



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION 2018 - 12**

VEHICLE USE POLICY

RECITALS

WHEREAS, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

WHEREAS, NMSA 1978, Section 4-37-1 et seq. provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, NMSA 1978, Section 4-38-13 (1876) states that “[t]he board of county commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient;” and

WHEREAS, the Board has determined that this policy is necessary to reduce vehicle liability and protect Valencia County’s resources and personnel from accidents and loss;” and

I. PURPOSE

Vehicle operations are Valencia County’s greatest liability exposure and one of the leading causes of employee injury. The intent of this policy is to protect Valencia County’s human, capital, and financial resources from accidental and/or intentional loss. This policy will save lives, decrease injuries, minimize county costs and potential liabilities, and increase productivity and efficiency.

II. DEFINITIONS AND ACRONYMS

- i. **Affidavit** – A written document to affirm that something is true
- ii. **BAC** – Blood Alcohol Content / Breath Alcohol Content
- iii. **BAT** – Breath Alcohol Test
- iv. **Business Use** – Use of a vehicle for conducting county business

- v. **Commuting Rule** – If the personal use of a County vehicle is for commuting to and from work or de minimis use, this IRS rule governs the calculation of taxable income to an employee from such personal use
- vi. **Control Employee** – An employee whose compensation equals or exceeds a compensation level set by the Internal Revenue Service or an elected official
- vii. **De Minimis** – So small as to make accounting for it unreasonable or administratively impractical [IRS Sec 132 (e) (1)]
- viii. **DWI** – Driving While under the Influence or Intoxicated
- ix. **Fringe Benefit** – Non-cash benefits provided by the County to or on behalf of an employee
- x. **PM** – Preventive Maintenance. Usually consists of lube, oil, and filter servicing as well as safety inspections
- xi. **Personal Use** – Any use by an employee of a County owned vehicle that is not considered business use. Personal use includes commuting to and from the workplace
- xii. **Qualified Non-Personal Use Vehicle** – Any vehicle within a group of vehicle types that by their nature are not likely to be used for personal use (ie. Fire Truck, Transport Van, etc.)

III. POLICY

- a. Valencia County will see that drivers are qualified and competent to operate assigned vehicles and equipment (the fleet), as set forth in this policy and that the fleet is appropriate for assigned tasks. Valencia County will provide a safe fleet and maintain the fleet in an acceptable state of readiness. Employees are expected to operate the fleet safely and promptly report deficient equipment and/or hazardous conditions.
- b. When engaged in fleet operations, no task is more important than the safe operation of the fleet. Accidents involving the fleet will be reviewed for root cause identification and a preventability determination. Drivers involved in preventable accidents will be disciplined in accordance with Valencia County policies.
- c. Only County employees shall drive or ride in County vehicles unless prior approval is given by a supervisor or manager.
- d. The driver is responsible for the safety of himself/herself and any passengers. Drivers must transport only the number of persons for which there are seat belts in the vehicle. Pursuant to New Mexico State Law all persons must wear their seatbelts. When personnel transport children, the vehicle used must be outfitted with child restraint devices which meet the specifications of New Mexico State Law.

IV. THE DRIVER

a. IDENTIFY DRIVERS

Since not all employees operate the fleet, Valencia County will determine which employees are classified as county drivers. Valencia County will evaluate employees and/or positions based on their driving potential. Employees or positions will be classified as either **“Regular Drivers”** (*daily essential function*), **“Frequent Drivers”**

(*weekly essential function*), “**Limited Drivers**” (*drive no more than three times per month*), or “**Non-Drivers**” (*employees that will not drive*). All drivers shall meet all elements of this policy.

b. DRIVER SELECTION / QUALIFICATIONS

Reasonable efforts will be made to select the most qualified and competent person for each job. Valencia County will not make driver selections based on subjective qualifications or experiences alone; the process will be systematic and objective. Driver selections and qualification will be analyzed during the hiring process, Valencia County’s goal is to hire competent qualified employees and, if they drive for the County that means competent qualified drivers.

c. VALID LICENSE

All drivers (*current and prospective*) shall have a valid license for the type of vehicle(s) operated for their job. Valencia County will retain a photocopy of all licenses in a drivers personnel file. A Commercial Driver License (CDL) is a legal requirement for certain vehicles. If a CDL or other license type is not required at hiring, the individual shall obtain proper licensing prior to operating such vehicles or equipment. The Department Director is responsible for timely reporting of license classification changes to the Human Resources Department.

d. INFORMATION RELEASE AND BACKGROUND INVESTIGATION

All job applicants shall sign an information release. This release authorizes Valencia County to conduct a background investigation on the applicant’s driving history. Once a release is obtained, Valencia County will contact references and previous/current employers. The background investigations shall be completed prior to a final job offer being extended. Valencia County will solicit information about the applicant’s history, such as license status, citation history, possible restrictions, driving record, type(s) of vehicles driven, how frequently the driver drove, and past accidents.

e. MOTOR VEHICLE RECORD (MVR) REVIEWS

MVR reviews shall be conducted on new hires applying for any position involving fleet operations prior to a final job being extended. New and existing employees; MVR’s are received monthly and reviewed by the Human Resources Department. Applicants with an acceptable record will be considered for employment; however, applicants with an unacceptable record will not be considered. Employees having an unacceptable driving record shall automatically lose their County driving privileges. These employees will be terminated or at the County’s discretion be reclassified or reassigned to a non-driving position, if available. Unacceptable driving records will be evaluated on a case by case basis and include, but are not limited to the following:

- i. Three or more moving violation convictions within the past three (3) years;
- ii. Two or more moving violation convictions within the past twelve (12) months;
- iii. Conviction of a major violation within the past three (3) years;
- iv. Suspended, revoked, or restricted license for moving violations or conviction of a major violation within the past three (3) years;
- v. Reckless driving or speed contests (racing);
- vi. Leaving the scene of an accident or failure to report an accident;
- vii. DWI conviction and/or refusal to take a blood alcohol or breath alcohol test;
- viii. Fleeing or attempting to elude law enforcement in a motor vehicle;
- ix. Homicide, manslaughter, or assault arising out of the use of a vehicle;
- x. Any other serious traffic violation.

All drivers are required to immediately report any moving violation citation, major violation arrest or conviction, license suspension or revocation, or driving restriction to their supervisor.

f. MEDICAL EXAMINATION

Employees shall be medically qualified to operate vehicles in accordance with job requirements prior to commencing work. The offer of employment may be contingent upon the successful completion of a pre-employment physical examination. This examination should screen for vision impairments and any other illnesses detrimental to operating the fleet. All CDL operators are required to comply with Federal DOT regulations, which require physicals every two years.

V. THE VEHICLE

a. MOTOR VEHICLE AND EQUIPMENT

Proper vehicle selection is often overlooked, yet can have catastrophic implications; therefore, Department Directors shall select the proper vehicle for the tasks involved within their department. It is important to ensure that Valencia County selects a safe and appropriate vehicle depending on the assigned task. Each assigned vehicle shall have a completed Valencia County Take Home Form corresponding with the operator of the assigned vehicle. (Section V, i.)

b. MAINTENANCE AND REPAIRS

Routine maintenance and repairs shall be conducted in a regular and timely fashion. The County shall develop and implement a system of checks and a schedule for vehicle maintenance. All fleet vehicles will be maintained in accordance with the manufacturer's recommendations at a minimum. The County shall assign an individual to oversee and be responsible for fleet maintenance. If sufficient staff is not available, the County will assign an individual from each department to be responsible for the fleet vehicles under

his or her charge. Drivers are encouraged to take pride in their vehicle and have a personal responsibility for the condition of their vehicle. The County shall develop a reporting system where drivers can report and vehicle/equipment problems and/or needs. Any vehicle needs and/or problems should be reported to ones direct supervisor immediately.

c. VEHICLE INSPECTIONS

Supervisors are responsible for ensuring that the fleet is in an acceptable state of readiness. On a quarterly basis supervisors shall inspect the vehicles under their care for compliance with County policies and maintenance schedules, and shall identify any employee omissions or abuse. The daily, weekly, monthly, quarterly, and annual inspection/maintenance guidelines for the vehicles should be incorporated by each department as they see best. However, these departmental guidelines should not supersede, overarch, or eliminate DOT, OSHA, CDL, or any other safety requirements. Each driver assigned a vehicle should treat the County vehicle as they would their own vehicle in regards to inspections and maintenance.

d. VEHICLE REPLACEMENT CYCLE

The County's decision on vehicle replacement is based on the economic impact of continued use and the degree of liability the County is willing to assume. Every department should identify the maximum usage parameters (*economic life*) of their fleet and replace the fleet cyclically. Once vehicle operations cost reach a certain point (*economic life*) it is no longer cost effective to keep these vehicles in service. To prevent budget shortfalls and unmanageable predicaments, once vehicle replacement cycles are determined for each department, the department Director may incorporate the appropriate percentage in his or her annual budget. Priority will be given to the replacement of public safety vehicles.

VI. PROGRAM MANAGEMENT

a. ACCIDENT REVIEW PROCESS

The County shall review all fleet accidents to identify the root cause(s) and to determine the preventability of each accident. This review process shall result in corrective measures and recommendations to the County Managers office. These recommendations can include, but are not limited to refresher or remedial training, modification of driver training tactics, modification or re-evaluation of fleet selection, review or modification of departmental policies and procedures, and evaluation of the employee for health issues or other contributing factors. All fleet accidents, regardless of how minor, are to be reported, investigated, and reviewed. Accident reviews should include police reports, supervisor reports, and any other pertinent information. The County Manager, the Human Resources

Department, and the Department itself shall determine the members for the accident review committee and this committee will make a preventability determination.

b. CORRECTIVE ACTION

Violations of this policy shall be met with prescribed, announced disciplinary procedures ranging from re-training, counseling, suspension, temporary or permanent suspension of driving privileges, up to including termination. In accordance with personnel rules, major or repeated violations may result in the termination of the employee.

Safety policies and discipline for non-compliance will be clearly outlined and uniformly and completely enforced by the department Director. Violations should be dealt with sternly, fairly, and consistently. All disciplinary actions should be coordinated with the County Manager's office and the Human Resources Department and the County Attorney, as needed.

c. DRIVER TRAINING

New drivers shall receive an orientation on organizational requirements before they operate the fleet to include driving rules, procedures, and County expectations.

Employees who negligently operate a fleet vehicle will be subject to disciplinary action. All new drivers shall successfully complete the County Defensive Driver Training within six months of hire and refresher training will be provided to all drivers at least once every three years. Remedial training will be available for drivers involved in preventable accidents, upon receiving a moving traffic violation conviction, and to those whose supervisor determines the employee is in need of additional training. Remedial training shall be provided within thirty (30) days of a preventable incident, at the request of a supervisor, or a traffic violation conviction.

Specialized professions such as law enforcement, public works, emergency management, fire/rescue may choose to utilize approved specialized courses to complete in lieu of the Defensive Driver Training. However, it must be a course that is approved by the New Mexico Association of Counties.

d. FITNESS TO OPERATE VEHICLE

Supervisors should be vigilant for signs or conditions that adversely affect an employee's ability to safely operate a fleet vehicle or to perform the essential functions of a particular job. If it is suspected that an employee may not be able to safely operate a vehicle, the supervisor shall immediately report their concerns to the Human Resources Department and/or the County Manager's office for a follow up. The employee must report to the County the use of ANY medications that may impair their ability to safely operate a vehicle. Any employee experiencing a medical condition that is affecting their ability to safely operate a vehicle will be evaluated on a case by case basis.

e. SUBSTANCE ABUSE TESTING

The County has a vital interest in maintaining safe and efficient working conditions for its employees and its citizens. Employees under the influence of alcohol or drugs pose a serious safety and health risks not only to themselves, but also to all that they come in contact with. Therefore, the County shall institute post-accident substance abuse testing. Drivers shall be tested when deemed necessary by the supervisor. The accident review committee, or mandatorily in the following conditions:

- i. The accident causes an individual to die
- ii. Individual(s) suffer bodily injury and immediately receive medical treatment away from the scene of the accident
- iii. One or more vehicles incur disabling damage due to the accident and has to be transported from the scene by tow truck or other vehicle
- iv. If there is reasonable suspicion that the employee may have been under the influence of alcohol or drugs at the time of the accident or the cause of the accident.
- v. The employee is involved in a citable accident.

For the purpose of this policy, an “accident” shall mean an occurrence associated with the operation of a County vehicle or other equipment such as backhoes, loaders, graders, etc. A “citable accident” shall mean an accident in which the County driver received or could have received a traffic citation for causing the accident.

f. PERFORMANCE EVALUATIONS

To be effective, employees at all levels of the County shall be held accountable for their loss prevention results. Every employee will be measured and evaluated based on their fleet accident prevention results and performance. Preventable accidents, traffic citations received in a County Vehicle, and unsafe driving records shall also be considered.

g. PUBLIC SAFETY VEHICLES

Each Public Safety Department, with the exception of the VCSO, shall create and maintain a policy that is specific to their Department that is based off of this policy.

h. USE OF PERSONAL VEHICLE

Use of personal vehicles for County business is discouraged at all times. In rare instances where a County vehicle is not available, the employee’s immediate supervisor must pre-authorize the use of a personal vehicle. In every case, employees using personal vehicles for County business have to be insured in accordance with New Mexico state law and need to provide proof of valid insurance to their immediate supervisor. Under NO circumstance is an employee authorized to use an uninsured vehicle for County business.

If an employee uses his or her personal vehicle for County business, that employee's personal insurance is considered the primary coverage and the employee's personal insurance is responsible for liability coverage.

i. ASSIGNED TAKE HOME VEHICLES

- i. To improve services, Valencia County has a bona fide need to assign "take-home" vehicles to certain County employees (i.e. Public Safety personnel and on-call staff). The County's take home policy is not intended to limit or restrict elected officials' authority; it is however, necessary for efficient management and for limiting the County's liability exposure.
- ii. The assignment of a County take-home vehicle may result in taxable income to the employee pursuant to IRS rules. Typically, qualified non-personal use vehicles (such as an ambulance, bus or other vehicle whose design would make the vehicle unlikely to be able to be used personally) are exempt from taxation, while use of other vehicles may result in the attribution of taxable income.
- iii. Participation in the "take-home" program is voluntary; however, the County has the right to deny participation, or suspend, revoke, terminate, or modify this program at any time, for any reason. For those that choose to accept a "take-home" vehicle a copy of the Valencia County Take Home Vehicle Form shall be filled out and placed in their personnel file within the HR Department.
- iv. This program is reserved for employees having an official need for County vehicle beyond normal working hours (i.e. Public Safety personnel), on-call status, subject to call-out, or as approved by the County Manager. Personnel will not operate during off-duty hours, except when on an on-call status, to and from work, or when on official County business to include official business outside of the County.
- v. Personnel utilizing a "take-home" vehicle will not transport passengers, except within the course and scope of duty or as authorized by their immediate supervisor. The safety of all passengers rests solely with the operator that was issued the vehicle.
- vi. Take home vehicles will not be assigned to individual who resides beyond fifty (50) miles of the boundaries of the County unless authorized by the County Manager or as required pursuant to a current Collective Bargaining Agreement.
- vii. Personnel will NOT operate an assigned vehicle while under the influence of alcohol or drugs, and shall NOT operate the vehicle within eight (8) hours after consuming an alcoholic beverage.

j. GENERAL INFORMATION

All employees shall operate fleet vehicles in compliance with New Mexico traffic laws, operator licensing requirements, vehicle weight and dimension limits, County policies, and vehicle and equipment requirements.

Employees are responsible for reporting any vehicle or equipment mechanical problems, damage, or accidents to their immediate supervisor as soon as possible.

k. USE OF ELECTONIC DEVICES

With the exception of individuals responding to an emergency call or to summon medical or other emergency health, use of cellular telephones, tablets, laptops, GPS, etc. is prohibited while operating the vehicle, unless a hands-free system is utilized. All employees shall us due caution when using this equipment while the vehicle is in motion. The primary responsibility of employees engaged in fleet operations is the safe operation of the vehicle or equipment. Employees are encouraged to park the vehicle safely out of traffic prior to engaging in any type of electronic usage.

VII. REPEAL OF PREVIOUS POLICIES

This policy supersedes, repeals, and replaces all previous policies adopted by the Board of County Commissioners of the County of Valencia relating to vehicle use, including the policy adopted by this Board on July 1, 2009, and will pertain to all County departments with the exception of the Valencia County Sheriff’s Office. (Due to the nature and requirements of their Office, the VCISO will develop and maintain an internal Vehicle Usage Policy specific to their needs.)

PASSED, APPROVED AND ADOPTED on this 7th day of February, 2018

Jhonathan Aragon, Chair, District V

David A. Hyder, Vice Chair, District III

Helen Y. Cole, District I

David Carlberg, District II

Charles D. Eaton, District IV

Attēst:

Peggy Carabajal, County Clerk

