



CITY OF DUBLIN
ADMINISTRATIVE ORDERS
OF THE CITY MANAGER

ADMINISTRATIVE ORDER 3.15
TO: City of Dublin Employees
FROM: Megan O'Callaghan, City Manager <i>Megan O'Callaghan</i>
SUBJECT: Policy Governing the Operation of City Vehicles
DATE: October 6, 2022
<i>Supersedes and replaces Administrative Order 3.15, dated September 15, 2018 regarding same subject.</i>
PROPONENT: Division of Human Resources (Risk Management)

1. PURPOSE

The operation of City vehicles is necessary in conducting the day-to-day business of the City. The City's fleet is a valuable public asset and must be safeguarded by the employees who use it. Use of City vehicles represents one of the greatest liabilities facing the City. Recognizing this, it is imperative the City take reasonable steps to control the use of City and privately owned vehicles used while performing City business. This Administrative Order constitutes the City Policy governing the operation of vehicles in the performance of official City business. Division Directors are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department. Failure to follow the guidelines of this Administrative Order, or any other Administrative Order, may result in appropriate disciplinary action.

2. SCOPE

This policy applies to all City-owned vehicles intended to be operated on public roads and includes special-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site. Where appropriate, this policy applies to the operation of privately owned vehicles used while performing official City duties.

3. POLICY

A. Except as detailed in section B, only City employees are authorized to operate City vehicles to include persons officially volunteering services to the City when their duties require travel as long as such travel is under the approval or direction of the Director of Community Outreach and Engagement and necessary in the course of performing official City business.

B. Employees of other public entities may operate City vehicles under the specific approval of the Division Director as long as such operation is essential in conducting City business (i.e. natural disasters, states of emergency, etc.). Division Directors granting permission for non-City employees to operate City vehicles are responsible for ensuring that the driver is properly licensed, trained and qualified to operate the vehicle.

C. City-owned vehicles are not to be used to transport anyone other than City employees, people working with or for the City in an official capacity or persons being transported in connection with official City business. Only City vehicles specifically designated for the purpose of shuttling guests will be used to transport persons not employed by the City in support of City events and activities like the Memorial Tournament Villa, City Parades, the Dublin Irish Festival and any other City event that involves shuttling to remote parking areas where parking on site is not sufficient. No family members or other non-employee personnel are allowed in City-owned vehicles, except as noted above.

(1) Recreation Services is authorized to utilize City vehicles to transport participants in specific camps and programs. Staff safety checks, program participant behavior guidelines, and emergency policies must be outlined in the Camp Counselor Manuals and Parent Handbooks. Recreation staff that are asked to drive while working for the City of Dublin are required to attend a Van Driver Training (with driving record check) with their individual supervisor as outlined and approved by the City's Risk Manager. In addition, they must sign an Employee Driving Authorization Form.

(2) Employees who are provided City owned vehicles for personal use must refer to Administrative Order 5.4 (Employer Provided Vehicles) for additional instructions.

D. Intentional abuse, moving violations, reckless or distracted operation, or negligent actions while operating any City-owned vehicle may result in the suspension of the employee's driving privileges and appropriate disciplinary action.

E. Employees operating City owned vehicles will refrain from engaging in any activity that may cause distractions while driving. Most specifically and except for the enumerated exemptions identified below, employees are strictly prohibited from

operating any motor vehicle (whether City owned or privately owned) during the course of City business while using a mobile communication device¹ to either manually send, read, write, or respond to a text message² or send, read, create, or interact with Internet-based content, play games or otherwise interact with the Internet. The above prohibitions shall not be applicable to:

(1) Operators of emergency or public safety vehicles³ where the operator uses a mobile communication device in the course of the his/her official duties;

(2) Any person reporting a health or safety emergency; or

(3) Drivers parked, standing, or stopped and removed from the flow of traffic, or stopped due to an inoperable vehicle.

F. Employees shall obey all City, County, State and Federal laws while operating City vehicles and at all times when personal vehicles are used on official City business. Employees are hereby advised, aside from the enumerated exemptions identified in section E above, that pursuant to Section 72.058 of the Dublin Codified Ordinances, using a mobile communication device to engage in the prohibited conduct identified in paragraph E above, is illegal within the City of Dublin

G. City-owned vehicles are to be used only for official business and shall not be used by employees for personal reasons, except under unique circumstances as authorized by the employee's Director. Where personal use is authorized, such use must be *de minimis* in nature and justifiable. *De minimis*, for the purposes of this policy, is considering its value and the frequency with which it is provided, is so small as to make accounting for it unreasonable or impractical.

H. **Some examples of acceptable use:**

(1) An employee assigned a take home vehicle (per Administrative Order 5.4), needs to stop at a pharmacy to pick up medication on their way home, and the pharmacy is on their normal route to their home.

¹ "Mobile communication device" means any portable electronic device capable of transmitting or receiving data in the form of a text message or capable of accessing the internet, including but not limited to a wireless telephone, a text-messaging device, a personal digital assistant, or a personal computer, but specifically excluding a commercial portable mobile data terminal and global position or navigation system being used for that purpose.

² "Text message" means any message sent, stored or received via a mobile communication device. For purposes of this policy, an e-mail message and an instant message shall be considered a text message.

³ "Emergency or public safety vehicles" have the same meaning as defined in Ohio Revised Code Section 4511.01 (D) and (E).

(2) During the course of business and subject to applicable collective bargaining agreements, an employee using a City-owned vehicle stops at a fast food restaurant that is on a reasonable route from one worksite to another, and as part of a supervisor authorized break or lunch period, to pick up food, a drink, or for a restroom break and then immediately continues on to the next worksite,

(3) An employee drives to a park nearby their next worksite, and while on a supervisor approved break or lunch period, eats their lunch in the park.

I. As a general rule, take home City-owned vehicles, as per Administrative Order 5.4 (Employer Provided Vehicles), are to be driven home by employees for the sole purpose of garaging and safekeeping the vehicles and to respond directly from home to emergency situations. Only *de minimis* personal use of the vehicles driven home by employees is permitted, that is, personal use is limited to stops made in transit on a reasonably direct route from an employee's worksite to home and from an employee's home to worksite.

J. At no time, will use of an assigned City-owned vehicle involve any activity that could reasonably be expected to cast the City or the employee in an unfavorable light. Examples include but are not limited to using a City vehicle to go to a casino, bar/restaurants combinations, and nightclubs.

K. The driver shall not operate any vehicle when normal vision is obstructed. This includes periods when snow and ice accumulates on vehicles. All snow and ice that has accumulated on top of City vehicles must be removed before operating the vehicle paying special attention to windows and lights.

L. A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer and/or Fleet Management (e.g. diesel engines and certain hydraulic equipment may be required to run during break time).

M. No City owned vehicle shall be left unattended, to include a City Park, unless for official City business, for more than 30 minutes. This does not apply to parking lots associated with City owned office and operational buildings. If a vehicle needs to be left unattended in an unsecured area, first turn off the engine, lock the ignition, remove the key, set the parking brake and lock the doors or otherwise secure the vehicle to prevent theft, vandalism, and unintentional movement.

N. The driver or operator of a City vehicle or motorized equipment shall turn off the engine upon reaching destination, unless it is essential to keep the engine running for the conduct of City business, for personal safety, to comply with traffic laws, or for one of the following exemptions:

(1) An emergency vehicle participating in emergency activities or activities directly related to public safety;

(2) Vehicles used for law enforcement surveillance purposes;

(3) Vehicles or motorized equipment that are required to idle in order to power hydraulic equipment, compressors, pumps, auxiliary equipment or lights, while engaged in work activities that require such safety equipment to be operational;

(4) When idling is required as part of the vehicle inspection or repair process;

(5) In extreme weather situations, where idling prior to departure is necessary for vehicle or motorized equipment operation;

(6) Vehicles that must be kept at an appropriate temperature for the health and safety of animals, such as the Dublin Police Department's K-9's being transported.

O. The City will not be responsible for any personal property left in City vehicles.

P. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.

Q. No person shall smoke, including use of vape pens or e-cigarette, in a City owned vehicle.

R. No person shall operate a City-owned vehicle within four hours of having consumed alcohol or if in violation of any of the following Administrative Orders or applicable Collective Bargaining Agreements:

(1) AO 2.35 (Drug-Free Workplace)

(2) AO 2.36 (Consumption of Alcohol by City Employees)

(3) AO 2.37 (Use of Prescription and "Over the Counter" Medication by City Employees)

(4) AO 2.38 (Employee Drug & Alcohol Testing Program)

(5) AO 3.7 (Department of Transportation Drug and Alcohol Testing)

4. PRE-OPERATION INSPECTION

A. An employee who operates a City vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle. Before operation, or at least once per day, the driver will check the vehicle for any damage to the body or interior that may have occurred since the last period of operation.

B. The driver shall be responsible for checking the City vehicle before operating to ensure that the vehicle lights, turn signals, brake lights, and other safety equipment is functional on the vehicle. Vehicles will be fueled at the City fuel station located at Fleet Management. For out-of-town travel, see AO 5.2 (Regulations Regarding Travel Expenses).

C. Any defects that will affect safe operation of the vehicle or may result in additional damage to the vehicle must be reported to the driver's supervisor and Fleet Management via an on-line request, or most expedient means if online capability is unavailable, prior to operating the vehicle. No employee shall operate a City-owned vehicle in an unsafe condition.

D. Any vehicle damage that is beyond normal wear and tear must be documented and reported in accordance with Administrative Order 3.2 (Accident/Damage Reports and Committee) via the employee's supervisor.

E. When cargo, materials or tools are being transported, the driver is primarily responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer. Other passengers in the vehicle may also be held jointly responsible for failing to secure equipment in or on the vehicle.

5. TRAILERS AND TOWING

A. An employee whose vehicle is towing a trailer, dolly, or other equipment shall assure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are properly attached.

B. The driver shall ensure the trailer or other towed equipment is supplied with proper lighting including brake lights, turn signals, and running lights. The brake lights, turn signals, and running lights shall be checked prior to departure to ensure that they are functioning properly.

C. Any vehicle having a load which extends more than four (4) feet beyond the rear shall have the end of the load marked with a red flag which shall be at least twelve (12) inches square.

6. OPERATOR'S LICENSE

A. A valid Ohio vehicle operator's license must be in the employee's possession at all times while operating a City-owned vehicle. In the case of commercially-rated vehicles, the proper commercial driver's license for the vehicle's weight and class must be valid, and in the driver's possession.

B. Any employee who operates a vehicle in the performance of official City duties and whose operator's license is suspended or revoked shall immediately report this fact to the appropriate division Director and Division of Human Resources. The employee shall not be permitted to operate a City-owned vehicle during the period of suspension unless valid driving privileges are obtained from the Courts and the employee's operation has been specifically approved by the Risk Manager and the City's auto liability insurance policy and/or the Central Ohio Risk Management Association (CORMA) have not excluded coverage or deemed the employee uninsurable.

7. OPERATORS LICENSE VALIDITY REVIEW

A. The City through the Division of Human Resources utilizes the Ohio Bureau of Motor Vehicles website to run driver's license abstracts. This service provides the City with information on the status of drivers listed with the Ohio Bureau of Motor Vehicles. The Risk Manager or designee shall be responsible for adding and deleting drivers from this list based on division information, hiring, termination, retirement, etc.

B. The Risk Manager will maintain on file a list of employees that drive or have the opportunity to drive a motor vehicle in the course of their City employment. The list shall include the first name, middle initial, last name, date of birth, social security number and driver's license number of the employee and/or volunteer.

C. Validation, type and endorsements of the employees' driver's license shall be conducted semi-annually via Ohio Bureau of Motor Vehicles records.

D. The Risk Manager will be responsible for determining the validity of each license based on the information received from the Ohio Bureau of Motor Vehicles. If a license is found to be expired, suspended, revoked, or otherwise invalid, or the employee's driving record puts the City at serious risk from a liability standpoint, the employee's supervisor and director will be notified and the employee will be denied use of a City-owned motor vehicle. Should this driving restriction render the employee incapable of performing his/her assigned essential job functions, the City may also take appropriate disciplinary action based on a "just cause" determination up to and including termination. At no time shall the employee drive a motor vehicle in the course of his/her employment until he/she obtains a valid driver's license. Again, for suspensions see Paragraph 6, above

E. Refer to Ohio Revised Code 4506.16 in regards to mandatory disqualifications and penalties for Commercial Driver License (CDL) holders.

8. EMPLOYER-PROVIDED VEHICLES

A. Division directors and other supervisory personnel are hereby advised to refer to Administrative Order 5.4 (Employer Provided Vehicles) for specific conditions, which qualify for allowable personal use of employer-provided vehicles.

B. City vehicles taken home overnight shall be locked and secured in the employee's driveway, garage, or other designated parking space which is in close proximity to the employee's residence.

9. OUT OF TOWN TRAVEL AND MEETING ATTENDANCE

With division director approval an employee may take a City vehicle home prior to leaving for an out-of-town trip, attending a late evening or early morning meeting or other event which would require a return to the work place after normal duty hours. The employee may use the City vehicle only for travel necessary to accomplish official City business or *de minimis* personal travel.

10. LEASED/RENTED VEHICLES

A. When it is necessary for a City employee to use a rental vehicle for official City business, the employee shall not purchase optional comprehensive/collision damage coverage through the renting agency at the time the vehicle is rented. Renter's coverage is included in the City's policy. Should optional comprehensive/collision damage coverage be purchased, the City employee purchasing the coverage shall be responsible for the cost.

B. Long-term leases (longer than 30 days) may be insured under the City's self-insurance program upon written notification to the Risk Manager.

C. All the guidance contained within this Administrative Orders applies to vehicles rented using City funds as though it were an actual City owned vehicle.

11. PARKED VEHICLES

A. Any vehicle left unattended shall be locked and legally parked in a designated parking space. Vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.

B. City vehicles not taken home shall be secured in one of the City parking lots during non-duty hours and keys to vehicles and equipment (assets) kept in a secure location. When it is necessary to leave a vehicle at a job site overnight, the operator shall insure the vehicle is parked and secured in an area that provides reasonable security.

C. The driver shall comply with all applicable state and local parking laws. In the event of a violation of such state or local parking laws, the driver shall be personally liable for any criminal or civil penalty incurred. All drivers shall be required to notify his or her supervisor of any parking tickets as soon after receipt as possible. Such driver shall also provide his or her supervisor proof that such parking ticket has been paid, within 10 working days of receipt of such parking ticket.

12. ACCIDENT REPORTING REQUIREMENTS

A. Refer to Administrative Order 3.2 titled, "Accident/Damage Reports and Committee" for detailed procedures following a vehicle accident while conducting official City business or driving a vehicle owned, rented or leased by the City. Any accident involving a City owned, rented or leased vehicle or privately owned vehicle used in the performance of City duties shall be reported as follows:

- (1) Summon medical care for any injured parties;
- (2) Notify appropriate law enforcement authorities;
- (3) Notify employee's immediate supervisor;
- (4) Notify Fleet Management immediately for vehicle safety assessment.

B. The Director or supervisor shall immediately notify the Risk Manager.

C. The Director or supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required City reports and recommending any follow-up preventative actions.

13. VEHICLE BACKING GUIDELINES

Whenever possible, the driver should position the vehicle so as to avoid the necessity of backing. Before entering the vehicle, the driver shall check the rear clearance of the vehicle. The driver shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. A spotter should be used whenever possible. Before and during backing movements, the driver and spotter will check blind zones for objects not visible in rear-view mirrors, watch both sides for

adequate clearance, and limit speed to allow a full stop. When using a spotter, the spotter must maintain a safe position away from the path of travel of the vehicle and the driver shall not move the vehicle unless the driver can see the spotter either directly or in the vehicle mirrors. The Driver must stop the vehicle immediately if the driver loses sight of the spotter.

14. PERSONALLY OWNED VEHICLES USED FOR CITY BUSINESS

A. The City's Auto Liability Protection Policy provides limited coverage for employees while operating personally owned vehicles to conduct City business. This coverage is limited to protection from claims made against the City and the employee while serving in the course of employment.

B. The City's Auto Liability Protection Policy provides limited coverage for physical damage to an employee's privately owned vehicle. Employees who use personally owned vehicles for City business are responsible for verifying their personal auto insurance policy provides coverage. City employees are hereby advised that, pursuant to State Law, liability for bodily injury and property damage caused by the use of an employee's personal vehicle while on official City business shall first be subject to the employee's own personal automobile insurance policy. Only after the employee's own personal automobile insurance coverage is exhausted would the City's automobile insurance coverage become effective. For this reason, whenever practical, City employees are encouraged to seek the use of a City-owned vehicle when conducting official business. Refer to Administrative Order 5.1, Mileage Reimbursement/Liability for Using Personal Vehicle while Conducting City Business, for mileage tracking and reimbursement regulations.

C. Employees who drive personal vehicles for City business are encouraged to maintain preferred limits of liability coverage in an amount not less than \$100,000 per occurrence/\$300,000 annual aggregate, and property damage coverage in an amount not less than \$50,000 per occurrence.

D. Employees who interact with the public during City-sponsored programming are not permitted to transport program participants, their parents/guardians, or any other program participant in their private vehicles except in the case of an emergency. All other employees are prohibited from transporting members of the public unless expressly permitted by the Employee's supervisor.

15. USE OF SAFETY RESTRAINTS

A. All City vehicles are equipped with seat belts and all occupants of City vehicles must properly wear seat belts any time the vehicle is in motion. Do not remove the orange sleeve placed upon the seat belt. These sleeves are intended to facilitate visual

inspection of the driver so that others may know the driver has a seat belt properly fastened.

B. The operator of construction, excavation and other off road equipment shall use the occupant restraint system any time the vehicle is in operation.

C. Employees are prohibited from removing, deactivating, modifying, tampering with, or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.