

Ordinance No. 2006-01

## VEHICLE USE POLICY

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHVILLE, ALABAMA that a Vehicle Use Policy is hereby adopted.**

- 1. DRIVER'S LICENSE REQUIREMENT.** Each employee who drives a City vehicle or who otherwise drives in the line and scope of employment shall have a current valid Alabama driver's license that allows operation of the type of vehicles operated by the employee. Each employee shall comply with any restrictions on the employee's driver's license.
- 2. PRE-EMPLOYMENT DRIVER'S HISTORY CHECK.** The City Clerk shall request the Chief of Police to conduct a driver's history records check on each person prior to making any offer of employment with the City of Ashville if the position to be filled may entail the operation of a motor vehicle in the line and scope of employment. Subject to the job description of the prospective employee if operation of a motor vehicle is an essential function of the position to be filled, no applicant should be employed if the applicant may not operate a vehicle in the line and scope of employment under this policy.
- 3. DRIVER'S HISTORY CHECKS ON EMPLOYEES.** The City Clerk shall develop and implement a procedure to annually check the driver's history of employees whose positions include as an essential function the operation of a motor vehicle. Any driver's history check may be performed more often than annually in the discretion of the Mayor. The Mayor shall determine the employee's eligibility to operate a vehicle in the line and scope of employment in accordance with this policy.
- 4. EMPLOYEES TO OBEY RULES OF THE ROAD.** While operating a City vehicle or operating a vehicle in the line and scope of employment, employees shall at all times obey all traffic laws and rules of the road, including without limitation those laws relating to speed limits, turn signals, following distance, traffic lights, stop signs, yielding right-of-way, lane usage, and traffic control devices. Only emergency vehicles that are responding to an emergency call or that are in pursuit of a suspected violator of the law, and that are operating emergency lights and sirens, are authorized to disregard certain rules of the road in accordance with Alabama Code §32-5A-7 and other provisions of law. However, this does not relieve the operator of an emergency vehicle of the duty to exercise reasonable care for the rights and safety of others. Such employees shall also adhere to all policies promulgated by their respective departments in regard to emergency runs and the operation of vehicles.

**5. EMPLOYEES TO REPORT TRAFFIC ACCIDENTS AND OFFENSES OCCURRING WHILE DRIVING A CITY VEHICLE OR IN THE LINE AND SCOPE OF EMPLOYMENT.** Employees are required to report as soon as possible to both their immediate supervisor and to the City Clerk, any traffic accident, citation, ticket, arrest, or charge occurring or received while driving a city vehicle or driving in the line and scope of employment for the City of Ashville. If the incident involves the custodial arrest of the employee; driving under the influence; reckless driving; an accident with injury to any person; or otherwise involves an incident that may indicate it is unsafe for the employee to continue operating a vehicle, then the employee shall immediately cease operating a vehicle and shall contact his or her supervisor for instructions or assistance.

**6. ALL EMPLOYEES ARE REQUIRED TO REPORT.** As soon as reasonably possible (and in any event no later than when the employee next reports to duty) all employees are required to report to both their department head, to the City Clerk and to the Mayor and Council each of the following events, regardless of whether the incident concerns driving a city vehicle or driving in the line and scope of employment.

Receipt of any charge, arrest, or indictment for DUI or any felony traffic offense;

Any adverse action taken by the Alabama Department of Public Safety or any other governmental agency in regard to the employee's driver's license or privilege, including without limitation any suspension, revocation, or cancellation of a driver's license or driving privileges;

Any action or advice by any physician or other health care provider indicating that it would be unsafe for the employee to operate a motor vehicle.

**7. REASONS FOR IMMEDIATE SUSPENSION OF THE PRIVILEGE TO DRIVE IN THE LINE AND SCOPE OF EMPLOYMENT.** Employees shall immediately report and stop operating motor vehicles in the line and scope of employment under the following circumstances:

The employee has been taken into the custody of law enforcement officers on a driving offense while the employee was driving a city vehicle or driving in the line and scope of employment. In such cases, the ban shall continue until the employee's eligibility is determined in accordance with this policy;

The Alabama Department of Public Safety, or any other federal or state agency, has taken any adverse action taken in regard to the employee's driver's license that would make it unlawful for the employee to operate the type of vehicle the employee is assigned on the job, including without limitation any suspension, revocation, or cancellation of a driver's license or driving privileges. In such cases, the ban shall continue until the adverse action against the employee's driver's license or privilege ceases;

Any action or advice by any physician or other health care provider indicating that it would be unsafe for the employee to operate a motor vehicle. In such cases, the ban shall continue until either the same health care provider certifies in writing that it is no longer unsafe for the employee to operate a vehicle, or until a health care provider approved by the Mayor certifies in writing that it is not unsafe for the employee to operate a vehicle;

Any other circumstance arising that indicates it may be unsafe for the employee to continue operating a vehicle. In such cases, the ban shall continue until it is safe for the employee to resume driving.

Department heads shall as soon as practicable take immediate action to inform such an employee that he or she shall not operate a City vehicle or otherwise operate a vehicle in the line and scope of employment, pending an investigation into the incident or resolution of the event in question. The department head shall then promptly notify the City Clerk and the Mayor, and any necessary investigation and/or appropriate disciplinary action by the Department Head, at the direction of the Mayor shall be initiated. The department head shall take steps to secure any City vehicles involved without allowing the employee in question to operate the vehicle.

## **8. EMPLOYEE DRIVING RECORD**

Effect of Employee Driving Record Employees who accumulate three or more convictions for traffic violations occurring while driving a city vehicle or driving in the line and scope of employment against their driving record accruing in any three year period shall be suspended from driving in the line and scope of employment with the City for so long as the cumulative number of convictions in the past three year period equals three or more. Once traffic convictions older than three years roll off the employee's record, and this results in the total cumulative number of traffic convictions occurring while driving a City vehicle or driving in the line and scope of employment in the past three years being less than three, the employee's driving privileges shall be restored if he or she is still employed with the City of Ashville.

. If the suspension of driving privileges for the City results in the employee not being able to perform the essential functions of his or her job, then the employee will be subject to review.

Events causing permanent suspension of authority to drive on City business. Any employee who is subjected to any of the following events shall be permanently prohibited from operating City vehicles or driving on City business:

- (1) Conviction for any felony traffic offense, after all direct appeals and judicial review are made final.
- (2) Conviction for DUI occurring while driving a City vehicle or driving in the line and scope of employment, after all direct appeals and judicial review are made final.
- (3) Two or more convictions for DUI, after all direct appeals and judicial review are made final.

Reservation of Authority to Suspend City driving privileges or to take Disciplinary Action. The City of Ashville reserves the right to suspend an employee from operating City vehicles or otherwise driving in the line and scope of employment, regardless of whether any of the above criteria have been met or violated, if the department head determines that it would be unsafe for the employee to continue to operate a vehicle in the line and scope of employment. The City Clerk or any Department Head may bring any employee's situation to the attention of the Mayor for such a determination. The Mayor shall have flexibility in acting upon such cases, including without limitation suspending employee's authority to operate a vehicle in the line and scope of employment indefinitely or for a time certain; limiting the geographic area, time, or circumstances under which an employee may operate a vehicle; imposing reasonable conditions on an employee's authority to operate a vehicle; allowing an employee to operate a vehicle with periodic review as set by the Mayor; and other similar or otherwise reasonable measures. Nothing in this policy shall prohibit the City of Ashville from taking appropriate disciplinary action against any employee.

#### **9. POLICIES FOR USE OF POLICE DEPARTMENT VEHICLES**

(a) Use of Departmental vehicle shall be for city use, patrol use, to and from work (Chief of Police will bring any special events held outside the City before the Mayor and Council for approval).

(b) Procedural Order Number 10 as issued by the Chief of Police for use by all police personnel shall be followed in the use and assignment of departmental vehicles.

#### **10. VEHICLE TAKE-HOME POLICY**

(f) Persons who are not employees of the City of Ashville shall not ride in a city owned vehicle unless prior approval is granted by the department head or his/her designee.

(g) Vehicles assigned to employees for take-home purposes shall be maintained by the employee in a clean and proper manner. The employee shall keep the vehicle clean and free of clutter inside. The employee shall keep a check of the fluids and check tires for wear. Problems with the vehicle should be reported to the immediate supervisor for correction.


**11. DISCIPLINARY ACTION:** Employees are subject to disciplinary action for traffic offenses covered in this policy.

**12. HANDBOOK:** This policy shall become a part of the employee handbook.

Duly adopted by the City Council of Ashville, Alabama, on the 6th day of March, 2006.

  
Robert L. McKay, Mayor


ATTEST:

  
Bertha Wilson, City Clerk

Posted: 03-07-06

Taken Down: 03-14-06

I, Bertha Wilson, City Clerk of the City of Ashville, Al, hereby certify this Ordinance was posted by me by posting in three public places to-wit; Ashville City Hall, Ashville Rexall Drugs and Ashville City Library in said City and State, as required by law.

  
Bertha Wilson  
City Clerk