

Bertie County North Carolina



Vehicle Policy

Adopted October 17, 2022

BERTIE COUNTY VEHICLE POLICY

POLICY

Bertie County has the responsibility to provide a safe work environment for employees and for the public. In addition, the County has the obligation to ensure, to the best of its ability, that all of its vehicle operators are properly licensed and maintain a safe driving record. County owned or leased vehicles are to be used only for County business purposes.

Appropriate action(s) will be taken to enforce this policy.

Employees who violate this policy and/or who do not maintain a safe driving record are subject to disciplinary action(s) up to and including dismissal and/or loss of privileges to drive County vehicles.

A driver's history shall be obtained on all prospective employees whose position will require them to operate a county vehicle. The driver's history is a record of a licensed driver's driving history as provided by the North Carolina Division of Motor Vehicles.

ORGANIZATIONS AFFECTED

This policy applies to all departments of County Government headed by appointed officials or those headed by elected officials who have chosen to adopt these policies. This policy shall be in addition to any existing policies previously put in place by the various departments of the County.

DEFINITIONS

"County business" means any County sanctioned activity performed within the scope of an individual's assigned duties.

"County vehicle" means a vehicle that is owned, rented, leased by the County or used by the County through an interagency cooperative agreement and managed in the Fleet Management Information System.

"Personal vehicle" means a vehicle, other than a County vehicle, used to conduct County business that is provided by an elected official or employee.

"Elected official" means the Board of Commissioners, Sheriff, Register of Deeds, and Clerk of Courts.

"County equipment" means a piece of equipment that is owned, rented, leased by the County.

"Employee" means regular (full and part-time) and temporary paid County staff.

PURPOSE

To establish and enforce the provisions of a County Vehicle Policy and to establish procedures for obtaining and reviewing driver's license history, as a means of ensuring the driving requirements for particular positions may be met by prospective applicants and by regular employees who may be required to operate a vehicle for Bertie County. In addition to meeting the requirements, this policy shall ensure employees are properly licensed for the vehicle they operate.

I. AUTHORIZATION FOR VEHICLE USE

The operation and use of a County vehicle is a privilege and not a right.

No one shall operate a County vehicle unless he is an employee of the County.

No County employee shall operate a County-owned vehicle except upon the express direction and authorization of the department head who supervises his regular work activity.

No County-owned vehicle may be used except in the conduct of official business in the interest of the County. Reports of private use of County vehicles will be received and investigated by the department/agency head with action to be taken according to Article IX of the Bertie County Personnel Policy.

New employees who will drive County vehicles will be informed of the County vehicle policy and told of their obligation to maintain a good driving record.

II. RESPONSIBILITY OF VEHICLE OPERATORS AND ASSIGNED CUSTODIANS

Driving histories shall be obtained for all prospective new employees. If a position requires an operator's license, then the possession of a valid North Carolina license will be required to operate the vehicle.

Driving histories of employees operating County-owned vehicles shall be obtained periodically. Periodic driving histories may be obtained to confirm or deny a possible license suspension, revocation or conviction(s) for accidents and/or motor vehicle violations.

All County employees who operate County vehicles or their personal vehicles while conducting official County business are required to operate them in a safe and lawful manner in accordance with the motor vehicle laws of North Carolina and the applicable law of any other governmental entity having jurisdiction. Approved commuters are responsible for making sure the County vehicle assigned to them is parked safely and securely when parked at the employee's home. The vehicle should be parked so that it is visible to the public if the vehicle can be parked safely and securely in such a manner.

Possession, transportation, or consumption of alcohol or illegal drugs by anyone in a County vehicle is strictly forbidden, and no tobacco products may be used in County vehicles. The possession of firearms or weapons, concealed or otherwise, is also prohibited in County vehicles, unless otherwise provided by law.

It shall be the responsibility of the employee to which a County vehicle is assigned to keep the vehicle in a state of cleanliness. County vehicles are a direct reflection on the County and as such should portray a professional appearance

Any employee who receives a traffic citation while operating a County-owned vehicle must immediately inform their department/agency head.

Employee driving records are under continued review. Excessive points on their motor vehicle report and/or County driving record may result in termination, demotion, or suspension of County driving privileges for a (specified) period of time until the driver can demonstrate that he/she has earned the right to again drive a County vehicle. The personnel action shall be taken by the department/agency director and filed in the employee's personnel file. Management reserves the right, where unusual circumstances exists, to discipline a driver regardless of the points assigned to either his/her State Motor Vehicle Report or County driving record.

The employee shall resolve the problems resulting in the continued suspension or revocation of license within a reasonable amount of time, but not to exceed sixty (60) days to have continued employment with Bertie County.

Documentation shall be presented to the department director to ensure that the license has been reinstated.

An applicant and/or employee having received a driving while impaired (DWI) conviction shall be prohibited from operating a County-owned vehicle.

An applicant and/or employee who has a limited driving privilege may be deemed unable to drive a County-owned vehicle until his/her unrestricted license has been reinstated.

Failure of an employee to inform their department/agency head of a traffic citation or a motor vehicle accident while operating a County-owned vehicle (or a personal vehicle being used for County business) may result in disciplinary action up to and including termination in accordance with Article IX of the Bertie County Personnel Policy.

III. COMMERCIAL DRIVERS LICENCSE (CDL)

A Commercial Driver's License is required and must be current for every County employee who operates a motor vehicle designed or used to transport passengers or property in the following instances:

- If the vehicle has a gross weight rating of 26,001 or more pounds.
- If the vehicle is designed to transport 16 or more passengers, including the driver, or
- If the vehicle is transporting hazardous materials and is required to display a placard in accordance with the Hazardous Materials Transportation Act (49CFR Part 172, Subpart F).

A special endorsement on a CDL also is required in to haul hazardous materials and transport passengers. Additional information on CDLs is in the North Carolina Commercial Drivers Manual.

IV. ACCIDENT PREVENTION

It shall be the responsibility of all drivers of County-owned vehicles or personal vehicles being driven on County business to drive defensively as to prevent accidents in spite of the incorrect actions of others or adverse road conditions.

Every employee assigned a driving position with the County shall be required to complete a defensive driving course within six (6) months of their assignment. Periodic courses scheduled with educational facilities, law enforcement units, insurance groups, etc., shall be made available to County vehicle operators, and they shall be required to attend a minimum number of hours for that type of instruction.

V. VEHICLE ACCIDENT REVIEW BOARD

The frequency of accidents and the damage to county and private property calls for careful attention to developing preventative driving measures. The Vehicle Accident Review Board operates to ensure good driving standards and to determine the preventability of all accidents that occur in the operation of County vehicles.

The Vehicle Accident Review Board shall function under the direction of the Bertie County Board of Commissioners and shall be composed of the following individuals or their designated representatives:

- A. Human Resources/Risk Management Director (Chairperson)
- B. Inspections Director
- C. Emergency Services Director
- D. Sheriff's Department Safety Officer
- E. Assistant County Manager
- F. (2) Non-Exempt Employees

The purpose of the Vehicle Safety Review Board shall be:

- A. To establish a fair and impartial review system for all vehicular accidents involving County employees resulting in injuries and/or property damage. With the primary objective being to improve the overall safety of County operations.
- B. To establish the cause for each reviewed accident, and determine whether

- preventable or non-preventable.
- C. To establish uniformity of discipline.
- D. To make recommendations for corrective action to Department Directors, County Manager and/or the County Board of Commissioners.

VI. ACCIDENT PROCEDURES

A) Reporting

1) At the scene

- Call ambulance if needed.
- Contact the appropriate investigating agency, regardless of the extent of damages. Investigating agency would include local municipal public safety office, county sheriff's office or State Highway Patrol, depending upon location.
- Call office (if communications are available) and notify your supervisor or department head.
- Do not move vehicle unless instructed by investigating officer.
- Obtain name/address of other driver(s)/passenger(s)/pedestrian(s) involved.
- Insurance policy and number of other driver.
- Name(s) of witnesses.
- Investigating officer's report.
- Do not become involved in an argument or make any statement concerning fault or liability.

2) When any County vehicle is involved in an accident or otherwise damaged, particulars of the employee and the details of the accident and damages shall be reported to your supervisor or department/agency director. The department/agency director will forward the completed Vehicle Accident Report along with the police report to the Risk Management Director.

3) All repairs involving incidents or accidents to a County vehicle are addressed in **Section VIII: Repairs to County Vehicles.**

B) Accident Review

1) The Vehicle Accident Review Board shall be convened within forty-five (45) days of the date of the accident and shall review the investigating officer's report, the employee's statement and other information prior to hearing an oral presentation by the employee.

2) At the time of the hearing, the employee may wish to present supporting material or witnesses to help in his/her defense.

3) The review and consideration of an accident by the Board will include the following elements:

- The past driving record of the employee
 - The report of the investigating officer
 - Oral presentation by the employee
 - Supporting materials or testimony of witnesses
- 4) If it is clear that the employee is not at fault and could not have prevented the accident, the Board may rule the accident non-preventable and it will not be charged to the employee.

C) Decision of Board

Upon reviewing all the details of the accident and meeting with the employee in question, the Accident Review Board shall meet privately to reach a decision. When a majority decision has been reached by the Board, the decision will be communicated to the department/agency head. If the board decides that the driver was at fault or he/she displayed unsatisfactory job performance, it will be the department/agency director's responsibility to see that the decision is carried out according to Article IX of the Bertie County Personnel Policy.

VII. MAINTENANCE

The County participates in a lease program with Enterprise Fleet Management (ENTERPRISE) for most of its vehicles. The maintenance program associated with ENTERPRISE is based on vehicle type and mileage patterns. The purpose of this program is to help the County keep all vehicles in good working order with preventative maintenance and compliance management. This also helps the County to maximize the resale value of these vehicles when it is time to sell.

Regularly scheduled maintenance shall be performed on the earlier of either six (6) months or 5,000 miles. The Risk Management Director or their designee shall be responsible for reviewing the Fleet Client website on a weekly basis to identify those vehicles needing to be scheduled for maintenance and notifying the assigned custodian of these County vehicles, who shall be responsible for ensuring that the regularly scheduled maintenance (i.e., lube and oil changes) is performed as required by scheduling the work through repair facilities as identified by ENTERPRISE, and that the state vehicle inspection is timely performed each year. By using preferred maintenance vendors, it ensures that the County vehicles are being maintained by Automotive Service Excellence (ASE) certified technicians and that all proposed work, pricing and warranty coverages have been addressed.

All operators of County vehicles shall use the weekly vehicle safety inspection checklist to ensure that the vehicle is being maintained in accordance with the vehicle specifications. Any unsafe County vehicle shall be reported promptly to the appropriate Director and taken to an approved and authorized ASE facility for repairs.

Non-Leased Vehicle Maintenance

It is imperative that all County vehicles are in good working order with preventative maintenance and compliance management. Those departments with non-leased vehicles, to include EMS, Non-Emergency Transport, Public Buildings, Sheriff's Office and Water, shall establish and follow a regularly scheduled maintenance program for their vehicles that patterns the maintenance program identified above. The Department Head shall assign an employee within their department as custodian to ensure that the regularly scheduled maintenance (i.e., lube and oil changes) is performed as required by scheduling the work through qualified repair facilities, and that the state vehicle inspection is timely performed each year.

VIII. REPAIRS TO COUNTY VEHICLES

All repairs involving incidents or accidents to a leased County vehicle shall be made through ENTERPRISE unless there is an emergency. No vehicles may be taken anywhere else for maintenance and/or repair unless the Risk Management Director and/or their designee has referred them there.

In the event that an emergency arises during evening, weekend or holiday hours, the driver of the vehicle shall be allowed to have emergency repairs completed to the vehicle. However, the driver must notify his/her Director and the Risk Management Director and/or their designee on the next business day. For these situations, an emergency shall be defined as the breakdown of a critical vehicle (resulting from mechanic failure, an accident, or otherwise) where there is not another vehicle available for use.

In the event that towing shall be necessary, the vehicle operator shall call for a wrecker service approved by the County, to which a listing with phone numbers for the approved wrecker service(s) shall be provided. This information should be kept in the County vehicle at all times. If the approved wrecker service(s) cannot handle the call for whatever reason, then the driver may use another wrecker service.

Damage to a leased County vehicle shall be reported to the Risk Management Director and/or their designee, who will inform ENTERPRISE, which will make the final determination on required repairs. If repairs are required to any leased vehicle and the damages had not been previously reported, the repairs shall be charged back to the respective Department as a Preventable loss.

Non-leased vehicles

All repairs involving incidents or accidents to a non-leased County vehicle shall be made through the determination of the Department Head, in coordination with the Risk Management Director, unless there is an emergency. No vehicles may be taken anywhere else for maintenance and/or repair unless the Director and Risk Management Director and/or their designee has referred them there.

In the event that an emergency arises during evening, weekend or holiday hours, the driver

of the vehicle shall be allowed to have emergency repairs completed to the vehicle. However, the driver must notify his/her Director and the Risk Management Director and/or their designee on the next business day. For these situations, an emergency shall be defined as the breakdown of a critical vehicle (resulting from mechanic failure, an accident, or otherwise) where there is not another vehicle available for use.

In the event that towing shall be necessary, the vehicle operator shall call for a wrecker service approved by the County, to which a listing with phone numbers for the approved wrecker service(s) shall be provided in all vehicles. This information should be kept in the County vehicle at all times. If the approved wrecker service(s) cannot handle the call for whatever reason, then the driver may use another wrecker service.

Damage to a non-leased County vehicle shall be reported to the Department Director and the Risk Management Director and/or their designee, which will make the final determination on required repairs. If repairs are required to any non-leased vehicle and the damages had not been previously reported, the repairs shall be charged back to the respective Department as a Preventable loss.

IX. SEAT BELTS

Seat belts and shoulder harnesses must be worn by drivers and passengers in County vehicles whenever the vehicle is in motion on public or private thoroughfares and roads. Employees who drive their personal vehicles for County business or who are passengers in personal vehicles being used for County business, shall also wear safety belts and harnesses, where provided.

X. DRIVING DISTRACTIONS

1) The use of a mobile telephone for voice communications while operating a County vehicle or while operating a personal vehicle on official County business is discouraged except in emergency situations. Employees should park their vehicle in a safe manner and location when it becomes necessary to use a mobile telephone for voice communications inside the vehicle.

2) Texting while driving is illegal under G.S. 20-137 and strictly prohibited. This includes the use of GPS devices.

3) The use of any other electronic digital media device (e.g. GPS, laptop computer, IPOD, etc.), while operating a County vehicle, or while operating a personal vehicle on official County business, is discouraged. Employees should park their vehicle in a safe manner and location when it is necessary to use an electronic digital media device inside the vehicle.

It is the ultimate responsibility of each individual driver to comply with this policy. It is also recommended that all vehicle occupants ensure that drivers comply with this policy.

XI. PERSONAL USE OF COUNTY VEHICLES EXCEPT FOR COMMUTING

- 1) The use of a County vehicle is governed by North Carolina General Statutes, the Internal Revenue Code and County policies. General Statute 14-247 states that "It shall be unlawful for any officer, agent or employee of the State of North Carolina, or of any county or of any institution or agency of the State, to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to the State, or to any county, or to any institution or agency of the State. It is not a private purpose to drive a permanently assigned state-owned motor vehicle between one's official work station and one's home as provided in G.S. 143-341(8)i7a."
 - a. Bertie County may assign employees the use of vehicles for commuting purposes between work and home when it is necessary for the performance of duties related to the delivery of essential services. The Director must approve the commuting arrangement and obtain the County Manager's approval before an assigned vehicle may be taken home.
 - b. County employees who live outside the County will not be allowed to commute in County vehicles unless it is in the best interests of the County as determined by the County Manager. Once the commuting arrangement has been fully approved, the Director must notify the County Finance Division.
 - c. Approved commuters are expected to use the shortest, most direct route between their assigned workstation and home.
 - d. Approved commuters are permitted the use of County vehicles assigned to them for: 1) travel between work and home, or 2) to obtain meals and other work-related necessities while on duty.

2) Withholding Requirements for Commuters

The Internal Revenue Code requires the value of using a County vehicle for commuting to and from work to be taxed as income subject to Federal, State and FICA withholding requirements.

This policy is adopted by the Bertie County Board of Commissioners on this the 17th day of October, 2022 by vote of **5** in favor and **0** against.

Bertie County Board of Commissioners

By: _____
John Trent, Chairman

Confirmed:

By: _____
Clerk to the Board