

APPROVED *Karl W Kassel*

## MOTOR VEHICLE DRIVING POLICY

### I. GENERAL

Operating motor vehicles is essential to the Borough's operations. Vehicle operation skills and safe driving practices ensure that health, lives and public property are preserved.

The Borough is self-insured and therefore acts as its own insurance company for many claims. The standards as set forth herein are reflective of insurance industry practices.

### II. PURPOSE

The safety of Borough employees and the general public is the primary emphasis of this policy. This priority will be reflected in all decisions and determinations made under this policy. This policy ensures that Borough employees required to drive Borough-owned vehicles meet Borough driving standards as set forth in this policy and are in compliance with state and local laws. This is not a disciplinary policy; it does not impose discipline but rather establishes the standards used to determine what qualifies/disqualifies an employee to perform Driving Duties for the Borough.

### III. RESPONSIBILITY

- A. Department directors shall ensure that their department staff follows the procedure set forth in this policy.
- B. Compliance with this policy is the responsibility of all Borough employees.
- C. Human Resources (HR) Department shall maintain this policy.

### IV. POLICY

- A. Employees authorized by their Department Director to drive in the course and scope of their Borough employment shall normally use Borough-owned vehicles. The use of privately owned vehicles for Borough business may be permitted in limited circumstances with prior approval of the Department Director. However, employees permitted to occasionally drive privately owned vehicles on Borough business must, in addition to other applicable requirements of this policy, provide HR with proof of statutorily required insurance covering their privately owned vehicle.
- B. A Motor Vehicle Record Review (MVR) must be conducted on all employees before they are assigned Driving Duties. HR will notify the Department Director when the driving review is complete. Upon notice from HR that an employee is approved to drive Borough owned vehicles, the Department Director or his/her designee will ensure that each employee is familiar with the features of specific Borough vehicles before the employee is assigned Driving Duties.
- C. While driving on Borough business, Borough employees shall obey all state and local laws and regulations (including proper seat belt usage texting prohibitions); make every effort to fully concentrate on vehicle operation; and avoid distractions such as eating or

drinking, operating cell phones, pagers, and other items. Smoking in Borough vehicles is prohibited.

Motor Vehicle Accidents/Incidents (MVAs) that occur during the course and scope of employment shall be reported and investigated promptly to minimize the amount of claims and to avoid reoccurrence. These accidents/incidents will be reviewed by an Accident Review Committee (ARC) to determine whether the accident was preventable or non-preventable, except that accidents/incidents occurring during the normal operation of equipment, such as: raising or lowering forks, buckets, blades; using the wrong tool/attachment for a job; loading or unloading items, moving or contact with trash while operating the equipment etc., are not subject to the ARC, but are handled under the general discipline policy.

## V. PROCEDURE

### A. Motor Vehicle Record Review

1. Employees assigned to perform Driving Duties for the Borough must authorize HR to obtain copies of MVRs from the State of Alaska, any other state, territory or country in accordance with this policy.
2. New drivers – At the time of interview, applicants will be required to produce a current (within the last 60 days) driving record, which will be reviewed by HR. Driving records will be reviewed by HR prior to an employment offer.
3. Current drivers – Periodically, but not less than once per calendar year and/or upon reports of accidents/incidents, HR will obtain and review the MVRs for the prior three-year period.
4. Employees authorized to perform Driving Duties under this policy shall report convictions of any Moving Violation or Major Violation involving motor vehicle operation to the Department Director within 10 working days of conviction. The Department Director is responsible for notifying HR-Risk Management of the violation.
5. Employees are required to immediately advise their supervisor of an administrative and/or court suspension, revocation or withdrawal of their Driver's License.

### B. Motor Vehicle Operations Standards

The following motor vehicle operation standards are used to determine driver eligibility. The motor vehicle operations standards address the insurability requirements and are not intended to usurp or circumvent any disciplinary actions that may arise from violations/accidents/incidents.

No employee shall perform Driving Duties for the Borough unless they have a valid Driver's License. Individuals who fail to maintain these standards are unqualified to perform Driving Duties for the Borough. Depending upon the job classification of driver (Required Driver or Preferred Driver) the inability to perform Driving Duties may or may not result in employment action.

1. Prehire – Applicants for positions that require Driving Duties cannot be considered for employment if within the past three years the applicant was convicted of:

- a) Three or more Moving Violations, or
  - b) One or more Major Violation(s).
2. Current employees – Employees are ineligible to perform Driving Duties if within the past three years the employee was:
- a) Convicted of three or more Moving Violations, or
  - b) Convicted of one or more Major Violation(s), or
  - c) Determined to have three Preventable Accidents while performing Driving Duties in the course and scope of their Borough employment and where a disciplinary suspension was imposed for one or more of the Preventable Accidents.
3. Violations shall be counted from the “conviction date” specified on the MVR in all reviews.

#### C. Driving Improvement Plan

1. The intent of the Driving Improvement Plan is to notify current employees that they are at risk of failing to meet the Motor Vehicle Operations Standards. In addition, it will provide a mechanism to correct deficiencies by providing training or achieving a period without further violations or preventable MVAs. Employees participating in the Driving Improvement Plan are still required to meet the Motor Vehicle Operations Standards.
2. An employee will be placed on a Driving Improvement Plan if, during the three year period immediately preceding the review, the employee:
  - a) Was convicted of a total of two Moving Violations, or
  - b) Was found responsible for a total of two Preventable Accidents while performing Driving Duties in the course and scope of their Borough employment.
3. HR will notify the employee in writing of their required participation and placement on a Driving Improvement Plan. The Department Director and appropriate union (if applicable) will also be notified.
4. The Department Director in conjunction with the HR Director will identify the appropriate training and direct the employee placed on the Driving Improvement Plan to complete training or other remedial activity to improve driving skills and performance as necessary or deemed appropriate. The Department Director, with the approval of the Human Resources Director, may also determine that the employee will no longer be assigned to drive on Borough business if the Driving Duty job classification is specified as Preferred.
5. Employee participation in the Driving Improvement Plan is required as long as the driving record meets the standards set forth in C2. An employee may be removed from active participation from the Driving Improvement Plan upon successful completion of the appropriate training identified by the Department Director (per #4 above), with the approval of the Risk Manager.

#### D. Reporting Motor Vehicles Accidents/Incidents (MVAs)

1. In addition to following all laws regarding reporting of MVAs, employee performing Driving Duties must report all MVAs occurring in the course and scope of employment to their supervisor or manager from the scene of the accident, if

possible, or as soon as practicable, but no later than the end of the business day of the MVA, unless prevented by the driver's own injury. Initial report may be by radio, telephone or in person.

2. Drivers shall complete the "Motor Vehicle Accident Report" provided by the Borough before leaving the scene of the MVA, unless prevented by their own injury, or other extenuating circumstances. This form shall be transmitted to the supervisor who will immediately forward to the Department Director and HR-Risk Management no later than the end of the business day of the MVA.
3. Upon receipt of a report of a MVA, the immediate supervisor shall initiate an investigation of the facts of the MVA and complete the "Supervisor's Report" provided by the Borough. This report shall be transmitted to HR-Risk Management not later than three working days after the MVA.
4. All Borough-owned vehicles involved in a MVA must be taken to the Transportation Department garage immediately following any MVA, or on the next business day when the garage is open. Transportation garage staff shall determine whether the vehicle is operable and/or repairable.

#### E. Accident Review Committee (ARC)

1. The ARC will review MVAs which occur during the course and scope of Borough employment to determine whether or not the MVA could have been prevented by the employee. The ARC may also recommend corrective action(s) to prevent future similar MVAs, unless HR-Risk Management determines under section E.5 of this policy that an accident was non-preventable.
2. Members of a specific ARC shall be drawn from a pool appointed by the Chief of Staff and shall consist of the Risk Manager or his/her designee and other Borough employees possessing relevant professional driving expertise, vehicle maintenance expertise and accident review/investigation knowledge and experience. ARC members must receive proper training prior to serving on the ARC.
3. A minimum of four representatives are required for each ARC meeting. The Risk Manager or his/her designee, and three other members are required to be present to establish a quorum (minimum of four). The Borough will make a good faith effort to have both management and non-management representatives serving at each ARC meeting. An ARC pool representative's participation will be waived for action on any subordinate employee(s).
4. HR-Risk Management staff will act as Secretary to the ARC and will be responsible for scheduling the ARC meeting. Availability of trained representatives will determine who serves on individual ARC reviews. For reconvened meetings every effort will be made to have the same representatives in attendance.
5. The ARC Secretary will request, receive and retain accident forms, police reports, and related reports. HR-Risk Management staff may make an immediate finding of "non-preventable accident" when supported by a police report or other facts. Non-preventable accident findings will be based on A Guide to Determine Accident Preventability published by the National Safety Council in 2004, or as amended.
6. When an MVA report is received, HR-Risk Management staff will send the employee involved a notice of the ARC meeting date and copies of the Borough "Motor Vehicle Accident Report," the supervisor's report, the official traffic report when applicable, and any photos of the accident scene. ARC meetings will be scheduled as soon as

practicable following the accident date, but generally no more than 21 days following the date the report is received by HR-Risk Management.

7. The ARC meetings will be chaired by the Risk Manager or his/her designee who will cast a vote only in the event of a tie. The ARC Secretary will keep minutes of the meeting and disseminate findings to the ARC.
8. The ARC may request witnesses and review documentation such as the vehicle accident report, supervisor's report, police report, videos, photographs and memorandums regarding the accident.
9. An employee may make a presentation to the ARC which can include any relevant evidence the employee wishes to have considered as well as witnesses to the MVA. The employee may invite a union or other representative to the meeting, at their discretion. Those individuals will not be voting members of the ARC.
10. ARC decisions regarding preventability will be based on A Guide to Determine Accident Preventability published by the National Safety Council in 2011 or as amended. Decisions are based on a simple majority of ARC members present and voting.
11. Postponement of a scheduled ARC meeting may be granted for extenuating circumstances by the ARC Secretary at 459-1344 if contacted no later than one hour prior to the scheduled meeting.
12. Failure to appear and/or failure to request a postponement shall result in a loss of the employee's right to present evidence for consideration by the ARC.
13. Decisions shall be rendered within 10 working days of the scheduled ARC meeting, unless the employee is notified otherwise. Within three business days of a decision, a written notification of the ARC findings will be sent to the Department Director, the employee and the union (if applicable). All review decisions are final and have immediate effect.

## VI. SUPPLEMENTAL INFORMATION

### A. References –

1. FNSB Code, Chapter 2.05.030 (E) Risk Manager – Authority and duties  
“The Risk Manager shall have authority, responsibility and duties for . . .the development and administration of a safety program for the entire Borough to reduce accidental losses.”
2. FNSB Discipline Policy
3. Laborers' Local 942 Work Rules
4. FNSB Personnel Code, Chapter 2.24
5. FNSBEA/APEA Agreement
6. Laborers Local 942 Agreement
7. ASEA Agreement
8. A Guide to Determine Accident Preventability published by the National Safety Council, 2011, or as amended.
9. FNSB Drug & Alcohol Testing Policy No. 65.02

10. FNSB Safety & Loss Prevention Plan, Sec 30.210

B. Definitions –

1. Driving Duties – Job functions that require operation of a motor vehicle, whether or not operated on a roadway.
2. Employee – A person employed by the FNSB to conduct official business. The term “employee” in this policy also includes volunteers who are authorized to operate Borough owned vehicles.
3. Major Violation – Conviction of a motor-vehicle-related offense that is considered a misdemeanor or felony or that could result in revocation or suspension of driving privileges. Driving while impaired, reckless driving, and driving without a valid license are some examples. Not limited to Borough vehicles and/or Borough business.
4. Motor Vehicle – Means a vehicle which is self-propelled except a vehicle moved by human or animal power. (AS 28.90.900)
5. Motor Vehicle Accident/Incident (MVA) – Any unintended contact between a motor vehicle owned by the Borough or operated by a Borough employee during the course of duty and any other motor vehicle, any fixed or moving object, any person, or any animal where there is any damage or suspected damage to the vehicle or the object contacted, or any injury to a person or animal. This includes unintended contact with road surface or surrounding public works, terrain or body of water (frozen or non), such as sliding into a ditch or temporary physical barrier.
6. Moving Violation – Conviction of a state law or ordinance while vehicle is actually moving, but excluding no registration, no proof of insurance, or failure to change address and not limited to Borough vehicles and/or Borough business.
7. Preferred Driver – Job Classifications in which driving is an ancillary or a noncore function of the position. Ancillary or non-core driving duties consist of: non-routine shopping, irregular deliveries, attendance at meetings or trainings, etc. and where Driving Duties may be assigned or spread among similar classifications. An employee in this category who loses their driving privileges or fails to meet FNSB driving standards would still be considered qualified to hold the position, but would no longer be allowed to perform driving responsibilities until such time as they meet the driving standards.
8. Preventable Accident – One in which the driver failed to do everything that *reasonably* could have been done to avoid the accident. (From A Guide to Determine Accident Preventability, 2011, or as amended).
9. Required Driver – Job Classifications in which driving is a core duty or necessary function of the position, meaning that the employee must drive in order to fulfill primary job responsibilities. Core driving duties consist of: field work or site visits, reporting to multiple work locations, supervising people at different locations, etc. An employee in this classification would be unqualified to hold the position should they lose their driving privileges or fails to meet FNSB driving standards. (i.e. Bus/Van Tran Drivers, Maintenance Mechanics, Equipment Operators, Appraisers, Animal Control Officers, Parks Caretakers/Groundskeepers, Project Managers, Land Officers, Platting/Planning staff, Emergency Operations staff, Parks & Recreation Director, etc.).

C. Attachments – None

D. Revision History

Supersedes Policy No.	Effective Dates
80.01	11-29-06
80.01	3-4-11