

HIDALGO COUNTY, TEXAS PERSONNEL POLICY MANUAL	Procedure:	EPQLP.1
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	Date Authorized:	
	Supersedes:	N/A

DRIVER’S STANDARD POLICY

1. PURPOSE

The purpose of this policy is to ensure compliance of those individuals who drive County vehicles. It is the driver's responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. As such, Hidalgo County endorses all applicable state motor vehicle regulations relating to the driver’s responsibility. Hidalgo County expects each driver to drive in a safe and courteous manner pursuant to the following safety rules.

2. DEFINITIONS

- A. **Agreement** – Memorandum of Understanding and/or an Inter Local agreement between the County of Hidalgo, Texas and another Governmental Entity (i.e.: School District, City, County, State and or Federal Agency)

- B. **At-Fault Fleet Incident(s)** – Incident and/or Motor Vehicle Crash resulting in damage to County / District Vehicle and / or Equipment in which the County / District driver was the sole cause of an incident. Incident and/or a Motor Vehicle Crash in which the driver had a contributing factor that caused the incident, as determined by a Police Crash Report. In the absence of a Police Crash Report, the sole cause and contributing factor(s) will be determined by all available data.

- C. **At-Fault Fleet Incident(s) Emergency Response** – Applicable to the operation of a Motor Vehicle designated by the County as an Emergency Response Vehicle (i.e. Police, Fire, Ambulance, Emergency Management, etc.), and that at the time of the Incident, the employee was in course and scope while operating the Motor Vehicle in accordance with all applicable Federal, State, Local Laws and Policy and Procedures of the County. The incident and/or Motor Vehicle Crash resulting in damage to County Vehicle and / or Equipment in which the driver was the main contributing factor that caused the incident, as determined by a Police Crash Report. In the absence of a Police Crash Report; sole cause and contributing

factor(s) will be determined by The Elected Official and or Department Head and or their designate of the Office/Department taking all applicable Laws and Policies into consideration before making their the determination and documenting and filing the results of their investigation.

- D. **Authorized Driver** – An employee who in addition to the State of Texas driving requirements has met all of the Hidalgo County / District driver rules, requirements, and background checks.
- E. **County** – County means Hidalgo County, Texas, as organized and existing under the constitution and laws of the State of Texas. (Adopted May 10, 1995) (The County of Hidalgo, Texas, Civil Service Commission Rules Manual section 2.11 and the Hidalgo County Personnel Policy Manual section 4.14)
- F. **C.D.L.** – CDL means Commercial Driver’s License. The County requires certain employees to maintain a CDL... The DOT regulations (49 CFR parts 40 and 382) require the County to have special, mandatory controlled substance and alcohol testing policy for these employees. All applicable drug and testing procedures shall meet DOT regulations. A copy of the DOT regulations shall be available for inspection and copying in the Human Resources Department. (Hidalgo County Personnel Policy Manual section 4.06)
- G. **D** – Death of an individual person’s corporal life.
- H. **Department Head** – Department Head means an individual appointed as a supervisor of a department by one of the following: the Governing Authority, County Judge; a designated representative of the Governing Authority, or an Elected Official. (Amended June 12, 2002) (The County of Hidalgo, Texas, Civil Service Commission Rules Manual section 2.14 and Hidalgo County Personnel Policy Manual section 4.17)
- I. **District** – District means the Hidalgo County Drainage District No. 1. (Adopted June 12, 2002) (The County of Hidalgo, Texas, Civil Service Commission Rules Manual section 2.14A)
- J. **D.O.T.** – The Department of Transportation
- K. **Driver** – A person who is licensed by the State of Texas to operate a motor vehicle on Texas roadways
- L. **Elected Official** – Elected Official means an individual elected to a position created by the constitution or by statute. The term of an Elected Official is limited by the constitution. (Adopted May 10, 1995) (The County of Hidalgo, Texas, Civil Service

Commission Rules Manual section 2.16 and the Hidalgo County Personnel Policy Manual section 4.19)

- M. **Employee** – Employee of the County of Hidalgo, Texas as defined in 2.18 of The County of Hidalgo, Texas Civil Service Commission Rules including revisions through June 26, 2003 and or as defined in 4.20 of The County of Hidalgo, Texas Hidalgo County Personnel Manual Revised January 3, 2006
- N. **FI** – Fleet Incident involving a Motor Vehicle
- O. **Major** – Property damages equal to or more than \$10,000.00
- P. **Minor** – Property damages of less than \$9,999.99
- Q. **Motor Vehicle** – *(as defined by the Texas Transportation Code 541.201)* means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires.
- R. **No-Fault Fleet Incident(s)** - Incident and/or Motor Vehicle Crash in which the County / District Driver did not have a contributing factor in the cause of the incident as determined by a Police Crash Report. In the absence of a Police Crash Report, the sole cause and contributing factor(s) will be determined by all available data.

3. GUIDELINES

- A. **Driver Eligibility:** County employees that have a Valid Operators and or CDL Driver's License issued by the State of Texas will be considered as authorized drivers and are required to operate a motor vehicle in course and scope of their duties.

Persons employed by another agency, political subdivision, vendor, contractor, or private company that are working with the County/District through an approved Agreement or contract may be designated as authorized drivers. These persons must have a Valid Operators and/or CDL Driver's License issued by the State of Texas, A State of the United States, or member of a Tribal Territory and or a Member of the United States Military Forces. The Elected Official/Department Head where this person is assigned must submit a request for driver's authorization as outlined in this section.

- B. **Maintaining Driver Eligibility:** Elected Officials/Department Heads must submit to the Safety Division the name of the employee to be considered for authorized driver status. The Safety Division will request from the Texas Department of Public

Safety a current driver's license status of the employee. Only those employees that receive a clear driver's license status will be allowed to be authorized drivers.

An annual driver's status check will be conducted on all:

- Authorized drivers
- Employees receiving vehicle use allowance.
- Employees that receive travel reimbursement for work conducted in course and scope.
- Employees are required to maintain a valid driver's license through their job description.

The status checks for CDL drivers will be conducted bi-annually. Those employees that do not receive a clear status will be removed as an authorized driver. Upon notification, the employee will not be allowed to operate a County owned, rented, or leased vehicle and or operate a vehicle on County owned, rented, or leased property. Failure to maintain a driver's license as part of the employee's job description is in violation of the County of Hidalgo Civil Service Commission Rules, section 5.17 Employee Standards of Conduct; as it pertains to 5.18 Examples of Prohibited Conduct (hh) and the Hidalgo County Personnel Policy Manual section 9.44 Standards of Conduct; as it pertains to 9.45 Examples of Prohibited Conduct (hh). Failure to comply with this standard may result in disciplinary action up to and including termination of employment.

Any employee who has a driver's license revoked, suspended or expired shall immediately notify their Elected Official/Department Head. The employee will be removed as an authorized driver. Upon notification, the employee will not be allowed to operate a County owned, rented, or leased vehicle and or operate a vehicle on County owned, rented, or leased property. Failure to comply may result in disciplinary action up to and including termination of employment.

Employees that are required to have a driver's license by position and job description will maintain a current valid driver's license. Failure to do so may result in the Employee's authorization revoked.

C. Departments:

1. Employees will be served notice by the Safety Division that they have ten (10) working days to correct their licensing issue and produce information from the State of Texas that the issue has been remedied and their status is clear.
2. The employee will be reinstated as an authorized driver when the Safety Division receives information and or documentation from the employee that his/her driver's status is clear.
3. Failure of the employee to remedy the issue and not address the status successfully; may result in a termination of employment.

4. If a Department Head wishes to retain an employee who fails to and / or can no longer maintain a Valid Driver's License; will submit a written request to the Executive Officer of the County within the ten working day notice served on the Employee. The Department Head must outline the benefit of retaining the employee and how the Employee's duties as it relates to operating a vehicle will be addressed. The Executive Officer will make the determination whether to approve the request or not.

D. Elected Offices

1. The Safety Division will serve notice to the Elected Office on the employee's license status. Elected Officials will make the decision to either serve notice to the employee or to have the Safety Division serve the employee notice that they have ten (10) working days to correct their licensing issue and produce information from the State of Texas that the issue has been remedied and their status is clear and/or
2. The employee will be reinstated as an authorized driver when the Safety Division receives information and or documentation from the Employee that his/her driver's status is clear.
3. If the employee fails to remedy issue and not address the status successfully, may result in a termination of employment or
4. Elected Officials may choose to retain an employee that has had their authorized status revoked by accommodating the employee by modifying their duties so that there is no longer a necessity for the employee to be considered an authorized driver. A written notice to Human Resources should be submitted along with copies to the Safety Division and the Executive Office indicating that accommodations will be made and the employee's duties will no longer include the operation of a County owned, leased or rented vehicle.

Note: It should be noted that if a Department/Elected Office seeks to accommodate an employee, he/she must apply this practice in dealing with ALL employees that had their drivers authorization revoked.

E. Driving While Intoxicated Charges

1. When an employee is arrested for Driving While Intoxicated, their driver's license can be suspended (Texas Transportation Code Title 7, Subtitle B, Chapter 524). A peace officer may serve notice of driver's license suspension at the time of arrest, and/or notice may be served by the Texas Department of Public Safety. An employee that was arrested for Driving While Intoxicated and/or was served notice of the suspension of driver's license, must report the incident to their

Elected Official/Department Head no later than five (5) days after the arrest (Hidalgo County Drug and Alcohol Policy 4, B, v).

2. The Elected Official/Department Head or their designee shall notify the Safety Division the day they receive notification.
3. The Safety Division upon notification will send notice immediately to the employee that they are no longer an eligible driver (as outlined in Section II and Section III of the Drivers Standards Policy). The employee must submit a copy of the Driver's License Suspension notification issued by either the arresting officer and or the Texas Department of Public Safety.
4. No employee will be considered for Driver Eligibility Status until such time the employee produces proof from the Texas Department of Public Safety that:
 - Their Driver License has not been suspended or;
 - Their Driver License suspension has been rescinded;
 - Their Driver License is no longer suspended meeting all requirements for reinstatement, or
 - Within Forty days from the date of arrest and notice of suspension, the Employee petitioned for and received a Texas Occupational Driver License. *(It should be noted that if the Employee is a licensed CDL license holder, the Employee is subject to additional compliance requirements outlined in the Texas Transportation Code Title 7; Subtitle B; Chapter 522; Subchapter H and may not qualify for an occupational license as a CDL driver.)*
5. An employee that receives an occupational license should be monitored by corresponding supervisors for compliance with the provisions of the license and upon its expiration the employee will be required to either provide information/evidence that the occupational license has been extended/renewed or that their driver's license status has been cleared and their license is valid.
6. Elected Official/Department Head should take action applicable to and in accordance with the "Maintaining Driver Eligibility" section of this policy when the employee cannot produce information/evidence that their license status is valid and or received an occupational license and or extension of said license.

Note: Department/Elected Office that seeks to accommodate an employee, must apply Section III F to ALL employees that had their drivers authorization suspended and/or revoked.

F. Driver Rules

1. County/District vehicles shall be driven by authorized personnel only. In the case of repairs by an outsourced vendor, a mechanic may operate the County/District vehicle to conduct testing.
 - A. All FI, regardless of severity, should be reported to the police, the employee's Elected Official/Department Head or their designee and the Hidalgo County Safety Division.
 - B. Failing to stop after a FI and/or failure to report a FI may result in Criminal Charges by the investigating Police Agency and/or disciplinary action up to and including termination of employment.
2. County drivers must immediately report all summonses and written warnings, received for moving violations during the operation of a County/District vehicle to their Elected Official/Department Head.
3. All County drivers that are CDL holders must comply with all applicable D.O.T. regulations, including successful completion of medical evaluations.
4. The use of a County/District vehicle while under the influence of intoxicants and other drugs is forbidden and is sufficient cause for discipline up to and including termination of employment.
5. County drivers are responsible for the security of County/District vehicles assigned to them.
6. All federal, state laws, and local laws, and or regulations governing the operation of a motor vehicle, and or driver's licenses must be obeyed.
7. Texting while driving is prohibited in a County vehicle. If an employee needs to read or respond to a text message while operating a County/District vehicle, the employee shall find a safe place to park before engaging in the Text. Failure to comply may result in disciplinary action up to and including termination of employment.

G. Fleet Incidents

In an effort to protect employees, reduce loss, and safeguard the public interests, the County of Hidalgo, Texas shall implement a Driver Point Assessment System (Attachment A). Points may be assessed on all County employees when in course and scope of their employment while operating a motor vehicle they are involved in a FI after it is determined if their action constituted an At-Fault or No-Fault Fleet Incident.

Points will be assessed for At-Fault Vehicle Incident only. An At-Fault Vehicle Incident will be rated based on the severity of damage and occupancy of vehicle(s) involved. Employees that accumulate points shall also have the ability to have points deducted from their record, for each year of an At-Fault Vehicle Incident free driving following their last recorded crash. This however, would not apply to employees that have been assessed five (5) points or greater.

Once an employee has reached the maximum limit allowed, then that employee will not be eligible to receive authorized driver status for five (5) years from the date of the last recorded incident.

In addition to the Driver Point Assessment System, all employees will be required to attend a Drivers Safety Training with the Safety Division within 60 days of their first recorded crash.

If within a 1 year period a driver has 3 or more At-Fault Fleet Incident(s) (regardless of the total points assessed), they will no longer be eligible to operate county owned, rented or leased vehicles or operate a personal vehicle while conducting county business for a period of eighteen (18) months.

For each year without any "Fleet Incident", the point total will be decreased by 1 point (down to the minimum of 0 points).

Attachment A outlines the Hidalgo County Driver Point Assessment System, and how the points will be assessed. Employees that accumulate a total of five (5) points or greater will have their authorized status revoked.

- A) Any Employee who has their drivers status revoked will be removed as an Authorized Driver. Upon notification of their status of being revoked, the employee will not be allowed to operate a County owned, rented, or leased vehicle and or operate a vehicle while in course and scope of duty as a County employee on any public or private roadway, public or private property, and any County owned, rented, or leased property. Failure to comply may result in disciplinary action up to and including termination of employment.

1. Departments

An employee that has accumulated the maximum point total allowed shall have his/her employment terminated with the County of Hidalgo, Texas. If a Department Head wishes to retain an employee that has had their authorized status revoked due to point accumulation and as a result faces termination of employment, must submit a written request to the Executive Officer of the County outlining the benefit of retaining the employee and how the employee's duties as it relates to operating a

vehicle will be addressed. The Executive Officer will make the determination whether to approve the request or not.

2. Elected Offices

An Elected Official who has an Employee that has accumulated the maximum point total allowed, will have the discretion to make a decision as to whether to retain and accommodate the Employee, or to terminate his/her employment with the County of Hidalgo, Texas. A written notice to Human Resources should be submitted indicating that accommodations will be made and the employee's duties and responsibilities will no longer include the operation of a County owned, leased or rented vehicle.

Note: It should be noted that if an Elected Office/Department seeks to accommodate an employee, he/she must apply this practice in dealing with ALL employees that had their drivers authorization revoked.

Points Assigned for certain Driver's License issues will be addressed in detail on Attachment A.

**COUNTY OF HIDALGO
DRIVER STANDARDS POLICY
ACKNOWLEDGMENT FORM**

I hereby acknowledge that I have reviewed the information contained County of Hidalgo Driver Standard Policy and a copy of the policy and Driver Crash Point Assessment System have been provided to me. As an employee of the County and an authorized driver of a County/District vehicle, I understand that it is my responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage.

I understand and agree that by signing this acknowledgement, I agree to adhere to the policies as a condition of my employment and/or continuing employment with the County of Hidalgo.

I further acknowledge that my failure to adhere to these policies may subject me to disciplinary action, up to and including termination.

PRINT - EMPLOYEE'S NAME

EMPLOYEE'S SIGNATURE

DATE

REVIEWER'S SIGNATURE

(Sign and retain the original copy in the employee's file)

DATE

Attachment A

Driver Crash Point Assessment System

Fleet Incidents will be tracked and the following point system (based on the jurisdictional officer's report, work place accident report and or available data) will be used to determine fault and assess points as necessary.

Fleet Incident Point System (Motor Vehicles)

Points Assessed	Description of FI
0	No-Fault Fleet Incident
1	Minor At-Fault FI
1	Minor At-Fault FI with Passenger(s)
2	Major At-Fault FI
3	Major FI with occupants
4	Major or Minor FI with Death
T	Major or Minor FI with Death and Authorized Driver Impaired/Violation of Hidalgo County Drug & Alcohol Policy

Note – Fleet Incident: If within a calendar year a driver has three (3) or more At-Fault Fleet Incidents (regardless of the total points assessed), they will no longer be eligible to operate county owned, rented or leased vehicles or operate a personal vehicle while conducting county business. If at any point, a driver has Six (6) or more points, they will no longer be eligible to operate county owned, rented or leased vehicles or operate a personal vehicle while conducting county business. If the employee is assessed a T for a Fleet Incident; the employee (following all applicable Policies and Procedures) will have their employment with the County terminated.

Driver License Issues

The following driver license issues will automatically cause a driver to no longer be an eligible driver and will be assessed points as shown below. The driver will remain ineligible and is not allowed to operate a county owned and leased vehicles or operate a personal vehicle while conducting county business, until the issue(s) have been cleared.

Additional points will also be added to the driver point total for the following:

Points Assessed	Description of Type
1	Expired Driver's License
2	Revoked and/or Suspended Driver's License
3	Suspended Drivers License as a result of driving under the influence arrest.