

“EXHIBIT C”

POLICY CONTROLLING ACCESS TO AND USE OF
COUNTY VEHICLES AND EQUIPMENT



VEHICLE AND EQUIPMENT USE POLICY

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VEHICLE AND EQUIPMENT USE POLICY

I. PURPOSE

- A. This document sets forth policy regarding the use, assignment, and care of county vehicles and motorized equipment.
- B. This document establishes and defines the methods and qualifying criteria used by the county to meet business transportation needs of elected officials, employees and volunteers.

II. DEFINITIONS

As used in this policy, unless the context requires otherwise.

Appointing Authority - A Cochise County elected official, administrator, or department head.

Assigned Vehicle - A County vehicle that Fleet Services assigns to an employee or to a department for facilitation of county business.

Business Travel - Business travel refers to the actual miles driven while conducting county business, minus commute miles.

Commute Miles - Commute miles refers to the round-trip distance from an employee's residence to his or her regular place of work.

County Vehicle - A vehicle or piece of equipment that is owned, rented, or leased by the county or used by the county through an interagency cooperative agreement.

Employees - All regular (full and part-time) and temporary paid County personnel, including both classified and unclassified staff as well as appointing authorities.

Incident - Any event in which a County vehicle is damaged or strikes, bumps, or otherwise contacts another vehicle, object, or person during operation.

Regular Place of Work - The location to which a person is assigned and normally works.

Personal Vehicle - A vehicle, other than a county vehicle, used on county business that is provided by an employee, elected official, contractor or a volunteer.

Pool Vehicle - A county vehicle that Fleet Services provides departments to facilitate temporary travel.

Unacceptable Driving Record - Any of the following:

1. Within the last three years, conviction arising from one or more of the following offenses:

- Driving while under the influence of intoxicants, ARS 28-1381; 28-1382; or, 28-1383.
- Failure to perform duties of driver when personal injury occurs or property is damaged, ARS 28-661; or, 28-662
- Reckless driving, ARS 28-693
- Aggressive driving, ARS 28-695
- Unlawful flight from pursuing law enforcement vehicle, ARS 28-622.01
- Driving with a suspended, revoked or cancelled driver's license, ARS 28-3473.

2. Within the last 12 months, admission of guilt, finding of responsibility or conviction of three or more traffic violations, civil or criminal.

3. Within the last 12 months, three at-fault driving incidents in county vehicles, misuse of a county vehicle, or commission of a criminal offense in a county vehicle.

The provisions of subsections 1 and 2 of this section shall not apply to convictions or citations received by current employees prior to ~~February 1, 2017~~ July 1, 2016.

Volunteer -- An individual serving at the county's behalf without compensation.

III. POLICY

A. It is the policy of Cochise County to provide for safe, reliable and economical business transportation for employees, volunteers, and elected officials through procedures that support the following policy direction.

1. Transportation requirements shall be met by using the most economical, safe and reliable methods available.
2. The county fleet shall be operated in a manner that minimizes the number of vehicles and equipment required to effectively meet business transportation needs.
3. The county fleet shall be maintained in a mechanically sound condition and operated in a safe and legal manner.
4. Operators of county vehicles and equipment shall be properly trained and licensed. The extent of the training provided will vary with the operator's experience and the complexity of the vehicle or equipment assigned.
5. Appropriate economic criteria and operational needs shall be evaluated when making vehicle and equipment purchase and disposal decisions.
6. The full cost of all county vehicles and equipment will be identified and allocated

to county departments and offices by Fleet Services.

- B. County vehicles are the preferred choice for business transportation. If the use of a county vehicle (Department assigned or Pool vehicles) is not practicable and/or available, Private Mileage Reimbursement (PMR) may be used.
- C. Fleet Services will assign vehicles and ~~maintain and review vehicle assignment records criteria and requests for classification~~ in order to serve the interests of the County and meet the business transportation needs of employees and volunteers.
- D. Fleet Services will monitor utilization rates, estimated vehicle costs (EVC), ~~and assignment criteria~~ and recommend modifications as necessary.
- E. County Administration ~~Fleet Services~~ will develop procedures required to execute this policy. County departments and offices are responsible for distributing and applying these policies and procedures, as appropriate.
- F. Personal use of county vehicles, except as expressly allowed herein, is prohibited (See also, Cochise County Travel Policy, Section VI. Transportation, C. County Vehicles).
 - 1. While on authorized travel status, an employee may use a County vehicle to obtain meals and for incidental personal use within a reasonable distance of the official business or place of temporary lodging
 - 2. While traveling within Cochise County, a personal stop for meals or other necessities is permissible only when the following conditions are met:
 - a. It occurs between business destinations or from and to the duty site.
 - b. It adds limited incidental mileage to the vehicle.
- G. County vehicles shall have county logos and numbers applied in a standard format by Fleet Services. Removing these identifiers and/or applying nonconforming stickers, decals and logos is prohibited. Any exceptions require written approval of the Fleet Services Director, Internal Services Administrator or the County Administrator.
- H. Elected Officials, employees and volunteers planning to use a county vehicle for out of state travel shall consult with and receive written permission from the County Administrator or his/her designee prior to traveling. The following additional conditions apply:
 - 1. Travel into the Republic of Mexico requires approval from the Risk Management Division prior to travel and notice upon return.
 - 2. Travel into New Mexico while in route between two in-county sites does not require specific written authorization.
- I. The County Administrator shall have final authority for administering, interpreting, and applying the terms of this policy.

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IV. VEHICLE USE AND ASSIGNMENT

A. Department-Assigned Vehicles or Pool Vehicles

1. Consistent with this policy, authorization for the use of vehicles that are assigned to departments shall be provided by the appointing authority or his/her designee, for employees and volunteers within that Department.
2. Fleet Services shall maintain a pool of vehicles which are available for intermittent use or short-term (less than seven (7) days) assignment to a department or individual. The Department's appointing authority must authorize the use of pool vehicles. Persons using pool vehicles shall complete the required forms for each use of a vehicle.
3. Pool vehicles may be assigned for temporary work-to-home use in situations where the vehicle operator is reporting to a temporary work site and such accommodation provides a definable benefit to the county and is compliant with IRS regulations for non-taxable assignments.
4. The County Administrator and department directors may temporarily assign an available county vehicle (work-to-home use) during a disaster, inclement weather or other such circumstance for which the employee or volunteer may need to respond during regular business and/or after hours to work related situations. All other provisions of the Vehicle and Equipment Use policy are applicable.

B. Individual Assignment of a County Vehicle.

1. At the request of an appointing authority, Fleet Services may assign a County vehicle to an individual for full-time work use when it is clearly demonstrated that a more efficient use of County resources will result from permanent individual assignment, or when it is an operational requirement of the requesting Department.
2. Under the following circumstances, individuals assigned a county vehicle may be granted additional authorization for work-to-home use:
 - a. Individual Assignment with Work-To-Home Use - Not Taxable.
 - i. Vehicles assigned for use by sworn law enforcement officers may be granted work-to-home privileges by the appointing authority.
 - ii. Employees reporting to a temporary work site may be granted work-to-home county vehicle use privileges upon request of the appointing authority and approval of the county administrator.

- iii. In all circumstances, requests for non-taxable work-to-home use shall be evaluated based on the definable benefit of such assignment to the county and compliance with IRS regulations for non-taxable assignments.
- iv. The county administrator has the authority to revoke non-taxable work-to-home privileges when there no longer exists a definable benefit to the county.
- b. Individual Assignment with Work-To-Home Use - Taxable.
 - i. Positions requiring 24-hour response and/or travel to multiple work sites may be authorized for work-to-home use of county vehicles upon request of the appointing authority and approval of the county administrator.
 - ii. Requests for work-to-home use will be evaluated based on the definable benefit of such assignment to the County and compliance with IRS regulations for taxable benefits.
 - iii. Employees assigned vehicles with taxable work-to-home use shall submit quarterly vehicle use reports to the finance department. Each day of work-to-home use shall be documented and the corresponding value of use will be reported annually to the IRS as income.

C. Personal Vehicle.

1. The use of a personal vehicle to conduct official county business requires advance approval of the appointing authority. “approved driver” status (see Section VI. F) and shall be reimbursed by the County pursuant to the Cochise County Travel Policy, Section VI. Transportation, A. Privately-Owned Vehicle.
2. Mileage Reimbursement as provided for in the Travel Policy is considered full payment (including depreciation, insurance, maintenance, fuel and other operating costs) for personal vehicle use in lieu of a county vehicle.
3. A Personal Vehicle Allowance (PVA) may be offered to senior county management as part of a base benefit plan.
 - a. Changes to the Personal Vehicle Allowance (PVA) amount may be approved by the County Administrator with notice and appropriate justification provided to the Board of Supervisors thirty (30) days prior to the effective date.
 - b. PVA payments are subject to Federal Income Tax and shall be reported by the County to IRS on Form W-2 as taxable income.
 - c. Recipients of PVA shall be restricted from using a county vehicle except as approved by the County Administrator and reimbursed by the employee.

d. PVA shall be considered full payment (including depreciation, insurance, maintenance, fuel and other operating costs) for personal vehicle use in lieu of a county vehicle.

4. Elected Officials, employees and volunteers who receive a reimbursement and/or allowance for private vehicle use are advised to discuss tax issues with their individual tax consultants.

V. INSURANCE

- A. Drivers using a personal vehicle for county business shall carry adequate personal vehicle liability insurance as required under Arizona law and shall submit insurance documentation to the Human Resources Department.
- B. Drivers using a personal vehicle for county business shall immediately notify the Human Resources Department of any change in insurance that affects compliance with this policy.

VI. OPERATOR LICENSING

- A. All persons operating a vehicle on county business shall possess a license valid to drive in Arizona and shall maintain an acceptable driving record.
- B. Operators of vehicles or equipment requiring a special class license and/or endorsement, shall possess the same prior to operating such vehicles or equipment, or shall be in possession of an Arizona CDL instruction permit and under appropriate supervision.
- C. Employees and volunteers who operate any vehicle for county business are responsible for notifying their immediate supervisor of any restrictions, limitations, or other change in their driving status. Notification is required immediately upon the earlier of the occurrence of an event causing the restriction, the imposition of a limitation or change in driving status or the receipt of notification thereof. Failure to do so may result in a disciplinary action for the employee or dismissal of the volunteer.
- D. Elected officials operating a vehicle on county business shall possess a license valid to drive in Arizona and immediately notify the County Administrator of a suspension, revocation, or cancellation of their license.
- E. Applicants for positions in job classifications that require a license valid to drive in Arizona will be required to provide their driver's license number to Human Resources for use in verifying the validity of their license and the acceptability of their driving record. An applicant for a position in a job classification that requires a license valid to drive in Arizona found to have an invalid license or unacceptable driving record shall be removed from further consideration for employment with the county.

- F. Employees in job classifications where driving is not required, but may be an incidental part of the job, may choose whether or not to provide their driver's license number to the County. If the employee chooses not to provide a driver's license number, does not have a license valid to drive in Arizona, or provides a driver's license number and is found to have an invalid license or unacceptable driving record, the employee will be designated a "non-driver" and may not drive any vehicle for any reason on County business. Notice of "non-driver" status will be given to the employee and to the appointing authority.
- G. Employees in job classifications where a license valid to drive in Arizona is required or who choose to voluntarily provide their driver's license number under subsection (F) will have their driving records verified through the Arizona Department of Motor Vehicles (DMV). The Human Resources Department, Risk Management Division will notify the employee's supervisor in the event that:
 - 1. An employee's driving record is unacceptable;
 - 2. An employee's driver's license has been or is scheduled to be suspended, revoked or cancelled by DMV.
- H. Suspension, revocation or cancellation of an employee's driver's license when a driver's license is required for the employee's job classification or when the employee operates any vehicle as an incidental part of their job duties, may subject the employee to disciplinary action up to and including termination.

VII. SAFETY

- A. Prior to being assigned to operate county vehicles and/or equipment, employees and volunteers shall receive proper training/instructions from their department. The extent of the training provided will vary with the operator's experience and the complexity of the vehicle or equipment assigned.
- B. Operators of and passengers in any vehicle and/or equipment operated on county business shall wear seat belts.
- C. Operators of county vehicles and equipment shall exercise all reasonable caution and care while operating county vehicles and equipment.
- D. Operators of county vehicles shall not use a cellular device, tablet, or mobile data computer in any capacity (to include talking, texting, or dialing) while operating a county vehicle in traffic, except when the vehicle is equipped with factory or fleet installed hands-free equipment.
- E. While fueling vehicles, operators and passengers shall not smoke or use cellular devices.
- F. Illegal Drugs: No person shall operate any vehicle or equipment on county business while under the influence of, or in possession of, any illegal drug, except for the

transportation of such drugs that have been confiscated as evidence.

- G. Alcoholic Beverages: No person shall operate any vehicle or equipment on county business within four (4) hours of having consumed an alcoholic beverage or while legally under the influence of alcohol. County vehicles shall not be used to transport alcoholic beverages under any circumstances, except for the transportation of such beverages that have been confiscated as evidence, or used in intoxication detection training conducted by law enforcement personnel.
- H. Prescription and Over-the-counter Drugs: No person shall operate any vehicle or equipment on county business if taking any medications that may impair or impact his or her ability to operate a vehicle safely. Employees and volunteers taking medications that may impact or impair their ability to safely operate a vehicle and/or equipment shall immediately notify their manager and/or supervisor.

VIII. VEHICLE OPERATIONS

- A. Operators of county vehicles and equipment shall obey the traffic laws, operator licensing requirements, vehicle dimension and weight limits and vehicle equipment requirements of the Arizona Revised Statutes, Title 28, Transportation.
- B. Employees operating county vehicles and equipment shall report every instance of contact with a law enforcement official, excluding routine Border Patrol checkpoint contact, to their immediate supervisor no later than the next business day. Contact may include, but is not limited to, verbal warnings regarding traffic law violations, written warnings, and questioning during the course of investigation.
- C. Smoking is prohibited in all county vehicles and equipment at all times.
- D. Passengers and Animals:
 - 1. Passengers in any county vehicle are permitted only when their presence serves an official county business function.
 - a. Spouses may accompany employees on official County business in a County-owned vehicle only with the approval of the appointing authority (see also Pursuant to Cochise County Travel Policy, Section VI. Transportation, C. 4.).
 - 2. Transportation of animals is prohibited except for the following:
 - a. Live animals are permitted to be transported in Sheriff's Office vehicles as necessary during the conduct of official police business.
 - b. Animals are permitted to be transported in Animal Control vehicles in the specialized containment structures designed to transport such animals.
 - c. Deceased animals may be transported in trucks and trailers for disposal purposes if done in a manner consistent with the county's established standards for such

activity.

- E. Vehicle and equipment operators are responsible for reporting mechanical problems to department supervisors. County departments and offices are responsible for reporting any and all vehicle and equipment mechanical problems to Fleet Services as soon as possible. Vehicle operators are also responsible for returning assigned vehicles to Fleet Services when scheduled service is due.
- F. Vehicle operators shall be responsible for fueling vehicles at approved locations. G. County vehicle and equipment operators shall be responsible for checking oil and water levels, tire pressure and condition while fueling, or not less than once per month. Alternatively, operators may bring their vehicles to Fleet Services during business hours to have these basic safety and maintenance checks performed monthly.
- H. Operators shall maintain the cleanliness of county vehicles and equipment. Fleet Services provides vehicle cleaning Monday through Thursday between the hours of 8 a.m. and 2 p.m.
- I. Any modification to county vehicles must be pre-approved and completed by Fleet Services.
- J. Parking fees associated with county business are reimbursable upon receipt of proper documentation. Parking tickets are the responsibility of the driver receiving the ticket and should be resolved in a timely manner.
- K. Only county vehicles designated for towing shall be used for such a purpose and at no time shall a county vehicle be used to tow personal property, nor shall a personal vehicle be used to tow county property.
- L. Citations:
 - 1. Any employee or volunteer acting on county business, whether or not operating a county vehicle, who receives a traffic citation, shall immediately advise his or her supervisor and provide a copy of the citation no later than the next business day.
 - 2. Any employee acting on county business, whether or not operating a county vehicle, who is cited and convicted of any traffic violation may be disciplined in accordance with Cochise County Merit System Rules. In cases where driving is a job requirement, this may result in an inability to perform assigned work if it causes the employee to have an unacceptable driving record.
 - 3. All costs associated with any citation are the exclusive responsibility of the vehicle operator.
- M. Incidents:
 - 1. County vehicle operators involved in any vehicle incident, regardless of severity

shall:

- a. Follow the on-scene procedures detailed on the incident response instructions located in the vehicle's glove compartment
 - b. Submit a Vehicle/Equipment Incident Damage/Loss Report to the appointing authority by 5pm on the next business day.
2. Managers and/or appointing authorities advised of a vehicle incident shall:
- a. Electronically submit the completed Vehicle/Equipment Incident Report, including the Appointing Authority's comments, to Fleet Management within two business days.
 - b. Confer with Fleet Services and Risk Management to determine what other information is needed and what the next steps should be in the evaluation and assessment.
3. Any employee involved in a motor vehicle incident, regardless of the nature or severity, while on county business may be subject to disciplinary action. Incidents shall be investigated by the employee's department and findings submitted to Risk Management, Fleet Services and the County Administrator for review.
4. Making false statements on vehicle incident reports is strictly prohibited and could result in disciplinary or legal action.

IX. CORRECTIVE ACTION

- A. Corrective action for an employee's violation of this policy is the responsibility of the employee's immediate supervisor and appointing authority.
1. Disciplinary action up to and including termination may be imposed for violations of this policy in a manner consistent with applicable Cochise County Merit System Rules.
 2. Operating a County vehicle is a privilege which may be suspended by the appointing authority. Reasons for suspending the privilege of operating a County vehicle include:
 - a. Failure to comply with the requirements of this policy.
 - b. Commission of any criminal traffic offense with a county vehicle.
 - c. Commission of multiple civil or criminal traffic violations, whether within a county vehicle or a Privately Owned Vehicle.

d. Causing physical injury to any person while operating a vehicle/equipment for County business.

e. To protect the interests of the County.

3. The appointing authority must immediately suspend an employee's driving privilege for a violation of Section VI, Operator Licensing; the finding of an unacceptable driving record; and during the period of investigation of an incident involving physical injury to any person. The driving privilege may not be reinstated without written authorization from the County Administrator.

B. Notwithstanding discipline imposed by an appointing authority, the County Administrator may suspend or revoke an employee's authorization to operate a County vehicle based upon the recommendation of the Incident Risk Review Board.

1. The Incident Risk Review Board (IRRB) shall:

- a. Meet quarterly to review vehicle incident reports and statistics
- b. Make recommendations regarding changes in workplace practices, equipment, training, etc., in order to prevent incident recurrence.
- c. Review operating procedures, safety practices and procedures at various work sites where County vehicles are deployed, in order to identify positive interventions, training opportunities and safety protocols to reduce the number and severity of incidents.
- d. Convene for special meetings if requested by an Appointing Authority, IRRB Committee Member, or the County Administrator to review or assist in the evaluation and assessment of a specific incident.
- e. Review the response to incidents (as determined by the Appointing Authorities) on at least a quarterly basis, for the purpose of ensuring consistent application of this policy and to make written recommendations to the County Administrator regarding additional action which may be necessary to protect the interests of the County.

2. The IRRB shall be composed of:

- a. Deputy County Administrator and/or Internal Services Administrator
- b. Fleet Services Director
- c. Risk Manager
- d. A representative from each of the following departments: County Sheriff, Highway & Floodplain, Solid Waste, and the Courts

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e. Additional county employees appointed by the Board of Supervisors

3. The Deputy County Administrator and/or Internal Services Administrator may request additional representatives join the IRRB for a specific meeting to ensure the IRRB has adequate expertise. In addition, the IRRB may request assistance from an external expert (for example an insurance investigator or representative from Arizona County Insurance Pool).

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