

## **COUNTY OWNED VEHICLE USAGE POLICY**

Effective January 1, 2009

Ohio Revised Code 307.72 states that motor vehicles purchased or leased as provided by section 307.41 of the Revised Code shall be for the use of the county commissioners or other county officials, their use to be subject to the regulation of the board of county commissioners.

This policy is promulgated to ensure the safety of all operator of motor vehicles while on Allen County business and to maintain favorable motor vehicle insurance rates for Allen County motor vehicles.

Employee's insurability with Allen County is based on their personal driving record. Any and all activity on an employee's driving record within the prior three years weighs equally toward driving privileges while performing duties for Allen County.

It shall be noted that an accident that occurs while on Allen County business using the employee's personal vehicle will not be covered by the County's motor vehicle insurance, but that the employee must report the accident to their own personal motor vehicle insurance company for any and all coverage on the personal vehicle. Should the employee/sworn volunteer not carry personal motor vehicle insurance coverage, there remains no liability to the County to cover repairs to any vehicle not owned by Allen County.

Motor vehicles includes all automobiles and off-road equipment including but not limited to lawn tractors, backhoes, gators, front end loaders, compactors, etc.

County vehicles shall only be permitted to be taken home by a "first responder". The term 'first responder' refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, that provide immediate support services during prevention, response, and recovery operations. Sworn volunteers will not be permitted to take home vehicles.

An elected official or department head must make application to the Board of Allen County Commissioners for each employee he/she desires to allow privilege to take a county owned vehicle home by completing the attached form.

In an effort to control costs, the Allen County Commissioner's office will determine if justification submitted by a department or elected official on said form does indeed meet its standard for "first responder" and deem such application worthy of taxpayer support for vehicle purchase price, vehicle insurance expense, gasoline to and from the employee's home, vehicle maintenance, etc. If the Board of Commissioner's does not deem such application valid, that county owned vehicle must not leave the county facility after normal working hours. Decisions will be made on a case by case basis.

## **ACCOUNTABILITY**

Twice annually, on January 1<sup>st</sup> and July 1<sup>st</sup>, each Allen County office and department must submit to the Allen County Commissioners' Office a listing of all Allen County owned vehicles, marked and unmarked, under its' care and/or use. That list shall provide the name of the driver of each vehicle; state whether or not the vehicle is permitted to be taken home by the employee, and if so, for what specific purpose and the home address of that employee.

Employees/sworn volunteers using their personal vehicle for Allen County related business shall not transport any passengers while on official County business if the owner of that personal vehicle does not comply with the State of Ohio's "Financial Responsibility Law".

## **MOTOR VEHICLE OPERATOR RULES**

1. All Allen County employees/sworn volunteers operating motor vehicles owned and maintained by Allen County and all Allen County employees operating a motor vehicle to perform employment duties must comply with the following requirements and procedures.
  - A. Possess a valid State of Ohio drivers' license which involves following Ohio's Financial Responsibility Law in order to hold a valid driver's license.
  - B. Employees/Sworn Volunteers operating County vehicles with Commercial Driver's Licenses (CDL) must follow their respective department's Ohio Department of Transportation ("ODOT") policy for CDL's. All other policies referenced here apply in regards to county vehicle usage.
  - C. Must wear safety belts while the motor vehicle is in operation whether they are a passenger or a driver.
  - D. Operate motor vehicles in a lawful manner.
  - E. Sign a release permitting driving and criminal record check at any time throughout their employment with Allen County. Random driving checks will also be administered. Allen County Commissioners and/or it's insurance carrier will review motor vehicle operations records for the prior three years when determining Allen County driving privileges.
  - F. May not operate an Allen County motor vehicle for personal use.
  - G. May not permit anyone other than an authorized Allen County employee/sworn volunteer to operate an Allen County motor vehicle.

- H. May only transport passengers for reasons directly related to official Allen County business. Such passengers must wear their safety belts while the motor vehicle is in operation.
- I. May not consume nor permit any other person to consume alcohol or drugs while in a motor vehicle on Allen County business.
- J. Keep Allen County vehicles clean, maintained and repaired as scheduled and paid for by Allen County.
- K. Make no alterations to an Allen County motor vehicle, i.e. vehicle accessories, etc.
- L. Maintain a copy of the Allen County Motor Vehicle Policy insurance identification card, and Allen County Incident Report Form in the motor vehicle.
- M. Shall not knowingly damage the Allen County vehicle through neglect, misuse, carelessness, or failure to follow instructions.
- N. If an Allen County-owned vehicle is not available, employees operating their personal motor vehicle to perform their duties of Allen County employment, may request reimbursement for mileage, parking and toll fees, etc. if authorized for prior use and consistent with Allen County's travel policy. Such expenses shall be reported on a mileage reimbursement form submitted to the employee's supervisor.
- O. If authorized to operate a personal motor vehicle, the employee/sworn volunteer must carry a valid Ohio driver's license and comply with the State of Ohio's Financial Responsibility Law. Allen County's insurance carrier does not provide insurance coverage for any vehicle while driving on Allen County business.
- P. Failure to comply with items listed above may result in disciplinary action.

### **FRINGE BENEFIT REPORTING**

- A. The cost associated with personal use of County owned vehicles will be included as income on the employee's W-2 form each year.

### **ACCIDENTS**

1. In the event of an accident with an Allen County motor vehicle or a personal vehicle while on Allen County business, employees must follow the procedures below:

- A. Stay at the scene of an accident and identify yourself and render assistance if possible.
- B. Turn on four-way flashers and set out flags or flares, if available, to warn traffic.
- C. Assist injured persons, if possible, giving immediate attention to severe bleeding. Do not move injured persons unless necessary for their protection against further injury. Send for an ambulance if necessary.
- D. Do not admit responsibility or make any offer of settlement to the other party. Representatives of Allen County's insurance carrier are responsible for settlements involving Allen County vehicles. The employee/sworn volunteer or his/her insurance company is responsible for settlements involving personal vehicles.
- E. Obtain and record the name, address and license number of the other driver, car license plate number, and the name of car owner and insurance company.
- F. When requested, give your name, address, County affiliation and show your driver's license to the other party.
- G. Record names and addresses of witness and, if possible, get statement.
- H. Notify the police having jurisdiction (state, county or city) where the accident occurred. Record the name and badge number of any officer present.
- I. Sketch the location showing the position of vehicles, pavement markings, traffic control devices, witness locations and any special conditions such as obstructions, parked cars or skid marks. Show date, time of day, weather and road conditions, and any other useful information.
- J. Provide your supervisor with all information within 24 hours after the accident.
- K. Complete a written Incident Report.
- L. Complete a "Traffic Violation/Accident Notice" as per the "**EMPLOYER ACTION AFTER "REPORTABLE EVENT"**" section of this policy.
- M. Notify your supervisor if the fire extinguisher or first-aid kit has been used and replace as necessary.

2. All supervisors must contact the Risk Manager in the Allen County Commissioners' Office immediately upon notification of an accident. The Commissioners' Office will notify the insurance carrier.

### **FINES**

1. Any fines incurred as a result of driving or parking violations shall be the responsibility of the employee.

### **NEW EMPLOYEES/SWORN VOLUNTEERS**

1. Appointing authorities or supervisors shall obtain a traffic record check for prospective employees/sworn volunteers who may operate a motor vehicle for Allen County related business and turn this record check into the Allen County Commissioners' Office. This record check shall include any violations within the last three years. The insurance carrier will determine the driver's insurability and report back to the Allen County Commissioners' Office, who will in turn report back to the appointing authority or supervisor.

### **REPORTABLE EVENTS**

1. Employees/sworn volunteers who operate an Allen County owned vehicle or personal vehicle for Allen County related business shall report any and all accidents that occur while on official Allen County business, regardless of fault. Additionally, employees/sworn volunteers who operate an Allen County owned vehicle shall report any and all accidents that occur while not on official Allen County business, regardless of fault. Employees shall complete and return the "Traffic Violation/Accident Notice" by the next working day to their supervisor. The supervisor shall forward the "Traffic Violation/Accident Notice", upon receipt, to the appointing authority and to the Commissioners' Office.
2. Failure to comply with the above may result in disciplinary action.

### **ACTION AFTER "REPORTABLE EVENT"**

1. Upon receipt of a "Traffic Violation/Accident Notice", the Allen County Commissioners' Office, in consultation with the County's insurance carrier, will review the facts to determine whether the employee/sworn volunteer may continue to drive any motor vehicle as part of his/her employment responsibilities. In making this decision, the Allen County Commissioner's Office shall consider the following:
  - A. Any appropriate court determination.

- B. Whether the employee/sworn volunteer can perform the duties of the position without operating a motor vehicle.

**REVIEW OF DRIVING PRIVILEGES**

- 1. Upon review, the employer may:
  - A. Suspend the employee/sworn volunteer from operating a motor vehicle as part of his/her employment with Allen County for a determined length of time.
  - B. Restrict employees/sworn volunteers with a suspended license for a non DUI violation from operating a motor vehicle on Allen County business, unless permitted by the court and/or insurance carrier.
  - C. The appointing authority and/or supervisor may proceed with disciplinary action, up to and including termination, if appropriate.

**DRIVING UNDER THE INFLUENCE (DUI) CONVICTIONS**

- A. An employee convicted of a DUI offense shall not operate an Allen County motor vehicle or his/her own motor vehicle on Allen County business until he/she has completed the following requirements:
  - 1. Undergo at his/her own expense an acceptable alcohol dependency assessment within two weeks of conviction or other time period determined by the court.
  - 2. Release the results of the drug/alcohol assessment in writing within five working days to his/her respective Appointing Authority/Department Head and the Commissioners' Office for insurance related purposes.
  - 3. Complete any recommended treatment as outlined in the assessment. The employee shall provide written documentation of the successful completion of treatment within five working days of completing treatment to his/her respective Appointing Authority/Department Head and the Commissioners' Office for insurance related purposes.
- B. Upon written certification of the successful completion of all assessment recommendations and if the court allows, the individual may drive his/her own vehicle on Allen County business for Allen County, but may not operate an Allen County motor vehicle for a three year period.
- C. Following the original DUI conviction, a second conviction of any major violation including another DUI or any other "6 point" violation or a suspension of license in the three year period immediately following the initial conviction may result in privileges of being permitted to operate an Allen

County motor vehicle being permanently terminated upon the recommendation of the County's insurance company.

**COURT ORDERED OR DUI DRIVING PRIVILEGES**

Employees operating a personal vehicle on Allen County business pursuant to court-ordered driving privileges, after a license suspension, or after a DUI conviction and required treatment must comply with the following for the duration of Allen County employment:

1. Produce a personal Automobile Liability policy with limits of \$500,000 combined single limit, bodily injury and property damage and will cover Allen County from any additional liability. This policy must be with a carrier acceptable to the County's insurance carrier.
2. Increase insurance limits to \$1,000,000 if transporting clients.
3. Provide a certificate of insurance and full copy of the policy to the employer for review by the County's insurance carrier upon each period of coverage.
4. Driving privileges will be reviewed on an annual basis for up to three years following the date of conviction.
5. The County's insurance carrier reserves the right to amend the above requirements at any time. Any exception to these requirements must be approved in writing by the County's insurance carrier.



**CERTIFICATION OF COMPLIANCE**  
**WITH OHIO'S FINANCIAL RESPONSIBILITY LAW**  
**AND**  
**DRIVING AND CRIMINAL RECORD CHECK RELEASE**

I, \_\_\_\_\_, an employee of \_\_\_\_\_  
(Employee Name) (Office/Department)

of Allen County, Ohio, do hereby certify that when using my personal vehicle(s) for County business, I am in compliance with Ohio's Financial Responsibility Law. I understand that I have a responsibility to report any and all accidents, arrests, violations, license suspensions or revocations to my supervisor and to the Allen County Commissioners' Office using the Traffic Violation/Accident Notice form. Failure to do so could result in disciplinary action.

I further permit Allen County and its insurance carriers to perform driving and criminal record checks as they relates to my operating a motor vehicle during the course of my employment.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

cc: Employee  
Personnel file

| **Original to Board of County Commissioners**

**TRAFFIC VIOLATION/ACCIDENT NOTICE**

I am hereby submitting a notice of a reportable event as per “**Employer Action After Reportable Event**” Section of the Allen County Motor Vehicle Policy.

Name of Employee: \_\_\_\_\_

Office/Department: \_\_\_\_\_

Date Violation Occurred: \_\_\_\_\_

Violation Occurred During Work Time: Yes \_\_\_\_\_ No \_\_\_\_\_

Court Date (If applicable): \_\_\_\_\_

Conviction Date: \_\_\_\_\_

Points Applied (If applicable): \_\_\_\_\_

Description of Violation/Accident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the violation/accident citation (if issued) must be attached.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Received by \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

cc: Allen County Commissioners' Office  
Personnel file