police Officers and Fire Fighters are subject to the applicable provisions of Texas Local Government Code Chapter 143, the Rules of the City of Denton Fire Fighters and Police Officers Civil Service Commission, and the general and special orders of the Police and Fire Departments, which may incorporate some or all of the provisions of this policy.

ADMINISTRATIVE PROCEDURES:

Contents:

1.0 Definitions
2.0 Driver's Licenses and Driving Records
3.0 Driver - Safety and Training
4.0 Use of City Vehicles
5.0 Use of Personal Vehicles
6.0 Vehicle or Equipment Accident Procedures

1.0 DEFINITIONS

1.1 Authorized Personnel shall mean those persons authorized to use a City vehicle in accordance with these procedures.

1.2 City Business shall mean any authorized work or activity performed by a City employee or other person on behalf of the City.
1.3 City Vehicle shall mean any motor vehicle or motor-driven equipment owned or leased by the City.

1.4 On-Call Employees shall mean those employees subject to being summoned to perform City work or duties beyond their normal work hours.

1.5 Primary Work Location shall mean the City of Denton facility where the employee generally reports to receive work assignments, materials, and or performs administrative tasks incidental to the employee’s primary duties (such as turning in reports or leave request forms).

2.0 DRIVER’S LICENSES AND DRIVING RECORDS

2.1 The City of Denton requires that all employees driving or operating a City vehicle or equipment have the appropriate operator's or commercial driver's license as required by the State of Texas. Employees who use their personal vehicles while conducting City business shall maintain current liability insurance and driver's license in accordance with Texas law. Failure to maintain current liability insurance and driver’s license may result in disciplinary action up to and including dismissal.

2.2 The Human Resources Department, as part of the post-offer evaluation process, will conduct a driver’s license check on all new employees whose essential job functions include the operation of City vehicles/equipment or their personal vehicle to conduct City business. An applicant does not meet criteria and will not be considered for positions requiring driving if the record reveals any of the following:

2.2.1 Three (3) or more moving violations, fault accidents (the accident and any subsequent tickets related to the accident will be considered one event) or any combination in the previous 12 months.

2.2.2 Four (4) or more moving violations, fault accidents (including the subsequent tickets related to the accident), or any combination in the previous 36 months.

2.2.3 One (1) Driving While Intoxicated (DWI) or One (1) Driving Under the Influence (DUI) conviction in the previous 36 months, including probated sentences.

2.2.4 Suspended, expired, or non-Texas license. New hires with an out-of-state license will have 30 days to obtain a Texas license (provided they are residents of Texas).

2.3 New employees who do not meet the criteria in 2.2.1 through 2.2.4, but have one or more moving violations, fault accidents (including the subsequent tickets related to the accident), or any combination in the previous 36 months, shall be counseled by Human Resources regarding these requirements.

2.4 The Risk Management Division will conduct a driver's license check through the Texas Department of Public Safety, or other acceptable source, on a periodic basis for all City of Denton employees driving or operating City vehicles or equipment.
employees. Current employees will be subject to the same criteria as new employees as outlined in section 2.2 above. Current employees whose driving record indicates any of the violations contained in 2.2.1 through 2.2.4 will be suspended from operating City vehicles/equipment and/or their personal vehicle to conduct City business and may be subject to recategorization, transfer or demotion to a non-driving position and/or other disciplinary action up to and including dismissal.

2.5 Employees shall self-disclose, without the necessity of an inquiry, any loss or limitation in driver's license status and any and all arrests, charges, or convictions for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving, whether such incidents arose out of work-related driving or not. Employees shall make such self-disclosure to their supervisor, Human Resources or Risk Management at the earliest opportunity and shall not operate any City vehicle/equipment or their personal vehicle to conduct City business until cleared to do so by Human Resources. Employees who fail to make such required self-disclosure at the earliest opportunity shall be subject to disciplinary action up to and including dismissal.

2.6 In the event the self-disclosure required in section 2.5 is made, and assuming no other City policies have been violated, the following criteria shall be utilized:

2.6.1 One DWI or DUI conviction within the previous 36 months – Mandatory referral to the City’s Employee Assistance Program (EAP). Once evaluated and released by the EAP counselor, the employee may return to duties requiring him/her to operate a City vehicle/equipment and/or to drive their personal vehicle to conduct City business, provided the employee adheres to any treatment plan recommended by the EAP.

2.6.2 Two DWI or DUI convictions within the previous 36 months – Suspension from operating City vehicles/equipment or personal vehicle to conduct City business and may be subject to termination.

2.6.3 In each of the above situations, based on the frequency of DWI and/or DUI convictions, as well as the employee’s complete and overall driving and/or performance record, the Director of Human Resources, the Risk Manager, and the employee’s supervisor have the discretion to deviate from this criteria and apply a suspension from driving duties, disciplinary action up to an including termination, or any combination thereof.

2.6.4 In the event the arrest, charge, or conviction for DWI, DUI, Involuntary (vehicular) Manslaughter, or Reckless Driving occurs while operating a City vehicle/equipment or operating their personal vehicle to conduct City business, the employee shall be subject to automatic dismissal.

2.7 The requirements for self-disclosure in sections 2.5 and 2.6 above do not in any way affect the requirements of holders of a Commercial Driver’s license from notifying the City within 30 days of any conviction, in any jurisdiction, for a traffic violation (except parking) regardless of the type of vehicle being operated or the suspension, revocation or cancellation of license.
2.8 Individuals who apply for positions, or transfer to positions, requiring a valid operator's or commercial license, and who do not already possess the requisite licensure, must obtain the necessary license within a time period acceptable to the supervisor. The employee may not drive until the license is obtained. A driver's record check will be made prior to assignment to the new position.

3.0 DRIVER — SAFETY AND TRAINING

3.1 Department heads shall confirm that an employee or applicant has demonstrated the ability to operate vehicles and special equipment in a safe and competent manner by requiring the employee to operate the equipment to the satisfaction of their supervisor. Training will be conducted for those individuals who cannot satisfactorily operate such equipment. Under no circumstances shall an unsupervised employee be allowed to operate a vehicle or piece of equipment for which he or she is untrained or unqualified.

3.2 Employees who are required to operate vehicles (City or personal) as part of their job descriptions, or normal duties, shall attend a Defensive Driving Course (DDC) as soon as possible after employment and each three (3) years thereafter. Employees may arrange to attend a DDC class conducted for employees by the City by enrolling online through the City’s web portal. Each department will maintain driver records and budget for completion of DDC courses.

3.3 All City drivers shall wear safety belts when any vehicle is in motion and require all occupants (including back seat passengers) of the vehicle to do likewise. This Section applies to motor vehicles, other than motorcycles, as those terms are defined by Tex. Rev. Civ. Stat. Ann., Art. 6701d §2, or its successor.

3.4 All City drivers shall comply with City of Denton Code of Ordinances, Chapter 18 “Motor Vehicles and Traffic,” Section 18-38, prohibiting the use of wireless communication devices while driving, unless employing a hands-free device. In addition to the City Ordinance, all City drivers shall also comply with the Texas Transportation Code with respect to wireless communication devices.

3.4.1 In accordance with the Texas Transportation Code:

3.4.1.a. An operator cannot use a wireless communication device while operating a motor vehicle within a school crossing zone unless the vehicle is stopped or the wireless communication device is used with a hands-free device.

The prohibitions in 3.4.1.a. do not apply if the use of the wireless communication device is used:

(1) to make an emergency call to:
a. an emergency response service, including a rescue, emergency medical, or hazardous material response service;
b. a hospital;
c. a fire department;
d. a health clinic;
e. a medical doctor’s office;
f. an individual to administer first aid treatment; or
g. a police department

(2) by an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or

(3) by an operator who is licensed by the Federal Communication Commission while operating a radio frequency device other than a wireless communication device.

3.4.1.b. An operator may not use a wireless communication device for electronic messaging. This includes reading, writing, or sending an electronic message unless the vehicle is stopped and not occupying a lane of travel.

The prohibitions in 3.4.1.b. do not apply:

(1) if the operator uses the wireless communication device in conjunction with a hands-free device;

(2) if an operator is using the device to navigate a global positioning or navigation system;

(3) if the operator is using the device to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application;

(4) to an operator who reasonably believes the electronic message concerns an emergency;

(5) to an operator that has a wireless communication device that is permanently or temporarily affixed to the vehicle to relay information in the course of the operator’s occupational duties between the operator and:
   a. a dispatcher; or
   b. a digital network or software application service;

(6) to an operator using a wireless communication device that activates a function to play music;

(7) to an operator of an authorized emergency or law enforcement vehicle using a portable wireless communication device while acting in an official capacity; or

(8) to an operator who is licensed by the Federal Communication Commission while operating a radio frequency device other than a wireless communication device.
3.4.1.c. An operator may not use a wireless communication device while operating a motor vehicle on the property of a public elementary, middle, junior high, or high school for which a local authority has designated a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone.

The prohibitions in 3.4.1.c. do not apply:

(1) if the vehicle is stopped;
(2) if the wireless communication device is used with a hands-free device;
(3) if the wireless communication device was used to make an emergency call to:
   a. an emergency response service, including a rescue, emergency medical, or hazardous material response service;
   b. a hospital;
   c. a fire department;
   d. a health clinic;
   e. a medical doctor’s office;
   f. an individual to administer first aid treatment; or
   g. a police department;
(4) to an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or
(5) to an operator who is licensed by the Federal Communication Commission while operating a radio frequency device other than a wireless communication device.

3.4.2. In accordance with the City of Denton Code of Ordinances:

3.4.2.a. It is prohibited to use a wireless communication device for any purpose while operating a vehicle on any street or highway within the City of Denton, unless employing a hands-free device.

3.4.2.b. The prohibitions in 3.4.2.a. do not apply if the wireless communication device is used:

(1) for initiating or terminating a telephone call while the vehicle is stopped;
(2) for initiating or terminating a navigation aid with mapping software or a global positioning system while the vehicle is stopped;
(3) for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed or being committed;
(4) if it is being used in the reasonable belief that a person’s life or safety is in immediate danger; or
(5) if it is being used solely in a voice-activated or other hands-free mode.

3.4.3 The Transportation Code, this Ordinance, and this Policy, shall not apply to an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; and an operator who is licensed by the Federal Communication Commission operating a radio frequency device other than a wireless communication device.

3.4.4 Any employee found guilty of violating the Texas Transportation Code or the City Ordinance by a court of competent jurisdiction, while operating a City vehicle, or their own vehicle while on City business, shall pay the fine and any associated cost levied by the Court. Additionally, if warranted by the employee’s overall safety, driving, and performance record, the employee may be subject to additional discipline.

3.4.5 While using a wireless communication device to engage in a telephone conversation is not prohibited by the Ordinance, it is strongly recommended that employees pull off of the roadway, where safe to do so, while dialing, talking, or deactivating a wireless communication device. Any vehicle accident, property damage, injury, or unsafe driving operation that results from the use of a wireless communication device or any other electronic device by a City employee, while operating a City vehicle, or their own vehicle while conducting City business, may subject the employee to discipline.

Please note, any violations involving the use of a portable wireless communication device by an operator of a motor vehicle to read, write, or send an electronic message are solely governed and regulated by the Texas Transportation Code as described above and are violations of state law. Additionally, any other violations involving the use of a portable wireless communication device by an operator of a motor vehicle in a mode other than hands-free are violations of the City Ordinance. There are limited defenses and exception to state law and the City Ordinance as set forth above.

4.0 USE OF CITY VEHICLES - All employees who operate City vehicles and motor-driven equipment must adhere to the minimum requirements and standards outlined in this section.

4.1 Rules and Regulations for use of City Vehicles

4.1.1 No employee shall use a City vehicle for commuting to or from their residence during off-duty work hours unless authorized to do so in accordance with these procedures and regulations.

4.1.2 Every employee who is responsible for a City vehicle shall properly secure, lock, and remove the ignition keys from the vehicle at any time during which the vehicle is parked and unattended.
4.1.3 No employee shall use a City vehicle to transport any person, except for the purpose of performing City business.

4.1.4 Every employee driving a City vehicle shall use best efforts to park the vehicle off-street, except when otherwise necessary to perform City business.

4.1.5 Every employee who drives or is otherwise responsible for a City vehicle shall use all reasonable care in the operation and use of the vehicle and shall promptly report to the appropriate person or department any needed servicing, repairs, or maintenance.

4.1.6 Each employee operating a City vehicle shall comply with all applicable traffic laws.

4.1.7 An employee shall not transport alcoholic beverages or any other intoxicant within or upon a City vehicle at any time.

4.1.8 Employees are not authorized to conduct personal business in City vehicles during work hours except as specifically authorized by this policy. "Personal business" includes running personal errands and shopping.

4.1.9 During scheduled work shifts, an employee operating a City vehicle is authorized to stop for reasonable, limited time periods for meals, to obtain refreshments, or to make bank transactions on payday. Discretion will be used by employees when three (3) other City vehicles are already present at the establishment.

4.1.10 Employees operating City vehicles are not authorized to transport family members or friends for non-City business. Supervisors may grant specific and limited exceptions to this rule when the employee demonstrates good cause and an urgent need. Supervisors may only grant such exceptions on a case-by-case basis and may not grant blanket exceptions on a continuing basis.

4.1.11 Supervisors may authorize employees to operate City vehicles to transport sick or injured individuals to medical care facilities in specific emergency situations. Each supervisor is strongly encouraged, if time permits, to discuss any such authorizations with their immediate supervisor and an authorized representative of the Department of Human Resources.

4.1.12 Employees shall not tamper with, damage, or disable any vehicle safety devices. This shall include, but is in no way limited to, seat belts, airbags, cameras (back-up or other), alarms (back-up or other), GPS tracking systems, “black boxes,” etc. Employees shall immediately report to their supervisor any such device that is not fully operational.
4.2 Authorization for "Take Home Vehicles"

4.2.1 An employee may be authorized to take a City vehicle to their residence during off duty hours when the employee has a job related need for the vehicle after normal working hours. Employees may not be assigned take home vehicles for the sole purpose of commuting to and from their Primary Work Location (see definition at 1.5 above). There are two different situations which involve a take home vehicle:

a. Periodic and temporary on-call duty: Employees subject to being summoned to perform City work or duties beyond their normal work hours for a specific period of time (typically a week), may take a City vehicle home for the time of their on-call assignment if it is necessary for the employee to respond within a short period of time to on-call assignments. Employees who take a vehicle home solely for the purpose of on-call response for a short period of time are not required to have an “Authorization for Take Home Vehicle” form completed; however, supervisors should take into account the employee’s expected response time and the distance that the employee would travel to the emergency in determining whether or not to allow the employee to take the vehicle home overnight.

b. Frequent response to emergency situations: Employees whose job duties require them to respond frequently and consistently to emergency situations outside their normal work hours may be assigned a City vehicle as a “take-home” vehicle. Those employees must have a completed “Authorization for Take Home Vehicle” form on file with the Risk Manager and Fleet Services Manager.

4.2.2 For each take home vehicle, an “Authorization for Take Home Vehicle” Form (attachment 1-409.05) must be completed, signed by the employee and approved by the appropriate level of supervisor as follows:

(1) If the employee resides within fifteen (15) miles of the employee’s Primary Work Location (see definition at 1.5 above), the Authorization must be signed by the employee’s immediate supervisor and the department head for the employee’s division or department.

(2) If the employee does not reside within fifteen (15) miles of the employee’s Primary Work Location, the Authorization must be signed by the City Manager or designee.

4.2.3 The department head shall forward an original of the form to the Fleet Services Division and a copy to the Risk Manager. The division or department shall also maintain a copy of all approved authorizations. The Authorization form must be updated any time there is a change to the circumstances (such as the employee’s job duties or position change, the employee’s residence, or if the vehicle itself is changed). Fleet Services will forward the
4.2.4 Divisions and departments shall conduct an annual review of the use of Take Home Vehicles in order to determine whether continued assignment of the vehicle to a particular employee remains warranted. Issues that should be considered include the number of times that the employee is actually called out during off duty hours; the employee’s job duties; and, the mileage that is added to the vehicle from commute usage versus on duty usage during off duty hours.

4.2.5 Divisions and departments are responsible for providing the Risk Manager and Fleet Services Manager with a list of the vehicles used for on-call assignments when employees are allowed to take those vehicles home while on temporary and periodic on-call duty. Every September 1, the division and/or department shall forward a list of the vehicles to the Risk Manager and Fleet Services Manager. The list should be updated throughout the year at any time that a vehicle is added or deleted from the on-call roster.

4.2.6 Employees authorized to take vehicles home are authorized to make reasonable, brief, and limited stops before or after assigned work shifts while travelling to and from work to conduct personal errands, such as obtaining a limited number of grocery items (a loaf of bread, gallon of milk, etc.), picking-up cleaning, making bank transactions, and the like. If an employee is authorized and assigned to take a City owned vehicle home, the employee shall make arrangements with their supervisor regarding where the vehicle shall be parked or garaged while the employee is on extended leave, including vacations and medically related leaves. On-call employees, who are allowed to come and go freely, but must respond to a return-to-work notification by pager, radio, or telephone, may use "take-home" vehicles for personal business if such use is required to meet response times outlined in division or department policies. Under no circumstances will family members or friends be transported in the take-home vehicle unless specifically authorized under the provisions of paragraph 4.0 of this policy.

4.3 Use of City Vehicles by Volunteer Personnel
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<th>TITLE:</th>
<th>COMPREHENSIVE DRIVING AND CITY VEHICLE USE POLICY</th>
<th>REFERENCE NUMBER: 409.05</th>
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4.3.1 Volunteers are authorized to drive City vehicles provided that all requirements of the administrative directive on volunteer procedures have been met (See Volunteer Procedures, Policy No. 409.07) and has been approved by the Risk Manager, or designee.

4.3.2 Volunteer drivers are not considered to be City employees, and thus are not covered by the Texas Workers’ Compensation Act. Volunteers who wish to file a claim for injuries or damages associated with their volunteer work must contact the Risk Management department.

4.3.3 Department heads who use volunteer drivers shall ensure that appropriate waiver forms are signed by all passengers prior to trip departure.

4.3.4 Department heads shall ensure that volunteer drivers are scheduled to attend a Defensive Driving Course as soon as possible if they are to drive City vehicles on a regular basis.

4.4 Federal Taxation on the Personal Use of City Vehicles

4.4.1 In accordance with Internal Revenue Service (IRS) Rules, employees are to be taxed on the value of their personal use of employer-provided vehicles for commuting to and from work, unless the vehicles qualify as a non-personal use vehicle as defined by IRS Reg. § 1.274-5T. Employees are to be taxed at the daily “commuter” rate established by the IRS.

4.5 Vehicle Idle Reduction

4.5.1 It is the policy of the City of Denton to restrict idling of all vehicles or equipment used by the City of Denton. Idling is the continuous operation of a vehicle’s engine when the transmission is not engaged or the vehicle is in park. This policy applies to all staff who operate City of Denton vehicles or equipment.

4.5.2 Restrictions:
   - a. No engine idling (other than a reasonable engine warm up) is permitted.
   - b. When a driver exits the vehicle, the engine will be turned off
   - c. Vehicles or equipment will not be left unattended while the engine is running
   - d. Vehicles will not be left running to maintain cabin temperature (air conditioning or heating).
   - e. Vehicles waiting to be loaded or unloaded will have the engine turned off if the idling time will exceed five minutes.

4.5.3 Exceptions:
   - a. Idling the vehicle due to traffic congestion
   - b. Idling vehicle or equipment for maintenance/diagnostic purposes
c. Vehicles operated solely to defrost a windshield
d. Vehicle idling during use of a power take off (PTO)
e. Passenger vehicles requiring heat or air conditioning necessary for passenger comfort and safety (e.g., school busses and emergency vehicles)
f. Clearly marked police, fire, and other vehicles that are required to idle to operate auxiliary equipment considered necessary for work crew safety and/or public safety. Auxiliary equipment may include light bars, strobe, directional lighting, or on-board refrigeration.
g. Vehicles or equipment that have an extended manufacturer’s recommended warm-up and cool-down time.

5.0 USE OF PERSONAL VEHICLES

5.1 In accordance with Texas law, City employees are expected to carry liability insurance on any personal vehicle used to transact City business. Employees will contact their insurance carrier to determine the necessity for a "Business Use" rider to their policy. The City will not assume responsibility for any deductible amounts necessitated by claims, and the employee shall bear the responsibility of pursuing claims against either their carrier or the other driver in the event of a collision or other loss.

5.2 Reimbursement for occasional use. The City of Denton will pay employees for using their personal vehicles on City business at the IRS mileage rate, as such may be amended from time to time.

5.3 Employees using personal vehicles. The City will pay designated employees using personal vehicles the IRS mileage rate plus a set fee per month for maintenance and insurance. Designated employees shall maintain current liability insurance throughout their term of employment. Failure to maintain current registration, vehicle inspections, liability insurance, and an appropriate driver's license may result in disciplinary action up to and including termination.

5.4 Maintenance and Insurance. The City pays for maintenance and insurance costs through the mileage payments. Consequently, the City will not pay employees for vehicle repair costs. If an employee's vehicle fails to operate while he or she is out of town on City business, the City will pay reasonable towing costs to the nearest garage. The City will not pay towing costs within the City.

5.5 Volunteers. Persons who donate their time and services to the City are not covered by the Workers’ Compensation Act or by the City's Self-Insurance Program, and the City assumes no liability for the use of their personal vehicle during any volunteer activity.
6.0 VEHICLE OR EQUIPMENT ACCIDENT PROCEDURES

6.1 When involved in a vehicle collision, each City employee operating a City vehicle or equipment and each City employee operating a personal vehicle in the course of transacting City business is required to do the following:

6.1.1 If able to do so, make contact with the other party to check on their well-being and determine if medical assistance is needed by any party. Make no statements regarding fault.

6.1.2 Notify local law enforcement authorities, and emergency medical services if needed, if non-employees were involved or if property not owned by the City is damaged.

6.1.3 Notify their supervisor immediately.

6.1.4 Provide necessary traffic control to protect the accident scene from additional damage until the proper authorities arrive.

6.1.5 Remain at the scene of the accident until released by competent authority.

6.1.6 Obtain names and addresses of the other party and any witnesses.

6.1.6 Under no circumstances, give statements or talk with anyone about the accident after leaving the scene without first obtaining approval from the City Attorney’s Office or Risk Management.

6.1.7 Refuse to sign or place their signature upon any papers or documents related to the accident, except for official police reports and ticket citations, without prior approval from the City Attorney’s Office or Risk Management.

6.1.8 Assist the supervisor in the completion of the City of Denton Accident-Injury report.

6.2 The Supervisor shall:

6.2.1 Notify the Police Department if the vehicle operator has not already done so.

6.2.2 Notify the Risk Management Office immediately during regular duty hours. After duty hours, accidents resulting in death or severe personal injuries shall be reported to the Risk Management.

6.2.3 If necessary, go to the scene of the accident to assist in the investigation. Take pictures of the accident scene as required.
6.2.4 Notify Human Resources immediately for possible substance abuse testing in accordance with City Policy 108.12.

6.2.5 Complete and submit the Accident-Injury report to the Risk Management Office not later than two working days after the accident.

6.2.6 If the employee was injured, ensure the employee receives the appropriate medical care.

6.2.7 If the City vehicle is damaged, ensure that the vehicle is evaluated by Fleet Maintenance for repair.

6.3 Police Officers shall:

6.3.1 Investigate all accidents occurring within its jurisdiction involving a City vehicle and property not owned by the City.

6.3.2 Notify the City driver's supervisor if the City employee is physically unable to do so. If unable to contact a supervisor, notify the Risk Management Office as soon as practical.

6.3.3 Forward a copy of any reports, including amended reports, involving City vehicles to the Fleet Services and Risk Management.