

**SUBJECT: POLICY REGARDING CITY VEHICLE DRIVER POLICY**

**Summary**

This policy supersedes all previous vehicle use policies for the City of Madison, including the “CARS Policies and Rules” dated 10/23/2017. This edition focuses on important topics for City vehicle drivers, and is enforced by the City Fleet Superintendent with support from other Departments. All drivers of City vehicles are governed by this policy.

The City of Madison enforces practices that promote the safety of drivers of City vehicles, their passengers, and the public. Drivers must carefully review this policy and adhere to its requirements. Violation of the rules contained in this policy may result in suspension of vehicle use privileges, in addition to disciplinary action up to and including termination.

Where practical, City staff should make every effort to use mass transit instead of a City vehicle whenever it is practicable. All City staff are entitled to unlimited Metro bus passes for official and personal use.

**I. Assignment of City of Madison Vehicles**

With Department/Division Head approval, the Fleet Service Superintendent is responsible for authorizing and providing the full-time or temporary use of City of Madison vehicles except for Metro, Water Utility, and Engineering. The assignment to specific work units within departments is at the discretion of Department/Division heads. Department/Division heads may appoint staff to serve as liaisons to Fleet Service to manage vehicle and equipment planning.

**II. Driver Licensing Requirement**

City vehicle drivers must have a valid driver’s license in their possession whenever operating any City vehicle. Employees are required to promptly notify their supervisor if their driver’s license is restricted, suspended, revoked or expires.

Additional Commercial Driver’s License (CDL) rules apply to some City vehicles. The Federal Commercial Motor Vehicle Safety Act of 1986 requires all drivers to have a CDL if driving a vehicle with gross vehicle weight (GVW) over 26,000 lbs., or towing a vehicle with a GVW in excess of 10,000 lbs., or a capacity of 15 or more passengers, or transporting hazardous materials as defined by the Federal Hazardous Materials Transportation (HAZMAT) Act. Departments/Divisions assigned these vehicles must require drivers to possess the appropriate, valid license prior to operation. City of Madison provides CDL training for specific staff titles.

The Omnibus Transportation Employee Testing Act of 1991 states that all drivers who are required to have a CDL are subject to random testing for drug and alcohol use. This requirement includes all City drivers who will be operating a commercial motor vehicle, whether full-time, intermittently or occasionally. See APM No. 2-23, “Rules of Conduct,” for more information on the City’s Drug-Free Workplace and Testing policy.

**III. Use of Personal Vehicles for City Business**

If mass transit and City vehicles are not available for a transportation need, including Fleet Service pool or out of town cars, drivers may use their personal vehicles for City business when authorized by the employee’s supervisor.

For use of personal vehicles beyond Dane County, see APM No. 1-5, "Policy Regarding Travel at City Expense."

Generally, users of personal vehicles for City business are either (a) those who may have occasional need to use a personal vehicle to conduct City business; or (b) those who are required to provide a vehicle as a condition of employment. Travel by motorcycle or moped is not allowed for work related travel under any circumstances, except for MPD officers operating motorcycles for official police business.

For City employees required to provide a vehicle as a condition of employment, the following guidelines apply:

**Role of the Hiring Authority.** Before filling any position for which more than occasional use (more than four (4) times per month) of the car pool is anticipated, the hiring authority must provide information to the Human Resources Department detailing the transportation needs of the new hire. This information will then become part of the job announcement. The hiring authority shall discuss transportation needs of the position during the interview process, and share appropriate information on rules, policies and procedures.

The employee must maintain a valid driver's license, and the employee shall carry at least the minimum amount of motor vehicle liability insurance as provided for in Wis. Stat. § 344.33. The employee is obligated to immediately inform the hiring authority of any unfavorable change in driver's license or insurance status. If an employee becomes unable to meet the transportation requirements of the job for any reason (e.g., loss of vehicle, license, insurance etc.), the hiring authority must determine what personnel action is appropriate. The employee shall not be simply switched to the use of car pool vehicles.

**Determining Whether a Personal Vehicle is Required as Condition of Employment.** Whether a vehicle is required as a condition of employment means that the employee needs to have a vehicle available at all times (during work hours) in order to perform their job. Conversely, the loss of the ability to provide a vehicle would render the employee unable to perform functions of their employment.

**Termination of Plan.** Determination of vehicle use requirements is linked to specific job duties, and does not follow an employee throughout his or her career with the City. Agencies are responsible for notifying Central Payroll when an employee is no longer required to provide a vehicle as a condition of employment.

**Mileage Charges.** Mileage and related parking expenses are charged to the budget of the user agency, which must demonstrate funds are available within the agency's budget to cover these expenses. If funds are not available in the current year's budget, the issue will be referred to the next budget process.

City employees who use their personal vehicles for City business are eligible for mileage reimbursement. Rates are determined for represented employees in their respective labor contracts; for non-represented employees in Compensation Groups 17, 18 and 19 in their respective labor agreements established via Resolution; and for Agency Managers (Compensation Group 21) within their respective employment contracts.

**Insurance.** The City's liability insurance program provides excess liability coverage over and above employee's personal auto liability coverage (which is the primary payer) while an employee is operating a personally owned vehicle to conduct City business.

The City does not provide insurance coverage for physical damage to an employee's personally owned vehicle. Employees who use personally owned vehicles for City business should confirm that their personal auto insurance policy provides coverage for this use.

An employee whose personal vehicle suffers damage while the employee is operating their personal vehicle in the course of their employment, may be eligible for a partial reimbursement of up to \$500 under the following circumstances:

1. The employee must carry insurance coverage on the vehicle (specifically physical damage coverage) and proof of insurance must be provided prior to any reimbursement.
2. Payment will be made up to the amount of the employee's physical damage deductible or five hundred dollars (\$500.00), whichever is less.
3. Coverage is limited to incidents that occur while the employee is using their vehicle for official, authorized City business. No reimbursement is available for employees who drive their personal vehicle to work and have physical damage to the vehicle while the vehicle is parked during the workday or on the trip to or from work.
4. In the event of a vehicular accident, the employee must submit a police report showing the employee was not ticketed in the incident regardless of whether the ticket is later dismissed.
5. The employee must submit to their department head, a signed explanation of the damages, estimate/invoice for repairs, and evidence that the deductible was not reimbursed by their own personal insurance carrier or the at-fault driver/insurance carrier. If the employee's own insurance carrier or the at-fault driver/insurance carrier reimburses the employee for the cost of their deductible, this coverage does not apply.
6. Department heads will submit recommendations for reimbursement to Risk Management for review. Any reimbursements will be paid from each department's Vehicle Physical Damage account and an annual report of all reimbursements will be prepared.

#### **IV. Commuting Privileges**

City vehicles may not be used for regular commuting between a driver's home and workplace unless the driver receives Department/Division head approval. Fleet Service and Central Payroll will maintain a list of all regular commuting vehicles and staff.

Employees taking a vehicle home must reimburse the City for all personal mileage through payroll deduction, except where a waiver is granted. Rates are set by the Internal Revenue Service (IRS). Commuting vehicles may only be stored at the employee's personal residence in such cases, with off-street parking.

Commuting privileges may only be granted for the following reasons:

1. The employee belongs to Compensation Group 21, as per their contract; or

2. The employee is the driver for a carpool of at least 4 employees who live within City limits, if the employee residences are located within a reasonable proximity to the direct route of the driver; or
3. The employee is on an "On Call" status and lives within 20 miles of the City-County Building; and
  - a. Is required to leave home and respond to emergencies at least 3 times per month; or
  - b. Must transport equipment and supplies which are not easily transferred to a personal vehicle.

For employees who live further than 20 miles from the City-County Building, exceptions may be granted based on approval from the employee's Department or Division Head and the Fleet Superintendent.

Waivers may be granted with Department/Division head approval for number 3 above. In those cases, expenses are to be charged to the budget of the user agency. It is required that the agency demonstrate that funds are available within the agency's budget to cover commuting expenses. If funds are not available in the current year's budget, the issue will be referred to the next budget process.

City vehicles may occasionally be taken home on a single night basis for emergencies, or for City business on evenings or weekends. Single night basis trips are not considered commuting. Approval is granted by Department/Division heads on a case by case basis.

Drivers of commuting vehicles may only stop to conduct personal business as long as it does not require substantial deviation from the most direct route.

Employees who take City vehicles home must park them in a secure off-street location.

## **V. Pool Vehicles and Out of Town Vehicles**

Pool vehicles and out of town vehicles are available by reservation specifically for City business such as meetings, inspections, site visits, etc. if agency assigned vehicles are not available and mass transit is not an option. Fleet Service maintains these vehicles and absorbs the associated costs. All pool and out of town vehicles may be used by any City employee with a valid driver's license. Pool vehicles are not exclusively assigned to specific agencies. For short-term needs, the Fleet Superintendent may assign a pool vehicle to a specific agency on a case-by-case basis.

Pool vehicles may be reserved on City of Madison EmployeeNet. Vehicle numbers and locations are listed on the reservation page. The keys are to be picked up and dropped off at the designated City office. Pool vehicles are available for business hours listed on the reservation page.

Pool car users are required to keep the interior of the vehicle as clean as it was when they received it. If a user finds that a vehicle is dirty, the user should report this to Fleet Service. Otherwise, the user becomes responsible for the cleanup.

Pool car users are required to fuel the vehicle at one of the City's fueling sites when the gauge indicates that less than one quarter tank of fuel remains. If the car is an electric vehicle, it must be plugged in when less than one quarter of the battery remains. Notify Fleet Service of any noticeable vehicle malfunctions.

Some pool vehicles may be approved for commuting privileges, and are known as “pool monitor” vehicles on the reservation page. All rules in the commuting section of this policy apply.

Out of town cars must be reserved for trips outside of Dane County by contacting Fleet at 246-4540 or via email, [requestcar@cityofmadison.com](mailto:requestcar@cityofmadison.com).

## **VI. Vehicle Collisions**

Users involved in any type of collision or incident with another vehicle or object must follow City procedures and fill out the Vehicle Accident/Incident form. Blank forms are available on EmployeeNet in the “Travel & Cars Resources” section. Also, see APM No. 5-2, “Vehicle Accident Reporting and Investigation,” for more details on collision procedures.

Incidents may include body damage, vandalism such as broken windows or slashed tires while the City vehicle was parked.

The collision or incident must be reported promptly to a local law enforcement agency. Drivers operating a personal vehicle for City business shall obtain a copy of the vehicle accident report (DT 4000) from the appropriate government agency. Driver’s supervisor must also be contacted, and report to the scene immediately.

Driver shall submit the completed Vehicle Accident/Incident report (VA/IR) signed by their supervisor. The completed VA/IR must be submitted to the City Risk Manager within 24 hours of the collision or incident. Photos of any vehicle or property damage should also be taken and sent to City Risk Management. For vehicles serviced by Fleet Service garages and vendors, repair work may be stopped if the proper completed and signed paperwork is not filed.

## **VII. City of Madison Public Works Vehicle GPS Policy**

1. City of Madison public works and transportation fleet vehicles belonging to Streets, Fleet Service, Engineering, Parks, Traffic Engineering, Parking Utility, and Water Utility will have location tracking devices with Global Positioning System (GPS) installed beginning in 2020. This may expand to additional agencies as well.
2. Tracking devices will help participating agencies better understand routing, operations, speed and location information, idling, seatbelt use, battery levels, maintenance codes, and fuel efficiency. The system is designed and intended to provide vehicle location and other information while in the field and enhance employee safety; lower maintenance costs through better preventative and predictive maintenance schedules; improve fuel economy, reduce vehicle idling, optimize vehicle utilization, and improve driver behavior while operating a City vehicle. GPS does not impact the operation of the vehicle.
3. In some cases, operators will be assigned an individual key fob to identify them while vehicles are in use. Key fobs may not be shared between operators. All key fobs can be used for all City vehicles with tracking devices. Key fobs do not track your location. GPS is installed in vehicles and the key fob only identifies the person who is driving the vehicle. Department heads decide if drivers are to be assigned key fobs for GPS.
4. The system may be used for coaching drivers on safe operating practices. It may also be used to investigate collisions, property damage claims, employee misconduct, and other events. Participating agencies may conduct disciplinary action based on these investigations or any data collected by GPS.

5. Employees shall not remove or tamper with the tracking devices in any way, in accordance with APM No. 2-33, D.2., "Rules of Conduct." These actions may result in disciplinary action, up to and including termination, by participating agencies. Any staff encountering visible damage to tracking devices must inform supervision of the issue.
6. The data created by tracking devices is subject to disclosure as per City of Madison open records policy.

## VIII. General Rules

1. **Seat belts.** Seat belts shall be worn at all times as required by law.
2. **Smoking, alcohol, and drug use.** Smoking, including electronic cigarettes, is not permitted in any City vehicle. City drivers must obey all alcohol and drug use regulations set forth in federal, state and local legislation, as well as all alcohol and drug use rules issued in Administrative Procedure Memoranda and agency work rules.
3. **Cell phone use.** Handheld or hands-free cell phone (using Bluetooth or wired earbud) use while driving is not allowed by any City employee operating any City vehicle, except for (a) emergency services staff, (b) to address an emergency, or (c) make a 911 call.

Calls for work-related purposes on hands-free sets must be emergency related only. Failure to follow this rule may result in discipline, up to and including termination.

Below are some steps to help implement this directive.

- CB radio affixed to vehicle may be used for urgent job communications
  - Devices being used for GPS routing must be affixed to the vehicle while in use
  - If you need to make or answer a call, pull over to a safe location and stop
  - If you can't pull over safely, reply to a call after reaching your destination
  - Do not call co-workers if you know they are driving
  - Ask a passenger to pick up a call if one is available
  - Encourage co-workers not to use their device while driving
4. **Parking and traffic tickets.** All forfeitures, fines and other costs (includes any parking and traffic tickets) that are imposed for any violation in the use or operation of a motor vehicle shall be the responsibility of the operator, unless the violation results from the condition of a motor vehicle owned or leased by the City.
  5. **State and Local Vehicle Laws.** City drivers are expected to obey all State and local vehicle laws and ordinances. Violations may result in suspension of vehicle use privileges.
  6. **Ignition Interlock Devices.** The City will not permit the installation of any ignition interlock device on any City owned vehicle.
  7. **Personal Use.** Drivers are not allowed to use City vehicles for personal activities, except for required breaks, meals, and brief stops where incidental to the conduct of official City

business. Such stops do not entitle drivers to use the vehicle for shopping, recreation, or to transport non-City employees.

8. A City driver taking medication for medical reasons, which may affect his/her operation of a motor vehicle, must provide Human Resources with a doctor's note before beginning work. The doctor's note must certify that the driver can safely perform his/ her job while using the medication (no drowsiness, dizziness, etc.).
9. City vehicles shall not be used to transport non-City employees, except under the following conditions:
  - Members of the public may ride in City vehicles whenever City business requires it.
  - Members of City official boards, commissions, and committees may ride as passengers to and from official meetings.
  - City vehicles used for travel to a conference may be used to carry people attending the same conference.
  - City vehicles may be used in car pools to transport other City employees to and from work, if the employee residences are located within a reasonable proximity to the direct route of the person to whom the vehicle is assigned.
10. Employees transporting children as part of their job responsibilities as authorized by their supervisor shall comply with state regulations regarding use of child safety restraint systems (DOT Chapter Trans 310 Child Restraint Standards and Exemptions).
11. Any vehicle left unattended shall be legally parked. Vehicles responding to emergency situations or those parked at job sites shall be parked with due regard to safety and security considerations (Wis. Stats. §§ 346.50-346.56).
12. No vehicle shall be left running unattended or in violation of the City of Madison Vehicle Idling Management Policy, RES-07-00576.
13. When cargo, materials or tools are being transported, the driver is responsible for ensuring that all items are properly secured to prevent spillage or shifting.
14. The possession, use or threat of use of a weapon in the workplace is prohibited per APM No. 2-46, "Prohibition of Weapons," and workplace includes City vehicles.
15. Employees shall not permit others to operate a City vehicle that is in their possession with the exception of co-workers who are also authorized to drive the City vehicle. Only City employees are eligible to operate City vehicles. Exceptions are granted for City vehicles that require test-driving for short distances by an authorized vehicle repair vendor in order to complete the repair.
16. If a City vehicle is being refueled, the engine shall be turned off and there shall be no smoking.
17. Personal cargo towed behind or stored on the rooftop of City vehicles is prohibited.
18. Drivers must be eighteen (18) years of age or older to drive a City vehicle.

19. Personal speed detection and video recording equipment are prohibited for use in City vehicles.
20. Out of town vehicles maintained by Fleet Service may contain I-passes. I-passes are for official use only.



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Mayor

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