

## Vehicle Use

### 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for employees who use vehicles for village business. This policy does not create or imply any contractual obligation by the Village to provide assigned vehicles.

Individual department heads may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

### 403.2 POLICY

The Village authorizes the use of certain vehicles for official village business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner.

Village vehicles may be assigned to departments, individual employees or to a general vehicle pool on the basis of work responsibility. Vehicles may be assigned to an employee, either solely for use during normal working hours or as a take home vehicle when resources permit, and is deemed appropriate based on individual job responsibilities. This policy establishes the guidelines for the use of Village owned vehicles during times other than on-duty working hours for those employees who are considered on-call or are subjected to re-call for the safety, health and welfare of the Village and are required to make an immediate response at the request of the City Manager or the employee's Department Head. To limit the personal use of Village-owned vehicles other than during the fulfillment of responsibilities required of the employee by the Village, the following establishes guidelines for the use and limitations of Village owned vehicles.

Any employee who is in violation of the vehicle assignment policy may subject the employee to disciplinary action, up to and including reassignment or termination.

### 403.3 USE OF VEHICLES

#### 403.3.1 VEHICLE ASSIGNMENTS

Village vehicles may be assigned to individual employees at the discretion of the City Manager or the authorized designee. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other village employees at the discretion of the City Manager or the authorized designee.

The City Manager or the authorized designee is responsible for creating a vehicle assignment roster and maintaining the rosters in accordance with the established records retention schedule.

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### 403.3.2 EMPLOYEE RESPONSIBILITIES

Employees operating a vehicle as part of their job with the Village shall:

- (a) Possess a valid driver's license.
  - 1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges as soon as practicable and before any subsequent village vehicle use or personal vehicle use for village business.
  - 2. Employees must possess a valid commercial driver's license or special class license when applicable.
- (b) Provide the village with a driver's history report upon request or authorization for the village to obtain on an annual basis a Motor Vehicle Abstract Report.
- (c) Possess appropriate insurance as required for personal vehicles used for village business.
  - 1. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed.
  - 2. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.
- (d) Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
- (e) Obey all traffic laws.
  - 1. Village owned vehicles shall be legally and appropriately operated and/or parked at all times.
  - 2. Drivers must report all ticket violations received during the operation of a village vehicle, or while driving a personal vehicle on village business.
  - 3. Traffic code violation issued to the driver of the vehicle will be the responsibility of the driver, not the village.
- (f) Maintain any personal vehicles used for village business in safe working order.

### 403.3.3 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned village vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All village vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

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### **403.3.4 SECURITY AND UNATTENDED VEHICLES**

Unattended vehicles should be locked and secured at all times to safeguard any village equipment prior to parking or leaving the vehicle.

### **403.3.5 VEHICLE LOCATION SYSTEM**

Village vehicles, at the discretion of the City Manager, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require City Manager approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

### **403.3.6 KEYS**

Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees shall not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

### **403.3.7 AUTHORIZED PASSENGERS**

Employees operating assigned vehicles shall not permit unauthorized persons to ride as passengers in the vehicle. Only authorized assignee or other authorized village employees shall operate the assigned Village vehicle.

### **403.3.8 PARKING**

Employees should obey parking regulations at all times.

Village vehicles should be parked in assigned spaces. Employees shall not park personal vehicles in spaces assigned to village vehicles or in other parking areas that are not so designated unless authorized by a supervisor.

### **403.3.9 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions, or removal of any equipment or accessories from village vehicles without written permission from the City Manager or the authorized designee.

## **403.4 ON-DUTY WORKING HOUR VEHICLE ASSIGNMENTS**

Department Head's and supervisory personnel shall have the responsibility for assigning vehicles required by employees for the performance of their duties. Such assigned vehicles shall be used for official village business only and within the course and scope of the employee's employment.

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On duty Village vehicles may be used for travel for stopping to purchase food and non-alcoholic drinks while on a meal break or break time during the workday when an employee is on official village business and when an employee is in town in a Village vehicle in a location where driving to obtain their personal vehicle would result in an extra and unnecessary expenditure of fuel.

For persons who are assigned a vehicle for a specific task, event or duty, whether such permission is provided by an official, officer or employee of the Village, use of the vehicle is permitted only for that task, event or duty along with use for which include stopping to purchase food and non-alcoholic drinks while on a meal break or break time during the workday.

### **403.5 UNSCHEDULED TAKE-HOME USE**

Employees may take home Village vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Village.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the village limits.
- (d) Off street parking will be available at the employee's residence.
- (e) The vehicle will be locked when not attended.
- (f) All portable village equipment will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

When such circumstances occur, the City Manager or the authorized designee shall document the unscheduled take-home use in the vehicle assignment roster.

### **403.6 ASSIGNMENT OF TAKE-HOME VEHICLES**

The City Manager may assign take home vehicles when resources permit. Assignment of take-home vehicles should be based on the location of the employee's residence (not to exceed 30 miles) of the village limits and the employee's reporting location, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources.

Every such assigned employee shall at all times be prepared to respond regardless of duty status or location when requested by telephone, radio or other emergency notification by the City Manager or Acting City Manager. Exceptions may be provided for scheduled vacations or sick leave. Any employee on leave exceeding 10 days will not keep possession of the take-home vehicle during such extended leave. The vehicle shall be parked in a secure location on village property as noted by their Department Head or City Manager.

Employees are cautioned that under federal and local tax rules, personal use of a Village vehicle may create an income tax liability for the employee. For employees who fall within the provisions

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of the Internal Revenue Code, the Village will comply with the Internal Revenue Service's regulations regarding the reporting of income. The employee is responsible for complying with all IRS regulations and any other regulatory requirements regarding employer provided vehicles. If applicable, taxable fringe benefits will be withheld for personal use. Questions regarding tax rules should be directed to the employee's tax adviser.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties where proper lights and sirens are utilized and the employee is responding to work.

### **403.6.1 TAKE-HOME VEHICLE AGREEMENT**

Employees shall sign a take-home vehicle agreement that outlines how the vehicle shall be used, where it shall be parked, vehicle maintenance responsibilities, and any other appropriate requirements. The agreement should minimally provide that:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal reasons, unless special circumstances exist and the City Manager or the authorized designee gives prior authorization.
- (b) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the City Manager or the authorized designee. If the vehicle is not secured inside a locked garage, all removeable village equipment shall be removed and properly secured in the residence.
- (c) Vehicles are to be secured at the employee's residence or the appropriate village facility, at the discretion of the employee's supervisor, when an employee will be away (e.g., on vacation) for periods exceeding one week.
  - 1. If the vehicle remains at the employee's residence, the Village shall have access to the vehicle.

### **403.7 LIMITED USE OTHER THAN WORKING STATUS**

The use of assigned vehicles shall be restricted to village and departmental uses and the operator shall make ready and have themselves available at all times for immediate response whenever necessary. Exceptions may be provided for scheduled vacations or sick leave.

For persons provided a vehicle to use during the workday and who are permitted to use the vehicle to commute to and from the workplace or to an assigned duty, use of the vehicle on behalf of the village and in the course and scope of employment is permitted, which shall include commuting as described herein, along with which include:

- (a) Stopping to purchase food and non-alcoholic drinks while on authorized break time during the workday or at a location that is on the way to or home from work.
- (b) Stopping at a drugstore, pharmacy or grocery store while on authorized break time or that is on the way to or home from work.
- (c) Going to a doctor, dentist or other medical provider that is on the way to or home from work.

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Assigned vehicles may be used at such times other than standard work hours when the assignee's position or professional standing requires them to attend and/or conduct public meetings, association meetings, seminars, conferences, schools, training and unscheduled checks on personnel and conditions.

For purposes of this policy, does not include the following, which shall be deemed a and which uses shall therefore be considered a use that is not permitted and which is without permission. include, but are not limited to:

- (a) Stopping at a bar, tavern, restaurant, other than to purchase food.
- (b) Going to any location to purchase alcohol or illegal drugs, except as a part of authorized law enforcement activities or other activities specifically authorized by the Village.
- (c) Use of the village automobile for personal gain or in a personal business use.
- (d) Use of an automobile to engage in any criminal activity or for any criminal purpose.
- (e) Use of an automobile in violation of any express limitation of permitted use imposed by the Village, or its official, officer, or employee who is granting permission to use the automobile.

### **403.8 DISTRACTED DRIVING**

Village employees are prohibited from engaging in certain activities that, by their nature, will result in distracted driving while:

- (a) Operating a village-owned vehicle; or
- (b) Operating a personally-owned vehicle while on Village time and/or conducting village business.

Certain activities, which may not necessarily result in distracted driving but could divert the driver's focus, should only be engaged in with extreme caution while operating a village-owned vehicle or personally-owned vehicle while on village time and/or conducting village business.

#### **403.8.1 PROHIBITED ACTIVITIES**

- No driver shall operate a village vehicle when their ability to do so safely has been impaired by illness, fatigue, injury or prescription medication. The only exception shall be if the assignee suffers an immediate incapacitation, in which case a non-employee shall operate the assigned vehicle and then only to the limitation of delivery of the vehicle to the residence of the assigned or the work location.
- Using a mobile (cellular) device to send, compose, or read text messages or emails, taking photographs, accessing the Internet, applications, or data files, or any other similar tasks that can be performed on a mobile (cellular) device that requires a driver to divert their focus from operating the vehicle;
- Using a hand-held mobile (cellular) device to talk on the phone, make or receive calls, unless hands-free operation is used;

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- Operating and/or using computer, laptop or tablet (e.g., iPad);
- Using earphones, earbuds, earplugs, or any device that covers all or a portion of both ears;
- Manual programming Global Positioning System (GPS) or navigation applications or devices; and
- Reading (e.g., a book, magazine or a newspaper).

### **403.8.2 EXCEPTIONS**

The following activities are exempted from this policy and are not considered a prohibited or discouraged activity:

- Use of a mobile (cellular) device or any other device to make an emergency call (e.g., 9-1-1 or a law enforcement agency);
- Using the device when the vehicle is stationary and outside the lane of travel or at a traffic light;
- Use of the Multi-Agency Radio Communication System (MARCS) in performance of a village employee's job duties;
- A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
- A person operating a utility service vehicle or vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage or circumstance that affects the health or safety of individuals; and
- Use of technology, communication devices, emergency equipment and/or any other type of device by law enforcement or other personnel as required and in the performance of their job duties.

### **403.9 DAMAGE, ABUSE, AND MISUSE**

When any village vehicle is involved in a traffic accident or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the City Manager or the authorized designee.

Damage to any village vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented in memorandum format, which shall be forwarded to the City Manager or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

Vehicle interiors shall be kept free of litter and debris.

Smoking shall not be permitted in a Village owned vehicle at any time.

### **403.10 TOLL ROAD USAGE, FUEL, AND MILEAGE**

Employees operating vehicles for village business shall pay the appropriate toll charge or utilize the appropriate tollway transponder.

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With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the Village for toll fees and fuel expenses incurred in the course of official business. In lieu of fuel expenses, employees may submit for reimbursement for mileage accrued on personal vehicles used for village business.

## Driver's License and Driving Record

### 632.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that employees who operate motor vehicles as part of their job duties maintain safe and acceptable driving records. Maintaining responsible driving practices helps protect employees, the Village, and the public while ensuring compliance with insurance requirements and applicable laws.

### 632.2 POLICY

This policy applies to all Village employees whose work requires the operation of a motor vehicle, including those who:

- Operate Village-owned vehicles; or
- Are authorized to use personal vehicles for Village business.

This policy also applies to prospective employees whose positions require driving. All employees are subject to the requirements of this policy, including employees covered by collective bargaining agreements. Where provisions of this policy conflict with an existing collective bargaining agreement, the terms of the collective bargaining agreement shall prevail.

### 632.3 DRIVER'S LICENSE REQUIREMENTS

Employees whose job duties require the operation of a motor vehicle must possess and maintain a valid driver's license and maintain a driving record acceptable to the Village's insurance carrier or risk pool.

The Director of Administrative Services will monitor driving records to ensure that each driver maintains a valid license and to identify potential problem driving behavior.

### 632.4 MOTOR VEHICLE RECORD (MVR) CHECKS

Motor Vehicle Abstract Reports (MVRs) will be obtained and reviewed:

- Prior to an applicant receiving a conditional offer of employment; and
- Annually thereafter as part of the Village's risk management review process.

All current and prospective employees must sign a release authorizing the Village to obtain their driving record from the Bureau of Motor Vehicles (BMV) of the relevant state (e.g., Ohio, Kentucky, Indiana).

Failure to maintain an acceptable driving record may result in disciplinary action, up to and including reassignment or termination.

[See attachment: Driver Abstract Release.pdf](#)

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### 632.4.1 RESPONSIBILITY FOR VIOLATIONS

Employees authorized to operate a vehicle in the course of their duties are personally responsible for any fines or traffic violations incurred while operating a vehicle.

### 632.4.2 REPORTING REQUIREMENTS

If a court of law or state Bureau of Motor Vehicles suspends an employee's driver's license or issues a six point violation letter, the employee must notify their Department Head immediately, even if work-related driving privileges remain.

The Director of Administrative Services will request a Driver Abstract Report from the BMV and review it against the criteria in this policy to determine whether the employee may continue to operate a motor vehicle on Village business or will be considered an "unacceptable driver."

Employees must report any conviction for violations of motor vehicle traffic laws and ordinances (excluding parking violations) to their Department Head within three calendar days of the conviction or at the expiration of any applicable appeal period.

Employees who receive notice of a driver's license suspension—including administrative license suspensions, BMV suspensions, court-ordered suspensions, or other suspensions—must notify their Department Head within 24 hours of receiving verbal or written notice.

Under no circumstances may an employee operate a Village-owned vehicle or a personal vehicle on Village business while their driver's license is suspended.

Failure to report a citation, charge, or suspension may result in disciplinary action, up to and including termination.

### 632.4.3 UNACCEPTABLE DRIVER

An "unacceptable driver" is defined as an individual who, within the previous three years, has any of the following:

- (a) Conviction for:
  - 1. Homicide by vehicle
  - 2. Operating a motor vehicle while under the influence of alcohol or drugs of abuse
  - 3. Failure to stop and disclose identity at the scene of a crash
  - 4. Willfully fleeing or eluding a law enforcement officer
  - 5. Racing
  - 6. Operating a motor vehicle without owner consent
  - 7. Operating a motor vehicle under a license suspension or revocation
  - 8. Using a motor vehicle in the commission of a felony or committing any crime punishable as a felony under motor vehicle laws
- (b) Accidents - Two or more chargeable or "at-fault" accidents. A chargeable accident means the driver is determined to be the primary cause of the accident due to factors such as speeding or inattention. The Director of Administrative Services, in

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consultation with the Department Head, will review the nature and severity of accidents and other contributing factors such as weather or mechanical problems.

- (c) Moving Violations - Three moving violations resulting in or more total points
- (d) Combined Violations - Any combination of accidents and/or moving violations resulting in more than four points.
- (e) Refusal of Alcohol Testing - Refusal to undergo blood alcohol testing while driving a commercial or non-commercial motor vehicle when the employee is required to hold a commercial driver's license to perform essential job functions.

#### **632.4.4 CONSEQUENCES FOR UNACCEPTABLE DRIVERS**

If an employee or applicant is determined to be an unacceptable driver:

- (a) Applicants will not be hired.
- (b) If a court or BMV suspends an employee's driver's license or commercial operator's license, the employee may be removed from employment, have their position changed, or be suspended with or without pay.
- (c) If driving is an essential job requirement, the employee may be subject to termination or transfer/demotion to a non-driving position for which they are qualified. Reinstatement to a driving position will be at the discretion of the City Manager.
- (d) Employees whose job classification requires driving as an essential function may not be retained if the Village's insurance carrier will not insure them to operate Village vehicles.
- (e) Loss of an operator's permit or commercial driver's license for more than 90 calendar days will result in immediate termination. Limited driving privileges for travel to or from work do not modify this provision.
- (f) The employee may be prohibited from driving Village vehicles or from using personal vehicles for Village business.
- (g) The employee may receive disciplinary action including a written warning, suspension, or may be required to complete a defensive driving course at the employee's own expense.

#### **632.5 MEDICAL REPORTING REQUIREMENTS**

Employees have an affirmative legal duty under state and federal law to report any medical condition that may adversely affect their ability to safely operate a personal or Village-owned vehicle in the course of their work.

## Attachments

## Driver Abstract Release.pdf



## DRIVER ABSTRACT REPORT

**VILLAGE OF INDIAN HILL**  
6525 Drake Road  
Cincinnati, OH 45243

In order to insure the safety of the individual employee and the public which he or she serves, and to maintain City insurance coverage, it is the intention of the City of the Village of Indian Hill to annually check and review each employee's or applicant's driving record.

Therefore, a Driver Abstract Report will be obtained from the Bureau of Motor Vehicles once a year by the Director of Administrative Services and distributed to the appropriate Department Head for review. Any disciplinary action incurred from this review will be in accordance with department MVR policies. Each department will be responsible for obtaining the completed and signed release form from the applicant and/or the current employees. The department will then submit the form(s) to the Director of Administrative Services for processing.

I, \_\_\_\_\_ (print name), authorize the City of the Village of Indian Hill to obtain my motor vehicle records (MVR) and release the MVR report to my Department Head and/or Director of Administrative Services.

Date of Birth \_\_\_\_\_ Social Security No. \_\_\_\_\_

Driver's License No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Department \_\_\_\_\_

This signed release form grants permission to the City of the Village of Indian Hill to obtain my MVR as an applicant, and annually throughout my employment with the City.

Signature \_\_\_\_\_

Witness \_\_\_\_\_

Date \_\_\_\_\_

Copy of Driver's License Here