

ERIE COUNTY PERSONNEL POLICIES AND PROCEDURES

SUBJECT: MOTOR VEHICLE POLICY

CHAPTER: X

SECTION: 17

EFFECTIVE DATE: March 1, 1990

REVISION DATE: APRIL 26, 2006, SEPTEMBER 4, 2007, APRIL 16, 2015

This policy has been developed and approved by the Erie County Executive and relates to the procurement and use of official County vehicles as well as rental vehicles and employees' personal vehicles being used for official County business.

The Bureau of Fleet Services, a division of the Department of Public Works holds administrative responsibility over the County's vehicle fleet.

However, this policy recognizes that there are vehicles exclusively under the control of other elected officials/offices, specifically the Erie County Sheriff, District Attorney and County Clerk. In some (many) instances, vehicles for those departments, as well as the purchase, repairs and maintenance, fuel usage, and assignment of vehicles (including marked and unmarked 24 hour take home vehicles) may not be fully subject to the oversight of the executive branch and the Bureau of Fleet Services/Department of Public Works.

While this policy governs all County owned and registered vehicles and their use and assignment, independent elected officials are responsible for the administration and enforcement of the motor vehicle policy for their employees.

MOTOR VEHICLE POLICY

I. Basis for Policy

The effective delivery of Erie County Government services requires transportation to be available for employees' official travel and other legitimate purposes. Under various scenarios and situations, County business requiring automobile usage in the performance of official business is conducted either with an employee's personal vehicle or rental car, in which case there is a provision for reimbursement (as necessary) under the Erie County Division of Budget and Management's official travel and reimbursement policy. In other situations, official travel may be conducted through the use of County owned vehicles.

The purpose of this policy is to:

- (1) Set the criteria for a County vehicle assignment;
- (2) Establish guidelines for vehicle purchases;
- (3) Set standards for operation, maintenance and replacement of vehicles;
- (4) Establish a record keeping system to ensure that usable data is maintained; and
- (5) Establish rules and set penalties for improper utilization of County or related vehicles.

Oversight of the County's motor vehicle fleet falls under the Bureau of Fleet Services, a division of the Department of Public Works. Responsibility for enforcement of the Motor Vehicle Policy rests with the Bureau of Fleet Services working in conjunction with the Department of Personnel and affected department heads whose employees are utilizing County vehicles. The Commissioner of Public Works holds administrative responsibility for the Bureau of Fleet Services.

II. General Rules Governing Use of County, Rental or Personal Vehicles in the Performance of Official County Business

County and rental vehicles shall be used only for County business and not personal business. Only authorized County employees may operate a County or rental vehicle. Individuals who are not County employees are strictly prohibited from operating a County or rental vehicle.

At all times that a County employee is operating a County or rental vehicle, said operator shall be responsible for the vehicle as if it were his or her own. The operator is expected to exercise the same care in the maintenance and use of said vehicle that is reasonably expected as if it were privately owned and operated. All drivers of County vehicles shall identify themselves as County employees, and have a valid New York State driver's license and an Erie County Employee Identification Card as issued by Erie County government on their person.

Misuse of County vehicles, including violations of the terms of the Erie County Motor Vehicle Policy, may result in disciplinary action, up to and including termination of employment.

Compliance with New York State Vehicle & Traffic Law

The County requires that all employees operating a County vehicle, rental vehicle, or personal vehicle while conducting County business, shall comply with all traffic laws at all times. The failure to comply with the traffic laws may result in disciplinary action.

License Event Notification System Reporting Obligations for Employees and Department Heads

The Department of Personnel participates in the New York State Department of Motor Vehicles' License Event Notification System ("LENS"). The Department of Personnel utilizes the LENS program to ensure the validity of County employees' driver's license and status.

When a County employee needs access to a County vehicle, or will be driving their personal vehicle or a County rental car for official business, they are required to submit a photocopy of their driver's license to the Department of Personnel and Bureau of Fleet Services. The Department of Personnel will enter the employee's name and data into

LENS and check on their license status. If LENS indicates an employee's license status precludes them from driving a County vehicle (or a personal or rental vehicle for County business), the Department of Personnel will contact the department head and notify them and the employee status for driving for official business will be correspondingly altered.

Department heads will be held responsible for ensuring employees' provide their driver's license data to the Department of Personnel. Conversely, when an employee leaves a department or separates from the County, their department head or designee is required to notify the Department of Personnel in order that the employee will be removed from LENS.

Responsibility if Driver's License Status Altered

In the event that a County employee's drivers' license or driving privileges have been revoked, suspended, or otherwise formally impeded by the New York State Department of Motor Vehicles or a court of record, and the employee drives a County vehicle, personal vehicle or rental car in the performance of their County duties, they are required to self-report that status to their supervisor. The supervisor in turn, shall notify the department head of this license status.

At no time may a County employee whose driver's license has been revoked, suspended or impeded operate a County, rental or their personal vehicle while conducting County business. A County employee's failure to inform the County of the license status may result in disciplinary action.

Only Authorized Persons may be in County or Rental Vehicles

Passengers in County or rental vehicles shall include only employees of Erie County conducting official County business or non-county personnel conducting official business with the County. Employees authorized to operate County vehicles are strictly prohibited from providing other County employees (or others) with transportation to or from work, unless such transportation relates to official County business. Passengers who have no legitimate County business are strictly prohibited from being in a County or rental vehicle.

Trip Ticket Must be Completed for Every Trip

When utilizing a vehicle from the County Central Motor Pool, the driver is responsible for ensuring that he/she completes a "Trip Ticket" documenting their use of the vehicle prior to taking the vehicle and again upon its return. Failure to comply may result in the suspension of an employee's right to use County vehicles.

Use of Seat Belts

Anyone riding in a County, rental or personal vehicle being used for official County business, regardless of their seat location (front or rear seat) must use a seat belt at all times when the vehicle is in motion. Failure to do so may result in disciplinary action.

No Smoking in Vehicles

The use of tobacco or electronic cigarettes or related products that produce smoke or vapor while in County or rental vehicles is forbidden at all times. The use of such smoking or vapor products in County vehicles may result in disciplinary action.

Consumption of Alcoholic Beverages

The consumption of alcoholic beverages prior to or during operation of a County, rental or personal vehicle is expressly forbidden. Such consumption of alcoholic beverages may result in disciplinary action.

Use of Mobile Telephones

No person operating a County vehicle, rental vehicle, or personal vehicle while conducting County business, shall use a mobile telephone to engage in a call while such vehicle is in motion. No such person shall rely on hands-free or Bluetooth devices to engage in mobile phone call while such vehicle is in motion. The use of a mobile phone in violation of this section may result in disciplinary action.

Use of Portable Electronic Devices

No person operating a County vehicle, rental vehicle, or personal vehicle while conducting County business, shall use any portable electronic device while such vehicle is in motion. The term "portable electronic device" shall mean any hand-held mobile telephone, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, electronic reading devices, or portable computing device, or any other electronic device when used to input, write, send, receive, or read text for present or future communication. The use of a portable electronic device in violation of this section may result in disciplinary action.

Use of Vehicles for Personal Purposes

County employees may not use County or rental vehicles for personal purposes, including during the work day/work shift. Such use for personal purposes may result in disciplinary action.

Marked Vehicles

All County owned vehicles, except those assigned to elected officials or those having a police or law enforcement exemption status (certain Office of the Sheriff and District Attorney official vehicles), shall be identified with an official County seal clearly visible on the driver and passenger side front doors and an official identifying license plate. The term “elected officials” shall apply only to the County Executive, Sheriff, Clerk and District Attorney.

Employee Personal Automobile Insurance Required for Use of Personal Vehicle for Official County Business

A County employee who drives his/her own personal vehicle in the performance of County duties (and receives reimbursement) must comply with New York State law and the County’s official travel and reimbursement policy issued by the Division of Budget and Management. This includes that he/she will maintain adequate personal automobile insurance coverage purchased by and indemnifying themselves. The failure to maintain such personal automobile insurance coverage for those employees driving personal vehicles for County business may result in disciplinary action.

Parking or Traffic Citations

The operator of any County vehicle, rental vehicle or personal vehicle being utilized for County business is personally responsible for the payment of any traffic or parking violations incurred in its operation, including the cost of any attorney fees for any representation required. The failure to pay such fines will result in the New York State Department of Motor Vehicles suspending the operator’s license to drive.

Responsibility if Accident Occurs

If an accident should occur, it shall be the responsibility of the County driver to ensure that the proper police/medical authorities are notified. In the event of an accident it is also be the responsibility of the driver to inform immediately, or as soon as possible, his/her department supervisor of said accident. The supervisor in turn, must immediately notify the department head who shall notify the Bureau of Fleet Services and Department of Law no later than 24 hours following the incident/accident. The driver’s failure to notice his/her department supervisor of said accident may result in disciplinary action.

In the event of an accident with a County vehicle which results in property damage or bodily harm, it is the responsibility of the driver to conduct the following process:

1. Call an ambulance or other medical attention if needed, then notify the police.
2. Notify their immediate department supervisor as soon as possible.

3. Completely and accurately fill out the New York State Department of Motor Vehicles' Report of Motor Vehicle Accident (Form MV-104) which is in all motor pool vehicles and arrange for submission of the form to the Bureau of Fleet Services and copies to the Department of Law and to the driver's immediate department supervisor who shall provide it to the department head.

III. Vehicle Assignment

The Bureau of Fleet Services, in coordination with the County Executive, the Director of Budget and Management, Director of Purchase and department heads are responsible for the assignment, purchase and replacement of county owned passenger vehicles. As previously noted, there are independently elected officials including the Sheriff, District Attorney and County Clerk who maintain their own vehicle fleets and do not report to the Bureau of Fleet Services. Their compliance with the County Motor Vehicle Policy is also required.

The term "passenger vehicle" shall include all sedans, vans, sport utility vehicles (SUVs), pickup trucks, station wagons and any other type of vehicle which is used primarily as a mode of transportation for people, as opposed to a maintenance or "heavy duty" vehicle such as a dump truck. The definition of passenger vehicle includes marked vehicles such as Sheriff vehicles.

Departments must justify the need to replace existing vehicles through a manner prescribed by the Bureau of Fleet Services in conjunction with the Division of Budget and Management, Division of Purchase and the County Executive. For the Erie County Division of Sewerage Management and the various sewer districts, a similar process shall apply except that the approval of the various Boards of Managers of the districts shall be required prior to submission of requests.

The Bureau of Fleet Services will maintain adequate maintenance records and costs for each vehicle under its jurisdiction. Vehicles assigned to departments, other than passenger vehicles as defined above, shall be the responsibility of the respective department heads and the replacement and maintenance of those vehicles shall be in accordance with the procedures as directed by the Bureau of Fleet Services. It shall be the responsibility of all department heads to cooperate fully with the Bureau of Fleet Services in the proper procedures of record keeping and maintenance of all vehicles, regardless of their administrative control.

The Bureau of Fleet Services, in cooperation with the Division of Purchase will maintain a roster of vehicles. Said roster is to be updated as needed and include the year, make and model as well as information regarding where the vehicle is assigned. No passenger vehicles within County government are to be sold, sent to surplus, or otherwise transferred or disposed of without the consent of the Bureau of Fleet Services, Director of Purchase and the Director of the Division of Budget and Management.

IV. 24-Hour “Take-Home” Vehicle Assignment

The Bureau of Fleet Services shall maintain a list of vehicles which are assigned to county employees on a 24-hour a day basis. Said list shall be prepared by the Bureau of Fleet Services in consultation with each department head assigning said vehicles. The failure of a department head to timely and properly notify the Bureau of Fleet Services about such assignments may result in appropriate disciplinary action.

24-Hour Take-Home Vehicle Assignment Approval Process

In order for any County employee to receive access to a 24-hour take-home vehicle, a department head must request assignment of a 24-hour vehicle to an eligible employee via the prescribed 24-hour take-home vehicle assignment form. Said request must be approved by the County Executive’s Office and then approved by and filed with the Bureau of Fleet Services prior to any employee receiving access to any such vehicle. No 24-hour take-home vehicle assignments may be modified without prior written approval from the County Executive’s Office and Bureau of Fleet Services.

No department head may authorize an employee of the County of Erie to have a vehicle for 24 hours unless the employee is in an “on call” position that directly relates to emergency County services. Meetings before or after regular work hours or early morning work assignments in the field are not considered a basis for 24-hour assignment. If an employee is assigned to a 24-hour vehicle equipped with emergency or specialized equipment or a radio, said information shall be noted. The Bureau of Fleet Services shall interact with the department head to determine the appropriate vehicle to be assigned to a County employee (i.e. a SUV, pickup truck, or sedan).

Annual Departmental Re-submission and Approval Required for Vehicle Assignments

Annually, on/around June 1st, all departments must re-submit 24-hour take-home vehicle assignment requests via the prescribed form for all County employees with 24-hour take-home vehicles. This is a control mechanism to ensure that only those employees meriting or needing such vehicles for the performance of their official duties have such vehicles.

In addition, when an employee with a 24-hour vehicle changes their title/position, if their department head believes they should continue operating a 24-hour vehicle, a new request form must be completed and submitted for approval. Automatic continuation of the vehicle assignment is not permitted.

Vehicle Logs are Required for 24-Hour Vehicles

It shall be the policy of the County that automatic vehicle location-style (“AVL”) devices will be installed on County vehicles, including 24-hour take-home vehicles. If an AVL device is not yet installed on a take-home vehicle, vehicle logs are required for 24-hour take-home vehicles at the direction of the Fleet Manager or Commissioner of Public

Works. The vehicle log shall be actively monitored and reviewed by the department head. These logs are to be kept on file in the departments and provided quarterly to the Bureau of Fleet Services. The failure to comply such logs may lead to suspension of the employee's 24-hour vehicle privileges.

The monthly vehicle log form is created by the Bureau of Fleet Services and is available on SharePoint.

Tax Consequences for Employees with 24-Hour Vehicles

All County employees assigned a 24-hour take-home vehicle who are not in an "emergency" role (including, but not limited to police officers and emergency services responders driving vehicles with emergency lights and sirens) are subject to required federal taxes and withholding from their bi-weekly payroll. It is the responsibility of the department head who authorizes a 24-hour vehicle assignment to immediately notify the Department of Personnel about the employee in order that the employee's tax withholding status is confirmed and the appropriate withholding occurs from their payroll or is terminated when the employee no longer has access to a 24-hour vehicle.

V. Central Motor Pool

The Bureau of Fleet Services shall operate a Central Motor Pool for County employee use, consisting of passenger vehicles. The Central Motor Pool may exclude certain vehicles, such as pickup trucks, used by departments for daily work tasks (such as the Departments of Parks and Public Works and the Division of Sewerage Management). All Central Motor Pool vehicles are to be operated and assigned only in accordance with this Motor Vehicle Policy.

The Bureau of Fleet Services shall maintain an adequate number of vehicles and shall periodically review the Central Motor Pool and make recommendations to the County Executive and the Division of Budget and Management regarding the status of the Central Motor Pool. No vehicles shall be assigned as a replacement vehicle on a permanent basis to any other County department without the concurrence of the County Executive and the Director of Budget and Management.

Central Motor Pool vehicles are not authorized to be used outside of Erie County without the prior written approval and written request from the department head seeking such usage and the written approval of the Bureau of Fleet Services. At all times, the Bureau of Fleet Services shall establish such procedures that are necessary for the effective use of the Central Motor Pool, and all user departments will be interdepartmentally billed back for the costs of the use of the Central Motor Pool.

Any employee in need of a Central Motor Pool vehicle after 5 PM or before 8 AM, necessitating the need for an overnight possession, shall not be allowed such usage without the written request of his/her department head and the written agreement by the Bureau of Fleet Services. Such requests by departments shall be made no later than the

morning of the preceding day that the vehicle is needed. All employees that use the Central Motor Pool shall properly fill out the trip ticket and follow the rules and regulations as required by the Bureau of Fleet Services. Failure to comply with the rules and regulations may result in the suspension of an employee's right to use the Central Motor Pool and/or disciplinary action.

The operator is responsible to check the vehicle for visible damage before beginning the trip, inform the Bureau of Fleet Services attendant of any damage and note the damage on the trip ticket. Prior to returning the vehicle, it shall be the operator's responsibility to refuel. At the completion of the trip, it shall be the operator's responsibility to complete the trip ticket accurately and to sign the ticket and return it, with the keys, to the attendant.

VI. Purchase of Vehicles

All vehicles shall be purchased through competitive bidding procedures as established and enforced through the Division of Purchase. In determining the most economical vehicles to purchase, it shall be the responsibility of the Bureau of Fleet Services to prepare such information needed by the Division of Purchase to best assess the actual needs. Said information shall include, but not be limited to, cost of maintenance, availability and accessibility of obtaining parts and service, and fuel efficiency.

Wherever possible, it shall be the policy of the County to purchase vehicles that are economical and which require less maintenance, have higher fuel efficiency and which are appropriate to the conditions (i.e. the automatic procurement of expensive, fuel-inefficient SUVs is not encouraged). It is the responsibility of the department purchasing the vehicle to accurately complete the New Vehicle Request/Replacement Sheet that includes any request to purchase an alternative fuel vehicle.

At all times, the Bureau of Fleet Services shall be consulted regarding the purchase of any passenger vehicles by any County department to assure service ability, maintenance, and compatibility with other County owned and operated vehicles.

It shall be the policy of the County of Erie to maintain all vehicles in a manner that ensures safety for the driver and passengers at all times. No vehicle will be operated by the County unless it is in good mechanical and safety condition.



**Bureau of Fleet Services
Erie County Department of Public Works
Rath Building, 14th Floor**

April 28, 2015

**Erie County 24 Hour Take-Home Motor Vehicle
Assignment Form and Process**

All 24 hour take-home motor vehicle assignments must be renewed annually on/around June 1st and all employees who have such vehicles must annually submit the attached Assignment Form in order to continue to retain such vehicles.

Any changes in vehicle assignments, including separation of employees from County services, reassignment of vehicles to other employees, etc. must be requested by departments and approved by the Bureau of Fleet Services. When employees change title/position/role, the automatic retention of 24-hour vehicles is not authorized and a new request must be made.

At no time may a County employee drive or possess a 24-hour vehicle without a completed, signed and fully-approved Assignment Form being on file.

Failure to comply with this assignment process and the County's Motor Vehicle Policy will result in employees and/or responsible managers receiving appropriate disciplinary action and could include the loss of County vehicle privileges.

Thank you in advance for your cooperation. If you have any questions, please contact the Bureau of Fleet Services on the 14th Floor of the Rath Building.

Erie County 24-Hour, Take-Home Motor Vehicle Assignment Form

Date: _____

Employee Name: _____ Title: _____

Department: _____ Work Site: _____

Employee Number: _____ Driver's License Number and State: _____

Employee Home Address: _____

Normal Daily Commuting Mileage (one way from home to work): _____

Number of After Hours Official County Functions/Activities/Call-Ins Attended Last Year: _____

Do you Require a County Specialized Vehicle with Equipment Contained Therein? _____

If Yes, Please Explain the Specific Equipment/Vehicle Type Needed: _____

The Employee Must Provide a Written Narrative Requesting and Justifying the Assignment of a County Vehicle (attach additional sheets if necessary):

Is This Request a Renewal of an Existing Approved 24-Hour Vehicle Assignment? _____

Proposed Term of Vehicle Assignment (length of time): _____

To seek approval, the employee must sign this Form, attach a photocopy of their driver's license and submit it to their Department Head. The Department Head must sign the Form and send it and the photocopied license to the County Executive's Office. Following Executive approval, Fleet will provide the license to the Department of Personnel for verification in the NYSDMV LENS program and then a County vehicle will be assigned.

Employee Signature

Department Head Name and Signature

Fleet Manager Signature

County Executive Office Name and Signature

County Vehicle Assigned: Make: _____ Model: _____

Year: _____ VIN: _____ License Plate: _____

By signing this Form, the employee seeking a County vehicle understands that the Department of Personnel will determine the appropriate value of the vehicle allowance for personal use in commuting and include that work benefit in the calculation of the employee's annual compensation through the IRS W-2 wage and tax statement. Appropriate withholding will be made from the employee's payroll by the Department of Personnel. The employee also acknowledges that his/her New York State driver license is in good standing and not suspended or revoked. In addition, the employee also acknowledges that he/she 1) has read and understands the County Motor Vehicle Policy; 2) will comply with that policy; and 3) that his/her use of the County vehicle will be for governmental purposes only.