



DRIVING ON COUNTY BUSINESS/VEHICLE OPERATOR STANDARDS

Policy #8-02

Effective Date: 09/11/18

ADMINISTRATIVE POLICY

Chapter 8 – Risk Management and Safety

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08/14/18

Statement of Policy

This policy sets forth the County's position as it relates to the operation of vehicles when used for County business.

Applicability

The provisions of this directive apply to any employee, Elected Official, volunteer, or authorized agent of the County who may drive a County vehicle, their own vehicle on County business, and/or who may have a guest passenger while driving on County business. For the purposes of this policy, a vehicle is any device used for County business in, upon, or by which any person or property is or may be transported or drawn upon a public highway or waterway and includes vehicles that are propelled or powered by any means. The term "vehicle" includes all equipment and machinery where the operator is required to sit or stand in or on the equipment for its operation. For the purposes of this policy, an operator of a vehicle is the person, including an employee, Elected Official, volunteer, or authorized agent of the County in physical control of the vehicle.

Should any provisions of this policy conflict with provisions of the vehicle operation standards for sworn law enforcement employees or volunteers of the Jackson County Sheriff's Office, then the provisions of the Sheriff's policies and procedures shall prevail.

In General

It is the policy of Jackson County to ensure that all operators of a vehicle used on official County business are properly licensed, qualified to drive, and that they drive safely. The purpose of this policy is to promote safety and to limit the County's financial risk. No vehicle shall be operated by an unlicensed or uninsured operator.

It is the responsibility of the Department Director to ensure that all operators of vehicles in their respective departments have fulfilled the requirements of this policy.

Applicants

All recruitments for positions that require driving shall include a statement that the employment offer will be contingent upon having a valid driver's license and a current, acceptable driving history as defined by the criteria outlined in Appendix A and evidenced by a five (5)-year DMV Court Print (dated within one week of the contingent offer). In addition to the results of Appendix A, a record and/or pattern of misdemeanors, felonies, suspensions, traffic offenses,

and/or accidents shall be considered in determining whether an applicant has an acceptable driving record. The hiring supervisor or Department Director (or designee) will review these documents. If the applicant being considered has been licensed outside the State of Oregon in the past five (5) years, the applicant must deliver a copy of their five (5)-year DMV Court Print driving record, or the equivalent from other state(s), to the hiring supervisor. The County will not reimburse applicants for the cost of the DMV Court Print. Applicants who do not provide required documents or who do not have an acceptable driving history will not be considered for employment for positions that involve driving. However, if an internal applicant currently holds a regular position that requires driving, but is found to have an unacceptable driving record, they may continue to drive on County business in their current regular position as long as they possess a valid license, but will not be considered for other positions that require driving until able to meet the criteria in Appendix A.

Volunteers

Volunteer opportunities that required driving shall be contingent upon having a valid driver's license and a current, acceptable driving history as defined by the criteria outlined in Appendix A, and as evidenced by a five (5)-year DMV Court Print (dated within one week of contingent offer of volunteer opportunity). In addition to the results of Appendix A, a record and/or pattern of misdemeanors, felonies, suspensions, traffic offenses, and/or accidents shall be considered in determining whether a volunteer has an acceptable driving record. The supervisor or Department Director (or designee) will review these documents. If the volunteer being considered has been licensed outside the State of Oregon in the past five (5) years, the volunteer must deliver a copy of their five (5)-year DMV Court Print driving history record, or the equivalent from other state(s), to the supervisor. For volunteers, the cost of obtaining the DMV Court Print will be paid for by the appropriate department. Volunteers will also be required to complete a volunteer registration form and provide current proof of insurance coverage at minimum levels required by State law. Volunteers shall immediately report to their supervisor any change in driving and/or insurance status that affects their ability to perform their volunteer work. Volunteers that have an unacceptable driving record will not be allowed to drive on County business.

Driver Eligibility

All operators of vehicles on County business must possess a valid driver's license with proper endorsements, sign a certificate of receipt verifying they have received a copy of this policy (#8-02), and comply with the defensive driving course requirements described below prior to being allowed to drive a vehicle on County business.

Defensive Driving: Operators of a vehicle on County business must take a County-approved defensive driving course to be deemed eligible to drive on County business. New employees and volunteers must take the defensive driving course made available through the Human Resources Office within 30 calendar days after date of hire. However, pending all other provisions have been met, any operator who is completing this requirement within the first 30 calendar days from the date of hire will be considered "temporarily eligible" for the purpose of this statement. All operators must additionally complete a refresher course every five (5) years in order to maintain their eligibility to drive on County business within 30 calendar days of expiration. Any operator who is found responsible for a preventable collision and/or receives a traffic offense citation while on County business will be required to complete the defensive driving course within 30 calendar days from being directed if termination does not result.

Jackson County encourages departments, in conjunction with the Human Resources Office, to develop and operate their own operator training/defensive driving courses or pursue applicable

opportunities if department driving duties are of a specific nature; however, these alternate courses do not replace the defensive driving course completion requirements stated above. Documentation of County course completion will be kept by the Human Resources Office and, if applicable, the documentation of the department training will be kept at the department.

Driver's License: If determined to be necessary by the Department Director and/or their designee, the validity and status of the operator's driver's license and/or driving record will be reviewed and discussed. The class of license must be appropriate for the vehicles operated during the course of County business. Any operator found to have an invalid driver's license and/or loss of driver's license/driving privileges shall not be allowed to drive on County business and may be subject to disciplinary action up to and including termination.

Using Personal Vehicles for County Business

Operators may be authorized to use their personal vehicle on County business, if appropriate, with their Department Director's prior written approval. In cases where prior written approval is not obtained, it will be the County's position that the travel is of a personal nature and not conducting County business. Written "blanket" approval by a Department Director is allowable in those cases where selected operators consistently utilize personal vehicles on County business, unless revoked. Operators who use their personal vehicle on County business must fulfill the defensive driving course requirements outlined above and possess insurance coverage at minimum levels required by State law. Personal auto insurance is primary in the event of a liability loss and the County is not responsible for any physical damage to the personally owned vehicle. Operating a personal vehicle on County business without the required insurance and current registration shall be grounds for immediate termination of employment pending applicable due process.

When utilizing a personal vehicle on County business, all operators will be subject to the same restrictions and requirements set forth for operators of County vehicles. This includes the utilization of personal restraint devices, restrictions on guest passengers, and any other driving restrictions set forth in this or any other County policy statement.

Incidental and Out-of-County Use of County-Owned Vehicle

Jackson County owns, maintains, and operates multiple types of vehicles; some specifically outfitted and others for general transportation. These vehicles are designated for official use only, to be operated while conducting business benefiting the citizens of Jackson County.

Jackson County employees, Elected Officials, volunteers, or authorized agents of the County who may drive a County vehicle are perceived by the public as on duty while operating such vehicles. Unless they are unmarked vehicles designated for public safety work, most County-owned vehicles either have a County logo or a State-issued license plate beginning with a capital E as identifying marks.

It is of high importance that the trust of the public vested in Jackson County be protected and enhanced by appropriate conduct by any person who is authorized to drive a County vehicle. This includes safe and courteous driving and avoiding the perception of misconduct while using a County vehicle.

Therefore, County vehicles shall not be used for personal business or activities, except that a County vehicle that has been assigned to an employee may be authorized in writing to be used for driving to and from work. Incidental stops (e.g., fueling, rest room stops, meal breaks, etc.)

may be necessary during the course of County business. Such stops should be brief, along the normal and direct business route expected of that vehicle, and not account for mileage above that required for the authorized County business.

When driving a County vehicle on County business while assigned to work outside of Jackson County for activities such as meetings, conferences, and/or trainings, the County vehicle may be used for minimal personal business. As these individuals would not be out of the County but for the purpose of County business, negligible, prudent, and reasonable use of County vehicles for personal business is allowable. Individuals are stewards of the County's resources and should therefore not be excessive in their use of County vehicles while away from Jackson County. Additionally, individuals are representing the County and should act in a manner that reflects well on the County. Stops or other uses of County vehicles are prohibited in all instances if they would reasonably expose the County to public perception of misuse or abuse of the driving privilege. Such uses may include but are not limited to, stops at a liquor store, an adult shop, a gambling establishment, or any other business or location that the public may reasonably find to constitute misuse of a County vehicle.

Abuse of this provision may be interpreted as misuse of County property and the operator may be subject to disciplinary action up to and including termination. All other applicable provisions of this policy and other County policies shall apply while the operator of a County vehicle is engaged in incidental stops and/or travel outside of Jackson County. Examples include but are not limited to, transporting alcoholic beverages or unauthorized passengers at any time while vehicles are in use for County business.

Vehicle Accident While on County Time and/or in a County Vehicle

This section of the policy provides for specific exceptions to the Roads and Parks Department and the Sheriff's Office. For the Roads and Parks Department exception, the Department has adopted a policy, as approved by the Human Resources Office, related to accidents in an active work area. An active work area is defined as any area where active construction, repair, or maintenance is being completed by Roads and Parks employees where minor damage to County equipment or property occurs as part of normal operations. Active work areas include work occurring on road rights-of-way, stockpile sites, parks, landscaped areas, equipment yards, and other County property. The active work area does not include the transit of County vehicles or equipment to a site where work activities are being conducted. For the Sheriff's Office exception, the Office has adopted Standard Operating Procedures (SOPs) related to operations where damage to County equipment or property occurs as part of normal operations.

Except as otherwise stated above, any operator that is involved in any vehicle accident while on County time or in a County vehicle, regardless of whether any injury, loss of human life, and/or property damage results, **shall** immediately report the accident to their supervisor, provided that this requirement shall not be construed to require the delay of necessary medical attention for injured persons following an accident, to prohibit the individual from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. Operators must report every vehicle accident without exception. Any unreasonable delay in reporting an accident, or failure to report an accident, will result in disciplinary action up to and including termination. Elected Officials should immediately report the vehicle accident to the County Administrator's Office (CAO).

If the traffic conditions are safe to do so, it is the supervisor's responsibility, or other designated County management representative's in the absence of the supervisor, to respond to the site of the accident to investigate if the site of the accident is anywhere within Jackson County limits or

within a 45-mile radius of the physical location of the department. If not required to respond, the supervisor is still required to conduct an investigation upon the individual's return to the office.

Except for the active work zone for the Roads and Parks Department, or as otherwise provided in Sheriff's SOPs, any operator who is responsible for a preventable accident or collision, regardless of whether a traffic offense citation was issued, shall be disciplined up to and including termination. A preventable accident or collision is defined as any accident involving a County vehicle or a vehicle on County business which results in property and/or personal injury, regardless of who was injured, what property was damaged, or to what extent or where it occurred, in which the driver in question failed to do everything a driver reasonably could have done to prevent the accident. Factors used to determine preventability include, but are not limited to: (a) violation of the law even if a citation is not issued; (b) failure to use defensive driving techniques; (c) road conditions existing at the time of the accident; (d) speed of the driver's vehicle; and/or (e) a collision with a fixed object.

Citations

Any operator, as defined in the Applicability section of this policy, who receives a traffic offense citation while operating a vehicle on County business shall report the receipt of the traffic offense citation to their supervisor by no later than the next day they are scheduled to work. Elected Officials who receive a traffic offense citation while operating a vehicle on County business should report the receipt of the traffic offense citation to the CAO.

The operator shall be held personally responsible and liable for a traffic offense citation, a photo radar citation, or other citations received while operating a vehicle on County business and resolve the citation on their own time, using their own resources, and in adherence to Oregon Ethics Law. For photo radar or other citations issued against the vehicle's registration, the operator's department will complete the "affidavit of Non-Liability" or similar document issued with the citation to identify the driver. Any operator who receives a traffic offense citation that occurred while driving on County business will be subject to disciplinary action up to and including termination. If termination does not result, the operator will be required to complete the defensive driving course within 30 calendar days from being directed to do so.

Individuals shall be held personally responsible and liable for any parking citations received while conducting County business. Parking fines received on County vehicles shall be resolved promptly by the individual on their own time, using their own resources, and in adherence to Oregon Ethics Law. Individuals shall notify their supervisor by no later than the next day they are scheduled to work of receiving a parking citation while conducting County business.

Loss of Driver's License/Driving Privileges

Any operator who drives on County business as an essential function of their job whose driving privileges become provisional, suspended, revoked, cancelled, disqualified, expired, or otherwise lost as a result of citations, restrictions, arrests, convictions or failure to comply with Oregon Department of Motor Vehicles (DMV) requirements shall report the change in driving status or actual loss of license to their supervisor by no later than the next day they are scheduled to work. Elected Officials should report the change in driving status or actual loss of license to the CAO.

Any operator who loses their job required license for an offense committed at work shall be immediately terminated, pending due process.

Any operator who loses their job required license for more than one (1) year for an offense committed outside of work shall be immediately terminated, pending due process.

Extra help employees, volunteers, or authorized agents of the County who lose their required license for less than one (1) year for an offense committed outside of County service shall be separated from the County.

Any regular employee who loses their job required license for one (1) year or less for an offense committed outside of work, and who is otherwise eligible for a work permit or hardship license, shall receive a five percent (5%) pay decrease for the period of time they are without a license providing there is work available at the time which does not require the license. If no work is available for which a license is not required, the regular employee will not work and will not be compensated, however, they may apply applicable accrued leave during this time period. All fees and costs shall be the responsibility of the regular employee. The regular employee shall be returned to their regular rate of pay when a valid hardship license or work permit is obtained and the regular employee provides proof to the County. If the license is lost and a valid hardship license or work permit is not obtained within forty (40) days of the loss, the regular employee shall be terminated upon the close of the forty (40) day period after the loss.

It is the policy of Jackson County to not install Ignition Interlocking Devices (IID) on its vehicles or sign an Employer Ignition Interlock Device Exemption form. Therefore, for the purposes of this policy, should any operator who is required to drive a County vehicle as an essential function of their job receive a work permit or hardship license with an IID requirement, it shall be deemed invalid for the purposes of driving on County business.

Guest Passengers

It is generally the policy of the County not to transport guests or other individuals who are not actively performing services for the benefit of the County in County vehicles. It is recognized, however, that under certain circumstances such as prisoner transport, ride-along programs, and certain other programs that individuals other than County employees, Elected Officials, or volunteers may be present in a County vehicle.

The following individuals are authorized passengers and are allowed to ride in vehicles while those vehicles are in use for County business:

1. County employee/volunteers conducting County business;
2. Officers and agents representing the County;
3. Vendors and contractors working on behalf of the County;
4. Participants in official County business, training, tours, and programs;
5. Representatives of other governmental agencies working with the County;
6. Anyone with prior written authorization by the Department Director or supervisor.

Other guest passengers must have written approval by the appropriate Department Director for transportation in a County vehicle. Restrictions on guest passengers apply to personal vehicles used on County business. In either case, operators driving on County business shall inform guest

passengers that the County will not be responsible for injury to guest passengers unless their presence in the vehicle is directly related to a County provided service.

Standards for Operation, Safety, and Security of Vehicles

Safe driving practices include steps to ensure the driver's total concentration and safe operation of vehicles, including obtaining clear directions before departing, refraining from operating equipment such as cell phones, hand-held two-way radios, headphones or earbuds (except for department-required and approved personal protective equipment), eating, grooming, or any other activity that has the potential to impair the operator's ability to effectively react while the vehicle is moving. Operators are expected to follow defensive driving principles and laws and regulations to prevent accidents in spite of unsafe driving by others and/or adverse conditions. Specific safety and security measures are as follows:

1. All operators shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in operating condition prior to their use and, if not, operators must report unsafe and/or unsatisfactory conditions as listed below prior to driving, to their supervisor or their designee. This should include, but is not limited to:
 - Tires properly inflated (i.e. not visibly deflated)
 - Windows (i.e. cleanliness)
 - Mirrors properly cleaned and positioned
 - All lights in working order
 - Fluid level gauges showing levels in the proper ranges
 - No obvious fluid leaks
 - Overall condition of the vehicle's exterior (i.e. scratches, scrapes, dings, dents, paint transfer, windshield chips or cracks)
 - Overall condition of the vehicle's interior (i.e. cleanliness, County documents in glovebox compartment)
2. All operators of vehicles on County business will exercise every reasonable caution while operating the vehicle. Operators will obey all traffic laws, parking regulations, proper equipment operation and safety protocol, registration and licensing requirements applicable to the vehicle being operated. All heavy equipment operators shall comply with the applicable portions of regulations governing those activities. Although operators may not receive a traffic offense citation, the operator will be disciplined, up to and including termination, if they violate this section of the policy. All other individuals, as defined in the Applicability section of this policy, will be addressed appropriately.
3. All operators and passengers of vehicles equipped with safety belts are required to wear safety belts while the vehicle is on. Not wearing the required safety belt is a serious safety violation that will result in disciplinary action up to and including termination. It will be the responsibility of the operator to see that all occupants comply. All airbags shall be fully operable and under no circumstances should a manual override switch be used to turn off airbags.

4. Operation of a vehicle on County business, whether privately or County-owned, while consuming or under the influence of drugs and/or alcohol, is prohibited and will result in immediate termination pending applicable due process. All operators and passengers must adhere to Policy #5-47f, Drug-Free Workplace, and/or Policy #5-47i, Drug and Alcohol-Commercial Driver's License and Related Functions.
5. Those operators using medications which limit or affect the operator's ability to operate a motor vehicle must report the use of the medication to their supervisor or Department Director prior to operation of a vehicle. The supervisor or Department Director may request the operator to provide a written recommendation from their licensed medical practitioner before determining whether the operator can safely operate a motor vehicle while on County business. Any questions by the supervisor or Department Director concerning an operator's safe operation of a vehicle on County business must be referred to the Human Resources Office for review.
6. When unoccupied, all County vehicles will be secured by whatever means possible, depending on the vehicle or equipment type. If the vehicle has locking doors, they must be locked when the vehicle is left unattended. Do not store valuables in unattended vehicles. Emergency and law enforcement vehicles are exempt from this provision, providing the department has alternative security measures in place which do not hamper operational requirements. Equipment and vehicles that cannot be secured by means of a locking door must be secured or rendered non-operative by some other means. Department Directors shall institute formal policies for addressing the safety and security of all vehicles, equipment, and trailers for which they are responsible.
7. In accordance with State law and for safety purposes, cell phones and/or other mobile electronic devices that include, but are not limited to, a device capable of text messaging, voice communication, entertainment, navigation, accessing the internet, or producing electronic email (i.e. tablet, GPS, laptop) shall not be manually used or held by the operator while driving. If the need arises for an operator to make or receive a cell phone call while driving, the operator may only utilize hands-free devices to make/receive the call or pull over in a safe parking area prior to using the cell phone. Sending/reading text messages and email or utilizing other distracting mobile functions from any device while driving is prohibited.
8. When adverse weather makes driving conditions hazardous, supervisors and Department Directors should attempt to reassign employees who normally drive as part of their regular job duties until such conditions have abated. This provision does not apply to the Sheriff's Office, Roads and Parks Department, or other emergency personnel who are specifically assigned to patrol or clear roads and rights of way of hazards created by adverse weather.
9. If an operator of a County vehicle or personal vehicle on County business encounters a stranded motorist, the operator should always consider their personal safety prior to stopping. There is no obligation to stop and render assistance. The only pre-authorized action is to help connect the stranded motorist with appropriate roadside assistance via cell phone or two-way radio. Any additional assistance requires approval from the operator's supervisor or Department Director unless required to do so by law.
10. No authorized operator shall relinquish to a non-authorized individual the operation of a County vehicle unless an emergency exists.

11. Because of the safety hazards and as a courtesy to others, all operators and passengers must adhere to Policy #1-11, Tobacco Free Policy.
12. Courtesy to others is requested; therefore, all operators of County vehicles shall leave the County vehicle clean for the next user.
13. Any operator as defined in the Applicability section of this policy who may drive a County vehicle, drive their own vehicle on County business, and/or who may have an authorized guest passenger while driving on County business is not authorized to install car seats or booster seats for infants and children, except as authorized by the Sheriff. If the infant or child is an authorized guest passenger in accordance with this policy, the infant's or child's parent and/or legal guardian is responsible for installing and using a car seat or booster seat correctly.

Effect of Changes to Laws Applicable to this Policy

This policy, and the procedures adopted to implement this policy, is intended to be in compliance with any and all applicable laws at the time of the adoption of this policy. If applicable laws change, and this policy has not been amended to reflect the impact of such changes, the County shall amend its procedures and the application of this policy to reflect the current state of the law, even if an amendment to this policy to reflect those changes has not been formally adopted by the County.

Compliance

Failure to comply with any provisions of this policy may lead to discipline up to and including termination.

/s/ Danny Jordan
Danny Jordan
County Administrator

Board Approved: September 11, 2018

APPENDIX A

Requirements of an Acceptable Driving Record

These requirements become effective on the effective date of this policy.

1. No Class A violation convictions during the past thirty-six (36) months. No more than one (1) Class A violation conviction between the past 36 and 60 months.
2. No more than one (1) Class B violation conviction during the past twelve (12) months. No more than two (2) Class B violation convictions during the past thirty-six (36) months.
3. No more than two (2) Class C violation convictions during the past twelve (12) months. No more than a combination of three (3) Class C and Class B violation convictions during the past thirty-six (36) months.
4. No more than three (3) Class D violation convictions during the past twelve (12) months. No more than a combination of five (5) Class D, Class C and Class B violation convictions during the past thirty-six (36) months.
5. No driver's license suspensions, revocations, or diversion agreements within the past sixty (60) months.
6. No felony or misdemeanor driving convictions within the past sixty (60) months.

EXAMPLES OF VIOLATIONS LISTED BY CLASSIFICATION

CLASS A VIOLATION

Failure to obey a traffic flagger
Driving while suspended (violation)
Careless driving (accident involved)
Speed racing
Speeding (30+ MPH over posted limit)
Failure to stop for a school bus

CLASS B VIOLATION

Passing in a no pass zone
Failure to drive on right side of the road
No operator's license
Careless driving (no accident involved)
Failure to obey a traffic control device
Speeding (21-30 MPH over posted limit)
Driving uninsured

CLASS C VIOLATION

Failure to use traction devices
Defective headlights
Illegal U-turn
Failure to yield to pedestrian in crosswalk
Speeding (11-20 MPH over the limit)

CLASS D VIOLATION

Impeding the flow of traffic
Failure to signal lane change
Failure to display license plates
Speeding (1-10 MPH over the limit)
Failure to use safety belts
Failure to change information on driver's license

Notwithstanding the violations listed above, Oregon law provides that if the speed limit is 65 miles per hour and:

1. The driver is exceeding 65 miles per hour but not exceeding 75 miles per hour, the offense is a Class C traffic violation.
2. The driver is exceeding 75 miles per hour but not exceeding 85 miles per hour, the offense is a Class B traffic violation.
3. The driver is exceeding 85 miles per hour, the offense is a Class A traffic violation.

CLASS A MISDEMEANOR

Driving under the influence of intoxicants
Reckless endangerment of a highway worker
Providing false information to a police officer
Hit and run (property damage)
Reckless driving
Driving while suspended

CLASS B MISDEMEANOR

Providing false information regarding liability insurance
Providing false information on accident report

CLASS C MISDEMEANOR

Failure to display a driver's license
Failure to return a suspended license

CLASS C FELONY

Hit and run (injury)
Attempting to elude a peace officer
Driving while suspended/revoked