CITY OF FRISCO

ADMINISTRATIVE DIRECTIVES

SECTION: Safety **REFERENCE NUMBER:** 2.3.1

CATEGORY: Motor Vehicle Operator Standards **EFFECTIVE DATE:** 02/20/95

TOPIC: Employee Motor Vehicle/Equipment Operator Standards

APPROVED BY: Gary Purefoy **REVISION DATE:** 02-20-95

STATEMENT OF PURPOSE:

To establish a policy covering minimum standards for the qualification of employees and applicants to operate City Vehicles/Equipment. Furthermore, to minimize the risk of vehicle/equipment accidents by improving the quality of drivers by permitting only those persons with appropriate licenses and acceptable driving records to operate City vehicles/equipment.

PROCEDURES:

2.3.1.01 For those employees who drive during the course and scope of their employment, an audit of the employee's current driver's license, as well as the employee's driving record, will be performed **at least annually** by the Human Resources Department through the appropriate agency.

DEFINITIONS:

2.3.1.02 City Vehicles shall mean any owned, leased, and/or rented passenger car, pickup, truck, or other similar type vehicles as defined by the Texas Motor Vehicle Law.

.03 City/Motorized Equipment shall include, but not be limited to, backhoes, dozers, mower-tractors, loaders, graders, and other similar equipment.

.04 A habitual violator is a person who has four (4) moving violations within any consecutive twelve (12) month period; or seven (7) moving violations within a twenty-four (24) month period, (Texas Motor Vehicle Law, V.C.S. 6687b Sec. 22(b)(4), 1985).

.05 A moving violation for the purposes of this policy are the same as defined in the Texas Motor Vehicle Law (Examples: speeding, running stop sign or signal, failure to yield, etc.)

.06 A chargeable accident is any accident reported on a Motor Vehicle Record (MVR) unless specifically stated as "not at fault" or "no fault" in the report.

APPLICABILITY:

2.3.1.07 This directive shall apply to:

A. City employees driving City owned, leased, or rented vehicles and/or motorized equipment;

B. City employees receiving a monthly car allowance;

C. City employees receiving mileage reimbursement for use of the employee's personal vehicle while conducting City business; and

D. Applicants for positions which require the operation of City vehicles and/or equipment.

.08 City employees covered under this directive shall upon it's effective date be subject to these standards. All applicants, who are finalists for positions which require the operation of a City vehicle/equipment, or will be eligible for a car allowance or mileage reimbursement, shall have their Motor Vehicle Driving Record (MVR) audited prior to being hired.

GUIDELINES:

2.3.1.09 The City of Frisco shall require all employees driving City Vehicles/Equipment, or employees driving personal vehicles to conduct City business, to have the appropriate driver's license as required by the City and/or State of Texas.

.10 Failure to meet the qualifications/standards listed below shall be grounds for suspension of the employee's driving privileges and subject an employee to the provisions of this directive and Administrative Directive 1.10.1 (Disciplinary Policy).

.11 Employees who drive, or applicants who would be required to drive City Vehicles and/or operate covered Motorized Equipment, in the course of their employment shall be required to meet and uphold certain standards. The following minimum qualifications/standards shall constitute conditions of eligibility for driving/operating privileges:

A. The employee/applicant must hold and maintain a current valid Texas driver's license in the appropriate class for their position held, or applied for, before beginning work in the position requiring the license;

B. The employee/applicant must have attained the age of eighteen (18) years of age in order to be eligible to operate City vehicles and/or operate motorized equipment under this directive;

C. The employee/applicant must be physically qualified to hold a driver's license and to safely operate a motor vehicle and/or motorized equipment;

D. The employee/applicant must be insurable under the City's automobile insurance program as determined by the insurance underwriters;

E. The employee/applicant may not be a habitual violator of traffic laws as defined by the Texas Motor Vehicle Laws.

.12 In addition to the above criteria the City has established guidelines which shall be used to evaluate employee and applicant driving records. A Motor Vehicle Record (MVR) will be requested on all applicants, current City employees who are being considered for promotion or transfer, and at least on an annual basis on all employees required to drive/operate vehicles/equipment in the course and scope of their employment. Each employee/applicant must also meet the minimum driving criteria as outlined below:

EVALUATION CRITERIA - APPLICANTS:

.13 Applicants, for positions requiring the operation of City Vehicles/Equipment, **SHALL NOT** be eligible for hire if:

A. the applicant's driver's license is currently under suspension or revocation;

B. within the past three (3) years, the applicant has been arrested for or convicted of:

1. Driving Under the Influence, (DUI);
2. Driving While Intoxicated (DWI);
3. any other alcohol-related driving offense;
4. a "Hit and Run";
5. "Failure to stop, render aid, and disclose I.D. at the scene of an accident"; and/or
6. Negligent Manslaughter involving a motor vehicle accident.

C. the applicant's driving record contains any of the following that have occurred within the last two (2) years:

1. three (3) moving violations; or
2. two (2) moving violations **and** one (1) chargeable vehicle accident; or
3. two (2) chargeable vehicle accidents.

NOTE: All vehicle accidents listed on the driving record shall be considered "chargeable" unless otherwise stated on the record or unless the applicant can provide immediate evidence to show that the accident was non-chargeable.

EVALUATION CRITERIA - EMPLOYEES:

2.3.1.14 Employees in positions requiring them to drive City Vehicles/Eequipment **SHALL NOT** be eligible to operate such vehicles; and employees receiving a car allowance or mileage reimbursement **SHALL NOT** be eligible for such payments if :

A. the employee's license is suspended or revoked;

B. within the past three (3) years, the employee has been convicted of:

1. Driving Under the Influence, (DUI);
2. Driving While Intoxicated (DWI);
3. any other alcohol-related driving offense;
4. a "Hit and Run";
5. "Failure to stop, render aid, and disclose I.D. at the scene of an accident"; and/or
6. Negligent Manslaughter involving a motor vehicle accident.

Action under this section of the directive is predicated on evidence of **CONVICTION**. An employee who has been charged with an offense listed under this section, but who has not been convicted shall **not** be automatically disqualified from all driving and/or operating privileges.

EXCEPTION: Certain departments may immediately, upon arrest for and while awaiting the outcome of a charge under this section, remove an employee from driving privileges. Within these departments the employee will be placed on unpaid Administrative Leave until such time as the outcome of the charge has been determined. Departments wishing to utilize this provision must be able to justify the need to, and receive approval from, the City Manager.

Should the charge result in conviction, (even if probated), the affected employee shall be ineligible for driving/operating privileges and the provisions of section 1.3.6.17 of this directive shall apply.

C. the employee's record contains any of the following that have occurred within the last two (2) years:

1. three (3) moving violations; or
2. two (2) moving violations **and** one (1) chargeable vehicle accident; or
3. two (2) chargeable vehicle accidents.

D. the employee has, within the past twelve (12) months, been involved in three (3) City Vehicle accidents. Only preventable City Vehicle accidents in which personal injury occurs and/or the total incurred property damage exceeds **$500** as determined by the Department Director or his/her designee utilizing a police accident report, if available, will be counted toward the three.

NOTE: Some departments may utilize a review board, approved by the City Manager, for making "chargeable" determination.

.15 Employees who are in jobs requiring the driving/operating of City-owned/leased vehicles or who use a personal vehicle while conducting City business shall report:

A. any traffic convictions listed in section 1.3.6.14 of this directive and all accidents incurred off the job, to their supervisor within five (5) business days of the action or incident.

B. any traffic convictions listed in section 1.3.6.14 of this directive and all accidents incurred on the job, to their supervisor immediately.

.16 Failure to report traffic convictions and accidents, as outlined above, will be sufficient grounds for removal from driving and may subject the employee to action in accordance with Administrative Directive 1.10.1 (Disciplinary Policy).

POST ELIGIBILITY DETERMINATION GUIDELINES:

2.3.1.17 Employees who are required to operate City Vehicles/Equipment and are determined to be ineligible to drive due to their driving record shall be separated from employment.

NOTE: Employees who are terminated due to poor driving records may be eligible for re-hire into non-driving positions, or into driving positions after achieving an acceptable driving record.

.18 Should an employee who receives a car allowance or mileage reimbursement become ineligible for driving privileges, that employee shall have his/her car allowance or mileage reimbursement and any City automobile insurance coverage revoked until such time that the employee meets the minimum driving qualifications/standards outlined in this directive and is eligible for reinstatement of driving privileges.

.19 City employees who have been found to be ineligible for driving privileges under section 1.3.6.13 C. and D., **MAY** have their privileges reinstated under the following conditions:

A. This option must be approved in advance by the Department Director. The Director is not required to authorize this option simply based on the request. The Director will handle each employee on a case by case basis using the employee's overall driving, work performance and safety records as part of the decision making process.

B. The employee successfully completes a Defensive Driver Training Program approved by the City, and submits evidence of satisfactory completion of the program to the Department Director and the Human Resources Department. Furthermore, the employee will be required to participate in the approved Defensive Driver Training Program on his/her own time and not during the employee's regularly scheduled work hours.

C. An employee who has been ruled ineligible for driving privileges may use the defensive driving course option only **once every three (3) years** in order to have his/her eligibility status reinstated.

D. Other than the defensive driver course option, an employee who has been ruled ineligible for driving privileges shall remain ineligible for driving privileges until his/her driving record meets City driving qualifications/standards.

AUDIT OF EMPLOYEE DRIVING RECORDS:

2.3.1.20 For employees who are authorized to operate City Vehicles/Equipment, employees who receive mileage reimbursement for using a personal vehicle while conducting City business, and employees receiving a car allowance, an audit of each employee's MVR will be performed by the Human Resources Department at least

once each year. The following procedures will apply:

A. The Department Director shall submit to the Human Resources Department a list of all department personnel who have driving responsibilities or who are eligible for a car allowance or mileage reimbursement. This list shall include the employee's name, date of birth, and current driver's license number. Human Resources will obtain a three (3) year Motor Vehicle Record (MVR) on each employee listed.

B. Employee MVR's shall be reviewed by the Human Resources Department, the underwriters for the City's insurance policy and the Department Director.

C. Upon review of the MVR, in those instances when the employee's driving record does not comply with established City criteria, the Department Director shall meet with the employee to discuss the results of the MVR and to take the appropriate action in accordance with the provisions of this directive and/or Administrative Directive 1.10.1 (Disciplinary Policy).

D. Review of the driving record/history shall mean management review of the Texas Motor Vehicle Driving Record and **all** violations listed thereon; and, a review of **all** vehicle accidents involving City vehicles/equipment, experienced during the review period.

.21 Out of state records, if available, will be obtained for applicants and employees if the individual has had a valid Texas driver's license for a period of less than three (3) years.

EXCEPTIONS/GRAND FATHER CLAUSE:

2.3.1.22 For those employees hired before the effective date of this policy; and those that have previously been arrested for violations that could, if convicted, make them ineligible; and those who have been convicted for violations which will make them ineligible to drive under the provisions of this policy the following criteria will be used in determining exemption/grand fathering:

A. Employees found to be ineligible due to section 2.3.1.14 C. (Driving Record) and D. (Accidents) shall be grand fathered. However, any additional violations, after the effective date of this policy, shall be considered under the normal provisions of this policy.

B. Employees found to be ineligible due to section 2.3.1.14 A. (Suspended License) and B. (DWI) shall be immediately removed from driving privileges and the following guidelines shall be used:

1. Assigned non-driving responsibilities within the employee's respective department, if a position is available and the assignment does not cause an undue burden on the department (the number of reassignments will be restricted and must be approved by the City Manager).

   Each employee will be handled on a case by case basis using the employee's overall driving, work performance and safety records as part of the decision making process;

   An employee assigned to a non-driving position will receive compensation for work performed based on the classification of the position to which they have been re-assigned.

- OR -

2. Be separated from employment, if the above alternative can not be achieved within **thirty (30) days from the date the employee was determined ineligible for driving privileges**.

C. Employees previously identified, before the effective date of this policy, as being ineligible and are currently under an approved alternative work program will be allowed to complete that program. However, any additional violations, after the effective date of this policy, shall be considered under the normal provisions of this policy.