

City of Montgomery Vehicle Operations Policy

- 1.01 Purpose: To establish a City of Montgomery Policy pertaining to the requirements and responsibilities for operating a City vehicle.
- 1.02 Definition of a City Vehicle: Any vehicle that is owned, leased, rented, in the custody of, or loaned to the City of Montgomery. This includes equipment that does not require a driver's license but will be operated on a public street.
- 1.03 Drivers License Requirements:
- A. Prospective and current employees, whose job duties include the operation of a City vehicle, or who may use their personal vehicle for City business, must be in possession of a valid and current Alabama driver's license to include the appropriate class of commercial license for the vehicle being operated. Should a prospective employee have a valid out of state license when employed, he/she shall obtain a valid Alabama driver's license within 30 days of employment. Under no circumstances shall a City employee, whose license has been cancelled, revoked, suspended, or expired, operate a vehicle around or about a roadway, including any City-owned property, including parking lots, parking decks, etc..
 - B. During the hiring, promotion, or transfer of a current or prospective City employee, whose duties include the operation of a City vehicle, said employee shall produce a valid and current Alabama driver's license, which shall be in his/her possession at all times while driving, operating, or in readiness to operate a motor vehicle.
 - C. An employee, whose job duties include the operation of a City vehicle, shall immediately, within 24 hours, notify his/her department head (or delegated official) of any change in the status of his/her driver's license or the receipt of any citation for a moving violation in the operation of a motor vehicle whether the citation is on or off the job. Failure to immediately report a driver's license revocation, suspension, cancellation, or citation, as required by this paragraph, shall result in disciplinary action in adherence with Rule IX, City of Montgomery Personnel Rules and regulations and paragraph D of this section.
 - D. An employee who fails to report a change in the status of his/her driver's license or the receipt of any citation for a moving violation shall be subject to one or more of the following:
 - letter of reprimand, or
 - suspension without pay, or
 - revocation of driving privileges and transfer/demotion to a job not requiring the ability to drive, or

- termination of employment

1.04 Motor Vehicle Record (MVR) Requirements:

Applicant for a position with the City of Montgomery, whose job duties include driving a City vehicle, will have his/her current MVR reviewed, prior to being employed, by the hiring authority or so delegated official. If the MVR has greater than eight points in a 24 month period listed for traffic violations or a conviction or pending charge for driving under the influence during that period, that applicant will be disqualified from consideration for the position in question.

- A. If a current employee whose job description includes the duty to operate a City vehicle, has, at any time, an MVR that is found to be greater than eight (8) points according to the points scale for the State of Alabama UTC offense codes, that employee shall be required to attend a defensive driving course at his/her own expense. The accumulation of points is for a 24-month period. The date of reference for points accumulation shall be the date of the conviction. The Risk Management Department shall be responsible for reviewing on an annual basis the MVR of employees subject to this policy.
- B. The employee who is identified as having an MVR greater than eight (8) points will be given two weeks from the date of notification to schedule a defensive driving course and must complete the course at its next offering. If it is not done in a timely manner, the employee's driving privileges will be suspended until such certification is presented.
- C. Any current employee arrested for driving under the influence of alcohol or drugs will be immediately prohibited from operating City vehicles. No employee may refuse a blood alcohol test or breathalyzer test for an accident that occurs while working or in a city vehicle. If the person is ultimately found not guilty of driving under the influence of alcohol or drugs, driving privileges will be returned immediately. If the person is found guilty, driving privileges will be taken away for an additional period not to exceed one (1) year starting with the initial date driving privileges were revoked. If greater than one year has elapsed between the date of arrest and conviction for DUI, the employee's driving privileges will be revoked for, at least, an additional 90 days from the date of conviction. It is the responsibility of the employee to report such an arrest to his/her supervisor and the Risk Management Department. Failure to report the arrest may result in disciplinary action up to and including termination of employment.

1.05 Seat Belt Use

Seat Belt use is mandatory in all City vehicles. This applies to both the driver and all passengers in seating locations equipped with seat belts.

1.06 Procedures for Obtaining Certification to Operate City Vehicles

- A. Police and Fire Departments: The Police and Fire Department shall develop their own procedures for certifying employees and applicants to operate City vehicles. These procedures must comply with the driver's license and MVR requirements outlined in this policy. The Police and Fire Department shall provide the Safety and Training Supervisor with a roster of each graduating academy class. This roster should list new officers and firefighters by name and driver's license number. Annually, the Police and Fire Department shall provide the Safety and Training Supervisor with a list of authorized drivers.
- B. All Other Departments: All new employees who may, as a part of his/her job duties, operate City vehicles or current employees being promoted or transferred into positions that may require operating City vehicles will have their driver's license and current MVR reviewed by the appropriate department head or designee. The MVR and the employee will be brought to the Safety and training Supervisor who will certify the employee to operate City vehicles and brief the employee on the City of Montgomery Motor Vehicle Operations Policy.

1.07 Central Accident Review Board

- A. Effective with implementation date of this policy, there shall be created a Central Accident Review Board. The purpose of this board will be to review all motor vehicle accidents that involve City of Montgomery employees. The Board, when meeting in an official session, will constitute the "departmental hearing" and any appeals will be to the Mayor and/or the City County Personnel Board. The employee shall give notice of appeal to the Mayor through the secretary of the Accident Review Board in writing within five business days.
- B. The Risk Manager will serve as the administrator/secretary of the Accident Review Board. As administrator, the Risk Manager will be responsible for setting the agenda for the Board, determining the meeting dates and times, and keeping minutes from the Board. The Risk Manager may designate these duties at his/her discretion.

- C. The Central Accident Review Board will consist of five (5) voting Members, who shall serve for a term of one year or until their Successors are nominated and take office. All five members must be present to effect a recommendation for any discipline of an employee. In the event a Board member is unable to attend, the appointing authority shall be empowered to select an alternate, who shall serve as alternate for the remainder of his term. The members will be appointed as follows:
- A representative to be appointed by the Mayor.
 - Representative of the Sanitation Department (appointed by the Sanitation Director)
 - Representative of the Maintenance Department (appointed by the Maintenance Director)
 - Representative of Fire Department (appointed by the Chief of the Fire Department.
 - Representative of the Police Department who shall be the Traffic Division Commander (appointed by the Chief of Police).
- D. The members of the Accident Review Board will elect a chairperson. That chairperson will conduct the meetings and serve as parliamentarian. All Board meetings will be operated according to an accepted rule of order as determined by the Board.
- E. All departments will submit accident reports/incident reports involving their employees to Risk Management for review. Risk Management shall conduct an initial investigation to determine whether the accident was CLEARLY NON-PREVENTABLE. Those accidents that are deemed CLEARLY NON-PREVENTABLE, after investigation by Risk Management, will not need to be reviewed by the Accident Review Board. Risk Management will notify the effected department head of whether the accident is clearly non-preventable or whether the accident is being referred to the Accident Review Board.

- F. The employee/driver involved in an accident which is to be reviewed shall be given *at least* two weeks written notice by the Board of the date when he/she is to appear before the Board. The written notice shall be given by the Risk Management Department. A Risk Management Department representative shall be responsible for serving as the prosecutor. The prosecutorial responsibilities will include calling witnesses and presenting evidence to the Board. The employee/driver shall also have the right to bring witnesses and submit evidence to the Board. Employees may be represented by an attorney at the Board meeting, but the attorney shall not participate in the hearing other than to consult with the employee.
- G. The Board review will determine whether an accident was preventable or Non-preventable and establish disciplinary action for implementation by the employee's department head. The Board will use the following criteria to make these decisions.
- Number of previous preventable accidents while operating a City vehicle.
 - Severity of the loss.
 - Contributing/mitigating circumstances to the accident.
 - The egregious/wanton nature of the accident.
 - Previous punishments given for similar offenses.
 - Consideration of the preventability of the driver's actions.
 - The employee's previous work record.
- H. Decisions of the Board which provide for suspensions of five days or more shall, if not waived by the Employee, will be forwarded to the Mayor for scheduling a hearing before the Mayor or his/her designee. Any further appeals shall be done through the procedures outlined in the Personnel Manual.
- I. The improper, careless, negligent, wanton, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including payment for the equipment damage and/or termination of employment. The board will assess a deductible amount to be paid by the employee for a "preventable" accident which involves negligence per se or willful and/or wanton destruction by the employee. For the purpose of establishing monetary assessments/deductibles the Board shall use the following definitions
- *Preventable Accident*: An accident that occurs because the driver fails to act in a reasonable expected manner to prevent it.
 - *Negligence per se*: Negligence which is due to violation of a law meant to protect the public such as speed limits, traffic signs, rules of the road, etc. The conduct can also include violations of City or

departmental rules and regulations. The conduct is automatically considered to be negligence

- *Willful and/or Wanton*: Conduct committed with an intentional or reckless disregard for the safety of others. This type of action is something more than negligence. It include actions to the extent of being recklessly unconcerned with the safety of people or property.. the term wanton implies a reckless disregard for the consequences of one's behavior.

The minimum deductible amount charged back to the employee is \$100.00 and the maximum deductible would be 25% of the total damages, including liability, injury, etc. Provided however, if the accident is determined to be because of gross negligence, intentional willful and wantonness, or egregious conduct, the employee will be required to reimburse the city for any and all property losses incurred as a result of his/her actions. The decision requires a final determination by the Mayor or his/her designee

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- Number of previous preventable accidents while operating a City vehicle.
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 - Contributing/mitigating circumstances to the accident.
 - The egregious/wanton nature of the accident.
 - Previous punishments given for similar offenses.
 - Consideration of the preventability of the driver's actions.
 - The employee's previous work record.
- J. An employee can choose to pay the deductible with a one time payment (in cash) directly to Risk Management within one payday of the date of assessment or elect to pay through payroll deduction (minimum payment schedule will be \$25.00 per payday). If employee elects to pay directly to Risk Management and fails to pay within the allotted time, payroll deduction will begin on the next pay period. Funds collected will be deposited by Risk Management into an account set up by the Finance Director and will be used to offset Vehicle Liability expenses.
- 1.09 City Wide Backing Policy: These procedures apply to large trucks (1 ton and up) all buses, and vans. **Any employee determined to be in violation of this backing policy will be automatically suspended for three days.**

- A. If the vehicle operator is alone and does not have any other City employees in the area to act as a spotter, he is **required** to exit the vehicle and perform a walk-around inspection prior to attempting to back. **Backing should not be attempted if any object, person, etc. is in the backing path.** By walking around the vehicle the driver is able to assure himself that he has sufficient rear clearances to safely back the vehicle. It is important to re-enter the vehicle and begin backing as soon as the walk-around is accomplished. By backing immediately after the inspection, the driver can safely back the vehicle before the situation changes and his rear clearance is compromised by other vehicles and/or pedestrians.
- B. If there are two employees available, either riding in the vehicle or at the worksite, they will both act as spotters for the driver while backing up. Both spotters will exit the vehicle and take a position at the rear of the vehicle, on the ground, where they can be seen by the driver. Their responsibilities include checking the rearward path for proper clearance, looking for pedestrians, and other vehicles. They will then use hand signals to guide the driver safely through the backing operation. **Backing should not be attempted if any object, person, etc., is in the backing path.** The driver will not back his vehicle until such time as the spotter has positioned himself to the rear of the vehicle and gives the driver the signal to begin backing. **The driver will stop immediately if the spotter so signals. The driver must also stop immediately, if for any reason one of the spotters disappears from sight. The driver will not resume movement of the vehicle until; the spotter has reappeared and resumes movement signaling.**
- C. If there is only one employee available in the vehicle or at the worksite they will follow the same procedures as listed above with one spotter. Extreme caution must be taken as there is now only one set of “eyes” available. It may be necessary for the spotter to signal the driver to stop so that he can change positions to insure safe backing clearances.
- D. **The driver is responsible for the safe operation of the vehicle and as such shall direct an employee(s), if available, to act as a spotter. Any driver who is found in violation of this policy will be subject to the Progressive Disciplinary Policy. In addition, any employee who refuses to act as a spotter or carry out those duties will be subject to the Progressive disciplinary Policy.**

1.10 Mandatory Defensive Driver Training.

- A. All authorized City drivers will attend a mandatory Defensive Driver Class within 45 days of being certified to operate a city vehicle. The Risk Management Division will conduct classes for all departments other than sworn officers and firefighters (the initial training provided to recruits in

the academy will serve to fulfill this requirement). These classes will be scheduled, coordinated, and conducted by the Risk Management Division.

- B. All drivers will complete refresher training every 18 months. The Police and Fire Department will be responsible for coordinating, scheduling, and conducting their refresher training. All other departments' training will be scheduled, coordinated, and conducted by the Risk Management Division.
- C. All City Drivers who are involved in a preventable accident will attend refresher Defensive Driver Training within 45 days of meeting the Central Accident Review Board. The Police and Fire Department will be responsible for insuring their personnel receive this training. All other departments will have this training scheduled, coordinated, and conducted by the Risk Management Division.

1.11 15- Passenger Van Policy

- A. All 15-passenger vans will be modified to transport no more than 12-passengers by removing the rear-most seat.
- B. Every attempt should be made to transport no more than 8-passengers at any given time.
- C. All cargo will be transported in the interior of the van and no cargo storage will be allowed on the exterior on the van-type-vehicle.
- D. No trailer towing is allowed while operating a van-type vehicle.
- E. Van operation training will be given to any van operator prior to operating of a van type vehicle. Training will be arranged with and provided by Risk Management.

1.12 Responsibilities

- A. Department heads shall be responsible for:
 - Ensuring that employees are aware of the driver's license requirement and Motor Vehicle Record (MVR) requirement of this policy.
 - Ensuring that the proper procedures are followed for certifying employees to operate City vehicles.
 - Ensuring employees are aware of and comply with the seat belt usage requirement.