

Title: Administrative Policy Driving on County Business	Policy No. Part 5, Staff Policies Chapter 1, Rules Section 3
	Effective Date May 5, 2020
Policy Custodian County Manager	Adoption/Revision Date May 5, 2020

Adopting Resolution(s): CC20-089

References (Statutes/Resos/Policies): CC01-515, CC08-169, CC09-451, CC13-170, CC16-116, CC17-262, CC18-066, CC18-384, CC19-367; Treasury Regulation 1.274-5(k)(6)(ii), Commercial Driver’s License Policy, Vehicle Options for Elected Officials Policy, Smoking in County Vehicles and on County Property Policy, Commercial Driver’s License Policy, Personnel Rules

Purpose: To set standards for driving county vehicles and/or personal vehicles for county business.

Policy: Driving on County Business

A. Definitions

1. Discretionary MVR Violations are MVR Violations that are serious in nature, but with the approval of the Department Director, the Driver may still drive on county business.
2. Driver means all persons driving on county business, including employees, interns and volunteers. Elected and Appointed Officials are excluded.
3. Motor Vehicle Record (MVR) is the state issued document of the Driver’s past three years of driving history.
4. Unacceptable MVR Violations are MVR Violations that are serious in nature and immediately revoke the Driver’s eligibility to drive on county business.
5. Vehicle means any personal or county-owned automobile, truck, van or sport utility vehicle, motorcycle or motorized equipment requiring a license to operate.
6. Violation is any conviction of a vehicle-related crime or traffic infraction in the Driver’s past three years of driving history.

B. Applicability

This policy applies to all county Drivers. County vehicle options and IRS provisions for commuting for Elected Officials are found in the Vehicle Options for Elected Officials Policy.

C. Eligibility to Drive on County Business

1. Drivers with a suspended, revoked, or canceled license may not drive on county business.
2. Drivers with Unacceptable MVR Violations may not drive on county business, which may also lead to dismissal from employment.

Unacceptable MVR Violations (one (1) or more of the following in the past three (3) years)
Involved in race/speed contest
Left scene of an accident
Attempted to flee or elude police
Vehicular homicide, manslaughter, or assault
Any felony involving the use of a vehicle.
Any violation of state or local law relating to vehicle traffic control arising in connection with a fatal accident.
More than one (1) Discretionary MVR Violation

3. Drivers with a Discretionary MVR Violation may be granted eligibility to drive on county business by the Department Director, with Safety and Compliance consultation. Drivers with a Discretionary MVR Violation who are required to hold a Commercial Driver's License for their position may be granted eligibility to drive on county business by the Department Director and Safety and Compliance. The Department Director and/or Safety and Compliance may require the Driver to take an online or a behind-the-wheel course(s). Any course may be at the Driver's expense and will be taken in the time-frame prescribed by the Department Director and/or Safety and Compliance.

Discretionary MVR Violations (no more than one (1) of the following permitted in the past three (3) years)
Reckless or careless driving
Passed a stopped school bus
A suspended, revoked, or canceled license
DUI, DWI, and/or DWAI

4. If the Discretionary Moving Violation is a DUI, DWI, or DWAI, the Driver may NOT transport children on county business for three (3) years from the date of the Violation.

5. If the Discretionary MVR Violation or Unacceptable MVR Violation took place during the performance of county business, a county Driver may NOT drive on county business for three (3) years. If the Discretionary Moving Violation is a DUI, DWI, or DWAI that took place during the performance of county business, and the Driver is an employee, the Driver shall be terminated. If the Driver is an intern or volunteer, the Driver shall not continue to serve in that capacity.
6. Prior to employment for a position that requires driving, Human Resources must review and assure that the candidate is eligible to drive on county business. If the candidate has a Discretionary MVR Violation, the provisions of C.3. apply.
7. Safety and Compliance shall review Drivers' MVRs periodically for eligibility to drive on county business.

D. Driver Responsibility

1. County Vehicles

- a. Drivers shall report immediately any known unsafe condition(s), mechanical problems, and any damage to a county vehicle to the Fleet Services Division, the Airport's fleet unit if the vehicle is owned by the airport, or the Sheriff's fleet unit if the vehicle is owned by the Sheriff.
- b. Drivers shall not let unauthorized individuals drive county vehicles.
- c. Drivers shall not use county vehicles for personal purposes except for travel to and from lunch or incidental/personal errands that may be permitted pursuant to the "de minimis" usage exemptions in IRS Publication 15-B, Employers Tax Guide to Fringe Benefits.
- d. If a county fleet vehicle is returned in a condition that requires extensive cleaning due to operator neglect or abuse, the Driver's division may be charged for cleaning the vehicle.
- e. Drivers shall report accurate vehicle mileage at the fueling stations and on the Motor Pool Reservation Sheet. Failure to report mileage accurately may result in loss of privileges and disciplinary action as provided for in the Personnel Rules.

2. Personal Vehicles

- a. If a personal vehicle is to be used for county business, the Driver shall:
 - (1) maintain auto insurance in accordance with state law,
 - (2) provide proof of insurance to Safety and Compliance upon request,

(3) maintain the vehicle's operating condition in accordance with all State and Federal Laws and Regulations.

- b. A Driver who chooses to drive their personal vehicle on county business may submit their claims to their own insurance company. The county does not pay for damage to personal vehicles or deductibles on insurance policies.
- c. Motorcycles may not be used for county business.
- d. County logos shall not be applied to personal vehicles unless otherwise approved by the Department Director.
- e. Executive Officers will receive a monthly vehicle allowance that will be taxable as income. Executive Officers may not also be reimbursed for mileage nor drive a county vehicle.

3. County and Personal Vehicles

Drivers shall abide by the following rules when driving on county business:

- a. Use child safety seats and seatbelts in accordance with State law when transporting children,
- b. Require all occupants to use seatbelts,
- c. Do not use vehicles that are unsafe to operate,
- d. Do not offer rides to hitchhikers,
- e. Lock vehicle doors and remove keys when parked,
- f. Adhere to local, state and federal driving laws and obey warning signs.

4. Notification of Violations and Citations

- a. Any Driver who is required to drive on county business must immediately report to their supervisor (or volunteer coordinator) all citations and violations received while driving on county business and all Discretionary and Unacceptable MVR Violations received while driving on personal time. Any Driver who is required to drive on county business must immediately report to their supervisor all suspension, revocations, or cancelations of their license.
- b. Supervisors (or volunteer coordinators) shall immediately report all known Violations to Safety and Compliance.
- c. Drivers who fail to report such Violations will be subject to disciplinary action that may include revocation of driving privilege or dismissal from employment.

5. Drivers who will be driving on county business in either a county or personal vehicle and have an out-of-state license must obtain a Colorado Driver's license within 30 days of hire or beginning to serve as an intern or volunteer. Exception: Any nonresident who is temporarily residing in Colorado for the principal purpose of furthering such nonresident's education, is at least sixteen years of age, has a valid driver's license from his or her state of residence, and is considered a nonresident for tuition purposes by the educational institution at which such nonresident is furthering his or her education.

E. Reimbursements

1. Tickets

The employee shall be responsible for any traffic or parking tickets incurred while driving on county business, except load violations beyond the driver's control.

2. Parking Expenses and Tolls

The county may reimburse parking and toll expenses for county business related trips. The county will not reimburse for parking and tolls associated with commuting or personal use.

3. Mileage Reimbursement for Personal Vehicles

- a. The intent of mileage reimbursement is to compensate the employee for out-of-pocket costs incurred (i.e. fuel, oil, wear and tear) while using their personal vehicle for county related business.
- b. Mileage will be reimbursed only to the driver of the vehicle at the county's set mileage rate. A Claim Voucher, indicating the date, destination, purpose and mileage traveled must be submitted.
- c. Mileage to and from a seminar, conference, training session or other county related business event will be reimbursed to the extent the distance exceeds the normal commute to the employee's work environment. For example, if an employee normally travels 20 miles round trip to work, and the round-trip distance to a conference is 30 miles, the employee may be reimbursed for 10 miles.
- d. A Personal Vehicle may not be used to travel if the estimated mileage will exceed the cost of round trip airfare.
- e. Drivers may not use a County Procurement Card to purchase fuel for their personal vehicle without advance, specific approval from their supervisor.

4. Reimbursement for County Motor Pool Vehicles

The county will pay/reimburse for fuel, oil and maintenance costs associated with

the use of a county motor pool vehicle. The county will not reimburse for mileage when a county motor pool vehicle is used.

5. Other Modes of Transportation

- a. The county may reimburse for reasonable transportation costs from other modes of transportation, such as bus, light rail, taxi services, vehicle sharing service such as Uber or Lyft, etc. in instances where the cost of using such service is comparable to mileage reimbursement and parking.
- b. Supervisor approval is required for reimbursement of other transportation costs.

F. Commuting

1. In accordance with IRS regulations, commuting mileage is considered taxable income. The law enforcement exception to the IRS regulations allows Sheriff, Coroner, and District Attorney law enforcement officers to commute in county vehicles without taxation on the value of the benefit if they meet the requirements of Treasury Regulation 1.274-5(k)(6)(ii), which requires that the employee (1) be full-time employee of a unit responsible for the prevention or investigation of crime, (2) be authorized by law to carry firearms, execute search warrants, and to make arrests, and (3) regularly carries a firearm.
2. Employees who are expected to respond to operational emergencies from the employee's residence outside of county business hours may be permitted to use county vehicles to drive to/from their homes. These employees must occupy positions where it is impractical to obtain a county vehicle prior to responding and must have written approval from the Department Director. These employees are prohibited from using these vehicles during non-work hours for personal use except pursuant to the "de minimis" usage exemptions in IRS Publications. In the event these employees drive to/from their homes in a county vehicle and do not respond to an operational emergency prior to reporting to duty at their normal scheduled hour, that trip shall be reported to Payroll by the employee as commuting for tax consideration. An employee who commutes must annually submit a certified report of the dates and mileage.