

VEHICLE ACCIDENT PREVENTION PROGRAM

MODEL POLICY

1.0 PURPOSE

Vehicle operations are the county's greatest liability exposure and one of the leading causes of employee injury. The intent of this policy is to protect the county's human, capital, and financial resources from accidental and intentional loss. This program will save lives, decrease injuries, minimize county costs and potential liabilities, and increase productivity and efficiency.

2.0 POLICY

The county will see that drivers are qualified and competent to operate assigned vehicles and equipment (the fleet), as set forth in this policy and that the fleet is appropriate for assigned tasks. The county will provide a safe fleet and maintain the fleet in an acceptable state of readiness. Employees are expected to operate the fleet safely and promptly report deficient equipment or hazardous conditions.

When engaged in fleet operations, no task is more important than the safe operation of the fleet. Accidents involving the fleet will be reviewed for root cause identification and a preventability determination. Drivers involved in preventable accidents will be disciplined in accordance with county policies.

(Counties may consider incorporating volunteers, e.g., volunteer fire fighters, into this policy or portions of this policy.)

3.0 THE DRIVER

3.1 IDENTIFY DRIVERS

Since not all employees operate the fleet, the county will determine which employees are classified as county drivers. The county will evaluate employees and/or positions based on their driving potential. Employees or positions will be classified as either "regular drivers" (daily essential function), "frequent drivers" (weekly essential function), "limited drivers" (drive no more than three times per month) or "non-drivers" (employees that will not drive). "Regular and frequent drivers" shall meet all elements of this policy. "Limited drivers" shall meet minimal driving and licensing requirements, e.g., comply with all traffic laws and county policies, possess a current and valid license, and meet MVR review criterion and driver training requirements.

3.2 DRIVER SELECTION/QUALIFICATIONS

Reasonable efforts will be made to select the most qualified and competent person for each job. The county will not make driver selections based on subjective qualifications or experience alone; the process will be systematic and objective. Driver selection and qualification will be analyzed during the hiring process. The county's goal is to hire competent qualified employees and, if they drive for the county, that means competent qualified drivers.

3.3 VALID LICENSE

All drivers (current and prospective) shall have a valid license for the type of vehicle(s) operated on the job. The county will retain a photocopy of all licenses in a driver or individual personnel file.

A Commercial Drivers License (CDL) is a legal requirement for certain vehicles. If a CDL or other license type is not required at hiring, the individual shall obtain proper licensing prior to operating such vehicles or equipment. The department manager is responsible for timely reporting of license classification changes to the Human Resources Department.

3.4 INFORMATION RELEASE & BACKGROUND INVESTIGATION

All job applicants shall sign an information release. This release authorizes the county to conduct a background investigation on the applicant's driving history. The Release form is attached as Appendix A. Once a release is obtained, the county will contact references and previous/current employers. The background investigations shall be completed prior to a final job offer being extended. The county will solicit information about the applicants' driving history, such as license status, citation history, possible restrictions, driving record, type(s) of vehicles driven, how frequently driver drove, and past accidents. The Reference Check form is attached as Appendix B.

3.5 MOTOR VEHICLE RECORD (MVR) REVIEWS

MVR reviews shall be conducted on new hires applying for any position involving fleet operations prior to a final job offer being extended. New and existing employees' MVR will be reviewed at least semi-annually. The MVR Review form is attached as Appendix C.

Applicants with an acceptable record will be considered for employment; however, applicants with an unacceptable record will not be considered.

Employees having an unacceptable driving record shall automatically lose county driving privileges. These employees will be terminated or, at the county's discretion, reclassified

or reassigned to a non-driving position if available. Unacceptable driving records will be evaluated on a case by case basis.

The following guidelines will be used:

A. Unacceptable Driver Record:

- Three or more moving violation convictions in the past three years;
- Two or more moving violation convictions in the past year;
- Conviction of a major violation within the past three years;
- A suspended, revoked, or restricted license for moving violations or conviction of a major violation within the past three years; or
- Any other serious traffic violation.

B. Major Violations:

- Reckless Driving
- Speed Contests (Racing)
- Leaving the scene of an accident
- Failure to report an accident
- DWI (alcohol or drugs) and/or refusal to take a blood alcohol content test
- Fleeing or attempting to elude police in a motor vehicle
- Homicide, manslaughter, or assault arising out of use of a vehicle
- License suspended, revoked, or restricted due to moving violation convictions

All drivers are required to immediately report any moving violation citation, major violation arrests or convictions, or license suspensions, revocations, or restrictions to their immediate supervisor.

3.6 MEDICAL EXAMINATION

Employees shall be medically qualified to operate vehicles in accordance with job requirements prior to commencing work. The offer of employment shall be contingent upon successfully completing the pre-employment physical examination. This examination shall screen for vision impairments and other illnesses detrimental to operating the fleet. CDL operators shall comply with Federal DOT regulations, which require physicals every two years.

3.7 “PRACTICAL EXAMINATION” PROFICIENCY TEST

Drivers shall demonstrate their proficiency by driving a vehicle or equipment similar to the one used on-the-job while being observed by a monitor.

Applicants/employees engaged in more difficult driving or who operate specialized vehicles or equipment shall be tested in a manner consistent with their duties and vehicle type. Specialized vehicles and equipment include, but are not limited to law enforcement

vehicles, fire trucks, ambulances and rescue units, snowplows, backhoes, dozers, graders, and dump trucks. Proficiency Test forms are attached as Appendix D.

“Regular, frequent and limited drivers” hired before this policy is adopted are not required to demonstrate their proficiency, unless their vehicle/equipment changes significantly or when the operator will be operating significantly different vehicles/equipment, or when the county has a reasonable basis to check the proficiency of an operator, such as poor driving record or involvement in fleet accidents or property damage.

Upon completion of this test, the monitor will sign a certification indicating that the applicant/employee either “possesses” or “does not possess” the skills necessary to safely operate the vehicle or equipment used during the test. Applicants/employees need only pass a proficiency test once, unless their vehicle(s) or equipment changes significantly, or if the county has a reasonable basis to check the proficiency of an operator, such as poor driving record or involvement in fleet accidents or property damage. The Proficiency Certification form is attached as Appendix E.

Applicants failing to satisfactorily pass a test will be disqualified from the employment process. Existing employees may be given refresher or remedial training, then retested. If an employee fails a second test, the county may elect: reassignment, driving restrictions, or termination. **(Note: Prior to taking disciplinary action, consult with the County Manager, Human Resources Director, the County Attorney, or their designee.)**

4.0 THE VEHICLE

4.1 MOTOR VEHICLE & EQUIPMENT

Proper vehicle selection is often overlooked, yet can have catastrophic implications; therefore, department managers shall select the proper vehicle for the tasks involved. It is important to ensure that the county selects a safe and appropriate vehicle for the task.

4.2 MAINTENANCE & REPAIRS

Routine maintenance and repairs shall be conducted in a regular and timely fashion. The county shall develop and implement a system of checks and a schedule for vehicle maintenance. Fleet vehicles will be maintained in accordance with the manufacturer’s recommendations at a minimum.

The county shall assign an individual to oversee and be responsible for fleet maintenance. If sufficient staff is not available, the county will assign an individual from each department to be responsible for vehicles under his or her charge.

Drivers are encouraged to take personal responsibility for and pride in the condition of their vehicles and equipment. The county shall develop a reporting process, where drivers can report vehicle problems and needs. Employees are required to immediately report vehicle problems or maintenance needs to their supervisor.

All maintenance and repair records, including maintenance or repair requests, will be retained for a minimum of three (3) years after the vehicle is no longer in service.

4.3 VEHICLE INSPECTIONS

A daily or pre-trip inspection shall be made on vehicles before operation to detect any obvious safety hazards or fleet deficiencies. Employees are required to conduct these inspections prior to driving. When approaching vehicles, for example, drivers should take time to notice the area around the vehicle. Look for damage, debris, fluid leaks, and hazards around the vehicle, and inspect the tires. It is the driver's responsibility to make sure the vehicle is in proper operating condition. Once inside the vehicle, the driver shall check for damaged or missing equipment, shall check all gauges, and shall adjust the seat and mirrors. The DOT has more stringent daily inspection regulations for vehicles weighing over 10,000 pounds. Vehicle damage or deficiencies will be immediately reported to the appropriate supervisor in writing.

Supervisors are responsible for ensuring that the fleet is in an acceptable state of readiness. Supervisors shall inspect vehicles at least quarterly for compliance with county policies and maintenance schedules, and shall identify employee omissions or abuse.

4.4 VEHICLE REPLACEMENT CYCLE

The county's decision on vehicle replacement is based on the economic impact of continued use and the degree of liability the county is willing to assume. Every department should identify the maximum usage parameters (economic life) of their fleet and replace the fleet cyclically. Once vehicle operational costs reach a certain point (economic life) it is no longer cost effective to keep these vehicles in service.

To prevent large budget shortfalls and unmanageable predicaments, once vehicle replacement cycles are determined for each department, the department manager shall incorporate the appropriate percentage in his or her annual budget.

Priority should be given to replacement of emergency service vehicles.

5.0 PROGRAM MANAGEMENT

5.1 ACCIDENT REVIEW PROCESS

The county shall review all fleet accidents to identify root cause(s) and to determine the preventability of each accident. This review process shall result in corrective measure recommendations to management such as, but not limited to:

- A. Remedial or refresher training of operator;
- B. Review and/or modification of driver training and tactics;
- C. Modification or re-evaluation of fleet selection;
- D. Review or modification of applicable policies and procedures; or
- E. Evaluation of employees involved in the accident for vision defects, stress-related problems, or other conditions affecting fitness for duty.

All fleet accidents, regardless of how minor, are to be reported, investigated, and reviewed. Accident reviews should include associated police reports, supervisory investigative reports, and any other pertinent information. The review committee shall make a preventability determination. Fleet accident classification criterion is attached as Appendix F.

5.2 CORRECTIVE ACTION

Violations of this policy shall be met with prescribed, announced disciplinary procedures ranging from re-training, counseling, suspension, temporary or permanent suspension of driving privileges, up to and including termination. In accordance with personnel rules, major or repeated violations may result in termination.

Safety policies and discipline for noncompliance will be clearly outlined and uniformly and completely enforced. Violations shall be dealt with sternly, fairly, and consistently. Thus, the Human Resource Department and/or County Attorney should be involved in the disciplinary process.

The county is encouraged to develop a safety reward/recognition process for individuals who carefully follow safety and driving rules, especially if their efforts have had demonstrable positive results.

5.3 DRIVER TRAINING

New drivers shall receive an orientation on organizational requirements before they operate the fleet, e.g., driving rules and procedures, and county expectations. Employees who negligently operate the fleet will be subject to disciplinary action.

Drivers shall successfully complete the county's defensive driver's training program within six months of hire. Refresher training will be provided to all drivers at least every three years.

Remedial training will be available for drivers involved in preventable accidents, drivers receiving moving traffic violation convictions, and drivers whose supervisor determines are in need of additional drivers training. Remedial training will be provided within

thirty (30) days of a preventability or supervisory determination, or traffic violation conviction notification.

From time to time, specialized professions such as law enforcement, public works, fire, and EMS may choose to use approved specialized courses to complement or in lieu of defensive driver's training. The New Mexico Association of Counties may approve specialized courses.

5.4 FITNESS TO OPERATE VEHICLES

Supervisors should be vigilant for signs or conditions that adversely affect an employee's ability to safely operate the fleet or perform the essential functions of a particular job. If it is suspected that an employee may not be able to safely operate a vehicle, the supervisor shall immediately report concerns to Human Resources/County Manager/County Attorney for follow up.

State law requires timely reporting of several medical and psychological conditions to the Motor Vehicle Division (MVD), e.g., neurological, psychological, epilepsy, loss of consciousness, dementia, cardiovascular, stroke, deafness, eye disorder, addictions(s), diabetes with insulin prescription, hypoglycemia, orthopedic/prosthetic, ESRD (renal dialysis), and sleep disorder. Employees experiencing any of these conditions shall comply with State law and report them to the MVD. Employees experiencing a medical condition that is affecting their ability to safely operate the fleet will be evaluated on a case by case basis.

The employee shall report to the county the use of any medications that may impair their ability to safely drive.

5.5 SUBSTANCE ABUSE TESTING

The county has a vital interest in maintaining safe and efficient working conditions for its employees and citizens. Employees under the influence of alcohol or drugs pose serious safety and health risks not only to the user but also to all those in contact with the user. Therefore, the county shall institute post-accident substance abuse testing.

Drivers shall be tested when an accident has serious consequences for the employee or county. Drivers involved in the following types of fleet accidents shall be tested:

- A. An individual dies;
- B. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
- C. One or more vehicles incur disabling damage because of the accident and are transported away from the scene by a tow truck or other vehicle; or
- D. The driver is involved in a citable accident.

For purposes of this policy, an “*Accident*” shall mean an occurrence associated with the operation of a county vehicle or other heavy equipment or machinery such as backhoes, loaders, and graders.

“*Citable accident*” shall mean an accident in which the county driver received or could have received a traffic citation for causing the accident.

(Note: Prior to implementing a substance abuse program consult with the Human Resources Department and the County Attorney.)

5.6 PERFORMANCE EVALUATIONS

To be effective, employees at all levels of the county shall be held accountable for their loss prevention results. Every employee will be measured and evaluated based on their fleet accident prevention results and performance. Preventable accidents, traffic citations received in a fleet vehicle, and unsafe driving practices shall be considered in the evaluation process; conversely, good driving records shall also be considered.

Supervisors and managers will also be evaluated on their driving/operation performance as well as in other areas, e.g., their preventative efforts, areas of accountability and responsibility, for ensuring work is performed in a safe manner, for ensuring controls are in place and used, and for timely and accurate fleet inspections.

5.7 VEHICLE PURSUIT; POST INCIDENT REVIEW

The county’s pursuit policy shall comply with New Mexico state law and nationally recognized standards, such as the International Association of Chiefs of Police (IACP) model policy, and the Commission for Accrediting Law Enforcement Agencies (CALEA) standards. These professional organizations recommend objective and timely review of all pursuits. Therefore, each pursuit will be reviewed by the sheriff for compliance with department policy as well as with national standards. The Post-Pursuit Review form is attached as Appendix G.

5.8 USE OF PERSONAL VEHICLE

Use of personal vehicles for county business is discouraged at all times. In rare instances where a county vehicle is not available, the employee’s immediate supervisor must pre-authorize use of a personal vehicle. In every case, employees using personal vehicles for county business have to be insured in accordance with state law and need to provide proof of valid insurance to their immediate supervisor. Under no circumstances is an employee authorized to use an uninsured vehicle for county business.

If an employee uses his or her personal vehicle for county business, that employee’s personal insurance is considered the primary coverage and the employee’s personal insurance is responsible for liability coverage.

5.9 ASSIGNED TAKE HOME VEHICLE PROGRAM

To improve services, county government has a bona fide need to assign take home vehicles to certain county employees, e.g., law enforcement personnel and on-call staff. The county shall adopt a formal take home policy. (See Appendix H for an example of a comprehensive model policy.) This policy is not intended to limit or restrict elected officials' authority; it is, however, necessary for efficient management and for limiting the county's liability exposure.

5.10 GENERAL VEHICLE POLICIES

- A. Use of the fleet is restricted to official county business only.
- B. Only county employees, volunteers, or others authorized through Joint Powers Agreements (JPA) or Memorandum of Understanding (MOU) may operate any vehicle in the fleet. Absent a formal policy, operators and passengers are restricted to county employees or those otherwise on official county business.
- C. Employees shall operate vehicles in the fleet in compliance with New Mexico traffic laws, operator licensing requirements, vehicle dimension and weight limits, county policies, and vehicle and equipment requirements.
- D. Use of cellular telephones is discouraged while operating vehicles, unless a hands free system is used. Employees shall use due caution when using cellular telephones while the vehicle is in motion. The primary responsibility of employees engaged in fleet operations is the safe operation of the vehicle. Employees are encouraged to park the vehicle safely out of traffic prior to engaging in a cellular telephone conversation.
- E. Employees are responsible for reporting any vehicle or equipment mechanical problems, damage, or accidents to their immediate supervisor as soon as possible.