

POLICY NO.: 987-15

MOTOR VEHICLE OPERATION POLICY

A. PURPOSE

The purpose of this policy is to identify the minimum requirements for all County employees that may operate or are transported in motor vehicles owned, leased or temporarily rented by the County of Cape May ("County")

B. DEFINITIONS

1. Incident Review Committee shall review all incidents involving a County vehicle. The committee shall determine whether an incident was preventable or non-preventable based upon the information available at the time, and determine any training, corrective action and/or safety precautions that must be taken in order to promote safe driving, driver responsibility and an overall reduction in vehicle accidents. The committee shall consist of a safety officer from the Office of Risk Management & Safety, an investigator from the Office of Risk Management & Safety and an employee representative.
2. Major Violation means any conviction resulting in four (4) points or more including, but not limited to, driving under the influence, driving while intoxicated, failure to report a collision, reckless driving/racing, improper passing, driving while impaired, making a false report, driving while license is suspended/revoked, attempting to elude a police officer, leaving the scene of an accident, speeding more than 15 mph over the speed limit, and refusal to take a sobriety test.
3. Minor Violation means any conviction resulting in three (3) points or less including, but not limited to, failure to have a valid driver's license in possession, stop sign and traffic signal offenses, speeding less than 15mph over the speed limit, improper turns, use of wireless telephone or electronic communication device in moving vehicle, failure to yield and seat belt violation.
4. Preventable means any incident involving a County vehicle or any vehicle while being used on County business that result in property damage and/or personal injury, and which the driver in question failed to exercise reasonable precaution to prevent the incident. This includes, but is not limited to, following too close, driving too fast, failure to observe clearances, failure to observe stationary objects, failure to obey signs, improper turns, failure to observe signals from other drivers, failure to reduce speed, improper parking, improper passing, failure to yield, improper braking, failure to obey

traffic signals or directions, exceeding the posted speed limit, driving while intoxicated (DWI) or driving under the influence (DUI).

C. POLICY

1. All operators of County vehicles must possess a valid New Jersey driver's license certified for the type of vehicle being operated. Upon each renewal of the license, a copy must be submitted to the Department of Human Resources & Training.
2. Motor vehicle records (MVR) will be examined prior to the start of employment and on a periodic basis thereafter. Any job offer made to a prospective employee for a position with driving duties shall be contingent upon a MVR meeting the required standards. Further, continued employment in a position with driving duties requires the employee to maintain his or her MVR within the standards outlined below. The standards for MVRs are as follows:
 - a. All operators must have a valid driver's license;
 - b. MVRs will be graded based upon the "Motor Vehicle Grading Criteria" table below for a three (3) year rolling look-back period for minor violations and a five (5) year rolling look-back period for major violations. No employee shall be permitted to operate a County vehicle with a "borderline" or "poor" MVR.
 - c. For employees who operate a County vehicle as an essential function of that position, the following shall apply:
 - i. If an employee maintains a "clear or "acceptable" grading during a five (5) year period from the employee's date of hire, the MVR will thereafter be graded based upon a three (3) year period. If an employee maintains a "clear" or "acceptable" grading during the five (5) and three (3) year periods, the MVR will thereafter be graded based upon a one (1) year period. Once the employee attains a reduced review period, he or she will thereafter always maintain at least that period.

For example, John Smith was hired January 1, 2015. If he falls to a "borderline" or "poor" grading between January 1, 2015 and December 31, 2019, he will be terminated. If he maintains a "clear" or "acceptable" grading through December 31, 2019, he will then move into a three (3) year review period. If he maintains a "clear" or "acceptable" grading from January 1, 2015 through December 31, 2022, he will then move into a one-year (1) rolling look-back period.

- d. If subsequent to a MVR check it is discovered that a County vehicle operator falls either into the "poor" or "borderline" categories, and driving is an essential function of the employee's position, the employee will be terminated from his or her position.

Motor Vehicle Grading Criteria

Number of Minor Violations	Number of Preventable Incidents			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor
Any Major Violation	Poor	Poor	Poor	Poor

- 3. Incident Review Committee shall review all incidents involving a County vehicle. The Committee shall determine whether an incident was preventable or non-preventable based upon the definition set forth above. The Committee shall also determine whether any training, corrective action and/or safety precautions must be taken in order to promote safe driving, driver responsibility and an overall reduction in vehicle accidents.
 - a. The Incident Review Committee will determine whether the incident would have been prevented if the driver exercised reasonable care under the circumstances.
 - i. Reasonable care is the degree of caution and concern for the safety of himself/herself and others that an ordinarily prudent and rational person would use in the circumstances. This includes both affirmative acts which a reasonably prudent person would not have done and the omission of acts or precautions which a reasonably prudent person would have taken in the circumstances. To summarize, every person is required to exercise

the foresight, prudence and caution which a reasonably prudent person would exercise under the same or similar circumstances.

- b. The decision of the Committee shall be based solely on facts revealed during the investigation. Speculation should not be considered. The sources that should be considered include, but are not limited to:
 - i. driver's report of the incident;
 - ii. any investigative report of the incident;
 - iii. statement of witnesses, if any;
 - iv. diagrams, photographs and any other available evidence; and
 - v. in the event equipment failure may be an issue, a qualified individual may be brought in to affirm or refute the claim.
 - c. The decision of the Committee is final and must be supported by all levels of management.
4. Only County employees are permitted to operate a County vehicle and only individuals who are directly involved in county business at the time of travel are permitted as passengers in the vehicle. As work assignments dictate, a County vehicle may be permanently or temporarily assigned to be taken home. When County vehicles are parked at an employee's residence, it is the employee's responsibility to take measures to prevent theft, damage or vandalism of the vehicle.
 5. The use of a County vehicle is restricted to County business. The only exceptions would be for the employee to stop for meals or brief convenience stops while traveling between County related destinations. Use of a County vehicle for personal business is prohibited.
 6. Employees who operate a County vehicle as part of his or her job responsibilities are required to immediately report any and all motor vehicle tickets/summons, including those received outside of work and in a personal vehicle, to his or her Department Head and the Director of the Department of Human Resources & Training. Failure to report a ticket will result in disciplinary action.
 7. If a County employee that is required to drive as part of his or her job responsibilities has his or her driver's license suspended or revoked, temporarily or permanently, the employee must notify his or her supervisor and the Director of the Department of Human Resources & Training of these circumstances when next reporting to duty.

If the employee fails to report the loss of his or her driving privileges to either his or her supervisor and to the Director of the Department of Human Resources & Training as noted above, and it is subsequently discovered that the employee's driver's license has been suspended or revoked, the employee will be subject to appropriate disciplinary action up to and including termination. If it is further determined that the employee operated a County vehicle during the period of such suspension, the employee will be disciplined or terminated.

8. Operators in possession of a commercial driver's license must participate in the County's random and pre-employment drug and alcohol screening program, as required by the Omnibus Transportation Act.
9. The consumption, use, transportation or possession of an alcoholic beverage or illegal drug in a County vehicle or while on County business will result in disciplinary action, up to and including termination.
10. All traffic and speed limit signs must be obeyed. In rain, snow or other inclement weather, all drivers of County vehicles or while on County business shall adjust their speed to permit them to keep the vehicle under control.
11. The use of a cell phone while operating a County vehicle or while on County business is prohibited. Park your vehicle in a safe area when using a cell phone.
12. Seatbelts shall be present in all motor vehicles, and utilized at all times by all occupants of the vehicle while the vehicle is in motion. Drivers shall make certain each passenger is seated and their seatbelt secured before proceeding.
13. Vehicles used to transport employees shall have seats adequate for the number of employees to be carried and be firmly secured. Drivers shall not permit the number of riders to interfere with line of sight or the control of the vehicle.
14. All passengers must be seated inside the vehicle and shall not be supported by the bumper, running board, tailgate, fenders, sidewalls, or any part of the vehicle not designated for their safe transportation. Standing in a moving vehicle is absolutely forbidden. All vehicles must be stopped completely before a passenger gets on or off, No one is to ride in the bed, trailer or storage area of a truck.
15. Prior to use, all vehicles shall be checked by the operator to assure the following parts, equipment, and accessories are in safe operating condition and free of apparent damage.
 - a. Brakes, steering, tires

- b. Windshield, wipers and washer
- c. Seatbelts, mirrors
- d. Back-up alarm and or horn
- e. Head, tail, parking and brake lights
- f. Leaking fluids on the ground, step-ups or decks
- g. Directional signals and emergency flashers/lighting
- h. Any special equipment, including but not limited to:
 - i. Fire Equipment
 - ii. Salt Spreaders
 - iii. Trailers
 - iv. Reflectors/ Dome Light
 - v. Two-way radios

NOTE: Any defects must be immediately reported to your supervisor.

- 16. A Driver's Daily Inspection Sheet must be turned in at the end of each day to a supervisor for vehicles with a GVW of 26,000 lbs. or greater. These inspections set forth minimum requirements per vehicle.
- 17. A Periodic Inspection must be completed annually by the maintenance division of the Road Department. The inspection report must be kept in the vehicle maintenance file for a minimum of twenty-four (24) months.
- 18. Drivers shall park their vehicles only in positions permitted by ordinance unless on a special work assignment such as road maintenance.
- 19. Before leaving a parked vehicle, set the emergency brake and lock all doors and windows. Always remove the ignition keys to prevent theft or unauthorized use of the vehicle.
- 20. Backing in any vehicle shall be avoided whenever possible. The first choice always, is to park so backing maneuver is not necessary. If backing cannot be avoided, it should be performed when arriving at the work location, not when leaving.
- 21. Before fueling, turn off the engine and remain with the vehicle at all times. DO not smoke or use your cell phone in fueling areas. Do not try to top off the fuel tank.
- 22. Never fill a portable gas can in a vehicle or in the bed of a truck. Always place the container on the ground.
- 23. Employees shall not mar, mark, alter or deface any part of a County vehicle.

NOTE: This policy is prospective only, and shall not be applied retroactively

D. EMPLOYEE RESPONSIBILITIES

1. It is the responsibility of every employee who operates a County vehicle to maintain a valid license and to know all the laws and regulations pertaining to the operation of motor vehicles on or upon the roads of the state, and to be familiar with and abide by County procedures and policies relative to the operation of County vehicles. Any employee who violates the procedures set forth in this policy will be subject to disciplinary action up to and including termination.
2. Prior to operation, each driver shall:
 - a. Assure that inspection and registration is current prior to vehicle operation. Report expired paperwork immediately to your supervisor.
 - b. Walk around the vehicle to check for obstruction, damage and fluid leaks.
 - c. Report any damage or unsafe condition of the vehicle for correction prior to use.
 - d. In the event that a County vehicle is found bearing evidence of damage which has not been properly reported, it shall be presumed that the last person using the vehicle was responsible for the damage.
3. Any employee issued a summons or involved in a motor vehicle collision while operating a County vehicle must immediately notify their supervisor and Risk Management (609) 465-1060.
4. Any employee involved in a motor vehicle collision must complete a vehicle collision report. This report is found in each County vehicle. If a report is not available, contact Risk Management at (609) 465-1060.
5. The operator of a vehicle with a GVW greater than 26,000 lbs must complete a driver's daily inspection.