

## **POLICY: Driver Eligibility**

**POLICY NUMBER: 8.4**

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REPLACES: New

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Employment with Montgomery County may require that the employee drive his/her personal vehicle and/or County vehicle for work-related purposes, such as travel to and from work sites in the field, offices of other agencies, meetings, etc. If an employee is eligible for reimbursement by the County for mileage, per the Internal Revenue Service (IRS) guidelines, then that activity constitutes a work-related purpose.

### **Scope**

For employees who are required to have a Commercial Driver's License as part of their employment, these procedures are separate from and in addition to those required by Federal Motor Carrier Safety Regulations.

*This policy addresses the minimum expectations/requirements for all Departments. Departments may include additional procedures at their discretion.*

### **Eligibility Requirements**

The Ohio Revised Code dictates that no official or employee shall use County vehicles except in the transaction of public business or work (ORC 307.42). All vehicles shall be plainly and conspicuously letter (ORC 307.42, 307.41 Case Note 11). All vehicles with County plates will bear County logo and vehicle number. All employees who drive County vehicles are required to successfully complete a defensive driving course upon hire or assignment to a County vehicle and annually thereafter.

### **Valid Operator's License**

All operators of County vehicles, or personal vehicles used for County business, must have a **valid operator's license**, which includes the specific type of vehicle being operated.

When an individual accepts an offer of employment and is required to drive as part of his/her job duties, he/she will be required to present to the HR Department his/her valid driver's license from the respective state of residence no later than the first working day. A copy will be kept on file. Proof of this valid, licensure will be required annually, and at any other time as determined by management.

### **Motor Vehicle Liability Insurance**

All authorized operators of County vehicles will be covered by the County insurance plan. All operators of personal vehicles used for County business, must provide **proof of motor vehicle liability insurance** at state of Ohio minimum insurance requirements no later than the first working day. A copy will be kept on file. Proof of this insurance will be required annually, and at any other time as determined by management.

Under Ohio law, the County is not permitted to assist employees in meeting the cost of personal auto insurance. Employees should consult with their insurance agents regarding the additional liabilities incurred when driving for work-related purposes and the appropriate insurance protection needed.

### **Signed Agreement**

All authorized operators of County vehicles must sign an agreement to maintain a valid driver's license. All operators of personal vehicles used for County business must sign an agreement to maintain a valid driver's license and liability insurance at the State of Ohio minimum insurance requirements during employment with the County. This agreement specifies that the employee is prohibited from any work-related driving if either his license or insurance lapses for any reason (suspension/revocation/expiration). The signed agreement is kept in the personnel file.

### **Acceptable Driving Record**

If an employee performs required work-related driving, an acceptable driving record must be maintained.

An **Acceptable Driving Record** is defined as:

1. No major violations in the last three (3) years
2. Maximum of three (3) minor moving violations in the last three (3) years (no at-fault accidents).
3. Maximum of one (1) at-fault accident within the last three (3) years whether cited or not.

A **Major Violation** is one that involves:

1. Operating a vehicle under the influence of drugs or alcohol (OVI) Failure to stop and report an accident
2. Homicide, manslaughter or assault arising out of operation of a motor vehicle
3. Driving while license is suspended or revoked
4. Reckless operation
5. Speed contest, drag racing or attempting to elude an officer of the law
6. Making a false accident report
7. Speeding violation of 20mph or more above the posted limit
8. Driving under FRA (Financial Responsibility Act) suspension

An employee who has a major violation may have his County driving privileges reinstated after successful completion of the National Safety Council's 8/6 Defensive Driving Course, offered by Risk Management, or an equivalent course approved by Risk Management. An employee's County driving privileges will only be considered for reinstatement if the court system grants limited driving privileges for occupational purposes, per ORC 4510.021.

**A Minor Violation** is one that involves:

Any moving traffic citation (speed less than 20mph above the posted limit, failure to stop or yield, improper lane change, driving left of center, improper backing, etc.) other than a major violation.

The following are *not* moving citations:

1. Motor vehicle equipment, load or size requirements
2. Improper display or failure to display license plates
3. Failure to sign or display a registration card

**Motor Vehicle Reports:**

Candidates who are being considered for a position which requires work-related driving must complete an initial motor vehicle driving record review. The driving record is used to evaluate candidates for employment; the candidate must sign a release for the County to obtain the motor vehicle record. Failure to sign the release will result in any contingent offer being withdrawn.

Upon hire, the County must assure that drivers remain qualified throughout the duration of employment. Motor Vehicle Record Checks will be obtained periodically for all employees who are required to perform work-related driving. Driver qualification files will be maintained to facilitate review of the employee's adherence to the Driving Policy.

A release/consent form authorizing the Motor Vehicle Record Check is required. Failure to sign the release will result in disciplinary action up to and including termination of employment. An unsatisfactory result on this record check, which does not reflect an acceptable driving record as stated above, will result in disciplinary action up to and including termination.

**Reporting Requirements**

If licensure is revoked or suspended, the employee must notify the Supervisor/HR Division of this fact at the earliest of the following:

- A) Day of Suspension/Revocation/Lapse
- B) Next Working Day

*Note: Departmental Work Rules may specify more stringent reporting timelines.* Failure to notify of the above infractions shall result in disciplinary action up to and including termination of employment. Employees must exercise due diligence to get driving privileges restored as quickly as possible.

*Accidents*

When an employee is involved in an accident while driving on County business, whether with or without passengers, the employee must call his immediate supervisor as quickly as possible to report the problem. The employee must immediately call local law enforcement in the case of a motor vehicle accident to report the accident.

Accident report forms and related documentation are to be completed and submitted or forwarded to the County Risk Management department within 24 hours of the event. (A complete listing of necessary documentation can be obtained from the County Risk Management Department.)

When involved in an accident while driving a County vehicle, the driver must follow the instructions and complete the forms in the accident kit located in the glove compartment. This must be done while on the scene so as to capture the information as accurately as possible and to identify all potential witnesses.

Major traffic violations and at-fault accidents must be reported to the Supervisor immediately.

#### *Traffic Violations*

Parking, moving violations and/or other fines received during the operation of a vehicle for County business are the responsibility of the operator. It is essential that the employee report immediately to his supervisor by providing a copy of the citation.

*On a case-by-case basis and at their discretion, Management reserves the right to pursue, investigate and discipline (up to and including termination) any other incidents that come to the attention of the County management.*

#### **Safety Requirements**

**It is imperative that all employees who operate County vehicles, or personal vehicles used for County business adhere completely, at all times, to all motor vehicle laws and regulations of the State of Ohio and of the municipality or geographic area in which the driving takes place. Ohio motor vehicle laws and regulations may be obtained from the Ohio Bureau of Motor Vehicles.**

The County maintains the right to conduct drug/alcohol testing in the case of reasonable suspicion. No employee shall be under the influence while operating a personal vehicle or County vehicle while conducting work-related business. All employees must be in compliance with federal, state and local laws.

Drivers must refrain from using cellular phones while operating a vehicle in accordance with the Montgomery County Cellular Telephone Policy.

No individuals other than on-the-job employees and authorized personnel are permitted to ride in County vehicles.

When traveling in County or personal vehicles for work-related business, tools, material and equipment are to be secured before operation of the vehicle so as to prevent vehicle-related road debris.

Vehicle operators shall notify their Supervisor immediately if they detect any hazardous or unsafe condition in or on any County vehicle. The Supervisor is responsible for scheduling repair of the defect.

Drivers are to drive courteously and practice defensive driving techniques.

Unattended County vehicles shall have the keys removed, valuables secured out of sight, brakes set, windows rolled up and the doors locked.

Drivers and authorized passengers are prohibited from smoking in County vehicles.

*Note: The Department of Transportation Motor Carrier Safety Regulations for CDL Drivers supersedes the above where different.*