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Clackamas County Policy

Name of Policy	Driving and Vehicle Policy	Policy #	EPP 52
Policy Owner Name	Evelyn Minor-Lawrence	Effective Date	5/17/22
Policy Owner Position	Human Resources Director	Approved Date	5/16/22
Approved By	Gary Schmidt, County Administrator	Last Review Date	1/13/14
		Next Review Date	1/1/25

I. PURPOSE AND SCOPE

To maximize the safety of drivers, passengers, and the public when vehicles are driven on County business.

This policy applies to County employees, volunteers, interns or agents who drive vehicles for County business. This policy applies to vehicles such as cars, vans and trucks, not the operation of other equipment, e.g., road maintenance equipment.

II. AUTHORITY

This policy is established by the County Administrator’s administrative rule-making authority pursuant to County Code 2.09.060.E.

III. GENERAL POLICY

Any individual who drives a County vehicle or a personal vehicle for County business must pass a driver records check, maintain an acceptable driving record, and operate the vehicle in a safe manner.

IV. DEFINITIONS

- “Authorized passengers” are:
 - County employees conducting County business;
 - Officers and agents representing the County;
 - Volunteers acting on behalf of the County;
 - Vendors and contractors working on behalf of the County;
 - Participants in official County business and programs;
 - Representatives of other governmental agencies working with the County;
 - Anyone with prior authorization by a department manager or with specific authorization by the County Administrator, an elected official or a department director.
- “County business” means any County sanctioned activity that is within the scope of a County employee’s, volunteer’s, intern’s or agent’s assigned duties.
- “County drivers” are County employees, volunteers, interns or agents.
- “County vehicle” means a vehicle that is owned or used by the County through an interagency cooperative agreement.
- “Personal vehicle” means a vehicle that is owned by an employee, volunteer, intern, or agent.
- “Required driving” means a County job that requires driving to complete the job duties.

V. POLICY GUIDELINES

Departments are responsible for ensuring that all individuals subject to this policy comply with the policy.

VI. PROCESS AND PROCEDURES

Eligibility to Drive:

Departments shall only authorize individuals to drive on County business that meets the following criteria:

1. Job Applicants. For any position identified where driving may be required, or is required, to complete the job duties, the driving record covering the previous five years shall be evaluated as outlined in Appendix A. In no event shall an applicant be hired into a position requiring driving until the record check has been completed and has been found to meet the County's standards for an acceptable driving record.
2. Employees & Other Drivers. County drivers representing the County, or acting on behalf of the County, must meet the following criteria in order to be allowed to drive on County business.
 - a. Be at least 18 years old; and
 - b. Possess a current driver's license valid in the state of Oregon (if a current resident); or
 - i. If in possession of a driver's license from another state, sign a release form allowing the County access to his/her motor vehicle records;
 - ii. If moving to Oregon, acquire an Oregon State Driver License within the time frame provided for in the "Oregon Vehicle Code";
 - iii. Possess a Commercial Driver License if driving a vehicle requiring such.
 - c. Employees driving on County business must be able to meet the requirements of this policy at all times.
 - d. Comply with all Insurance Requirements.
 - e. Adhere to the Driver Responsibilities described in Appendix C.
3. Additional Requirements.
 - a. County drivers must also successfully complete, at County cost, a County-provided defensive driving course within three months of receiving driving privileges. This also applies to a current employee who has been transferred into a position that now includes driving. Supervisors and managers are responsible to ensure County drivers complete this training before allowing them to drive. County drivers may choose one of the following:
 - i. County eLearning course titled "Driving Safety" or other similar online training reviewed and approved by County Risk Management.
 - ii. Any other outside defensive driving course chosen by the County driver's supervisor and approved by County Risk Management.
 - b. In the event an employee moves from a non-driving required position to a position that requires driving, they must have an acceptable driving record and pass a driver record check prior to being allowed to drive on County business.

- c. Any County driver charged with an at-fault accident or convicted of a traffic offense committed on County business is required to complete a defensive driving course within two weeks of this determination.
- d. County drivers shall maintain an acceptable driving record as described in Appendix A.
- e. Traffic offenses falling into the categories noted in Appendix A will be used to determine if the employee has an acceptable driving record. On-the-job traffic offenses and/or misconduct involving vehicles may be grounds for disciplinary action. Additionally, if off-the-job traffic violations cause an employee's driving record to total more than the policy threshold criteria of 34 points (see Appendix A), the County will immediately suspend that person's driving privileges.
- f. Traffic offenses that occur in a County vehicle during non-work time may result in the employee's loss of the County-provided vehicle.
- g. Departments with a current process for monitoring employee driving records, e.g., Public Safety, CDL drivers, etc., shall continue to monitor at the departmental level.
- h. As stated in County Code Section 6.04 (Tobacco Use Regulations In and Around County Facilities), smoking is prohibited in and around County facilities, which includes County vehicles.

Vehicle Use:

1. County-Supplied Vehicles. The County provides vehicles for use by qualified drivers only to conduct official County business, and to maintain the ability to respond to County business outside the employee's normal work hours when special equipment or tools are available in or on the vehicle. County vehicles shall not be used for personal business. Use of County vehicles to commute to and from work, except as stated above, is prohibited, unless approved in advance by the County Administrator, an elected official or a department director.
 - a. Passenger Vans. All County drivers, prior to operating a 10-15 passenger van, are required to complete training consisting of the following:
 - i. Completion of an on-line driving module specific to passenger vans; or
 - ii. Employee may need to complete behind the wheel training, depending on van driving experience, as reported on the County van questionnaire form.

Any van driver involved in an at-fault accident while operating this type of van is required to complete a defensive driving course as described in the "Eligibility to Drive" section above.

All training documentation will be filed with respective departments and the Department of Human Resources. The cost of the training is covered by the County.

2. Personal Vehicles. The County allows use of personal vehicles to conduct official County business. A personal vehicle used for County business must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition and adequate to provide safe transport. Vehicle equipment must conform to State of Oregon requirements. Vehicle registration must be current. A County vehicle may be used when a personal vehicle does not meet these standards.

3. Incidental Use of County Vehicles for Non-Business Purposes. The County owns, maintains, and operates multiple types of vehicles, some specially outfitted and others for general transportation. These vehicles are designated for official use only, to be operated while

conducting business benefiting the citizens of Clackamas County. County employees and occasionally volunteers are perceived by the public as on duty while operating such vehicles.

When operating the County's vehicles, County employees, volunteers, interns or agents may:

- Make stops for lunch or other meals if appropriate to the time of day;
- Occasionally and for short duration make a stop for a personal errand while en route directly to or from the office;
- Make stops for restroom breaks, as needed;
- Drive the vehicle home if authorized under County departmental policy.
(Specific approval from County Administrator, elected official or department director required per County Driving Policy).

Stops or other uses of County vehicle equipment are prohibited in all instances if they would reasonably expose the County to public perception of misuse or abuse of the driving privilege, unless such stop or use is legitimately within the scope of performing assigned job duties. Examples of such prohibited uses include, but are not limited to: stops at a liquor store, a bar or tavern, an adult bookstore, a gambling establishment, or any other business or location that the public may reasonably find to constitute misuse of County vehicles. County employees may not purchase or transport alcoholic beverages at any time, nor transport unauthorized passengers at any time, while using a County vehicle.

Authorized Passengers:

Only authorized passengers are allowed to ride in County vehicles and other vehicles while in use for County business.

Insurance Requirements:

- The driver of a personal vehicle used to conduct official County business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon.
- The driver's insurance is primary with respect to bodily injury and property damage; the County's self-insurance shall apply only as excess of statutory bodily injury and property damage limits of liability, or the aggregate (total) of all other applicable insurance limits.
- The County will defend and investigate any claim(s) or action(s) against the County or its employees on behalf of such driver(s) unless any claim arising out of an alleged act or omission occurring in the performance of County duties results from malfeasance in office, or willful or wanton neglect of duty, or when all applicable underlying coverages have been exhausted by payment of settlements or judgments.
- Use of personal vehicles for official County business in violation of the automobile financial responsibility laws (i.e., not having legal insurance coverage limits) would be considered an exclusion under the tort statute as a wanton and willful disregard for statutory requirements and thus be excluded from the County's self-insured program.
- The personal vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.
- Drivers who drive on County business and who fall under this policy will receive uninsured motorist coverage as required under state law (pursuant to ORS 742.504) in the minimum amount required under state law. See Appendix D for details.

VII. ACCESS TO POLICY

Access to this administrative policy shall be as follows:

- Filed in the County's policy management system.
- Posted to the County's intranet.
- Posted to the County's internet.

VIII. ADDENDA

For questions related to this policy, please contact the Human Resources Department – Risk and Safety Division.

APPENDIX A – DRIVER LICENSE RECORD EVALUATION

Department/Contact _____

Applicant/Employee Name _____

Date of driving record _____ (must be within 30 days of evaluation)

Driver License Number & State _____

Is driver license current and valid: Yes No

Type of Offense & Examples	Number of Convictions	Points per conviction	Total Points
Felony or Misdemeanor Convictions within previous 60 months		35	
License suspension, revocation or diversion agreement Entries within previous 60 months (ending date)		30	
Class "A" conviction Convictions within previous 36 months		30	
Convictions within previous 36 - 60 months		20	
Class "B" conviction Convictions within previous 12 months		20	
Convictions within previous 12 - 36 months		10	
Class "C" conviction Convictions within previous 12 months		15	
Convictions within previous 12 - 36 months		8	
Class "D" conviction Convictions within previous 12 months		10	
Convictions within previous 12 - 36 months		5	
Total Points of All Categories: (May not exceed 34 points or applicant/employee does not meet criteria)			
Notes/Comments:			

As of the date of this evaluation, the applicant/employee

_____ Meets Clackamas County driving policy standards

_____ **Does not** meet Clackamas County driving policy standards

Evaluation completed by: _____

Date: _____

Examples of Violations Listed by Classification

Felony or Misdemeanor

Hit & Run, DUII, Driving While Suspended/Revoked
Attempting to Elude, Providing False Information, Failure to Perform Duties of a Driver

Class "A" conviction

Speeding (30+ mph over), Reckless Driving, Speed Racing, Careless Driving (with accident), Failure to Stop for School Bus, Failure to Obey Traffic Flagger

Class "B" conviction

Speeding (21-29 mph over limit), Driving Uninsured, Careless Driving (no accident), Crossing the Center Line, Dangerous Left Turn, No Operators License, Failure to Obey Traffic Control Device, Following too Close, Failure to Carry Proof of Insurance

Class "C" conviction

Speeding (11-20 mph over limit), Illegal U-turn, Failure to Yield to Pedestrian, Defective Head-lights, Failure to Yield Right of Way within Roundabout

Class "D" conviction

Speeding (1-10 mph over limit), Failure to use Safety Belt, Failure to Signal, Failure to Renew Vehicle Registration, Unsafe Lane Change, Failure to Display Registration Plates, Failure to Notify DMV of Address Change

APPENDIX B – DRIVING RECORD CHECK PROCEDURES

Applicants/New Hires:

- Any certification of eligible applicants sent to a department for selection processes shall contain a reminder to conduct a driving record check through Risk Management prior to finalizing an employment offer. In no event shall an applicant be hired until the record check has been completed and has been found to meet the County's standards for an acceptable driving record.
- Departments may offer employment contingent on receiving a successful driving record check. However, it is suggested that the applicant's driving record be checked prior to a contingent hiring offer whenever possible.
- Departments shall email a request to the Risk Management Division to conduct the driving record check. The request must state the applicant's name, position classification, and driver's license information from the application.
- If the applicant being considered for hire is from outside the State of Oregon, they will be required to sign a release form allowing Clackamas County to acquire the driving record from the appropriate state. Hiring managers can obtain the appropriate release form from the Risk Management Division.
- Risk Management will complete the driving record check according to the criteria contained in "Appendix A" and send an email to the hiring manager with the results. If the driving record does not meet County standards, the Risk Manager or designee will make a recommendation not to hire the applicant. If the department hiring authority wishes to contest this recommendation, an appeal may be made to the County Administrator. In addition to the results of "Appendix A", a record and/or pattern of DUIs, traffic offenses and/or accidents shall be considered in determining whether an applicant is acceptable.

Current County drivers:

For those positions identified as driving on a regular basis, County drivers shall maintain an acceptable driving record (as described in Appendix A), to be determined as follows:

- Upon assigning driving privileges or responsibilities to an employee in a position where the requirement exists for driving on a regular basis, the department shall provide name, date of birth, driver's license number.
- Risk Management shall establish an account with the DMV and monitor the employee's driving record by reviewing any "flagged records" (through the DMV's Automated Reporting System). If a "flag" for a traffic offense occurs on work time that falls into the categories noted in Appendix A, Risk Management will inform the employee's manager.

APPENDIX C – DRIVER RESPONSIBILITIES

The following responsibilities apply to anyone who drives any vehicle on County business:

1. County drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use.
2. County drivers shall comply with all applicable state and local driving laws, parking regulations, and all County and departmental safety policies and rules.
3. County drivers who operate a vehicle on County business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and to maintain the security of the vehicle. Use of cell phones while driving a vehicle being used on County business is strictly prohibited. Drivers are personally responsible and liable for any driving infractions or fines as a result of their driving. This includes tickets related to parking or moving violations. Drivers shall notify their supervisors within 48 hours of receiving a parking citation on a County vehicle or by the beginning of the next work shift after receiving a citation or being arrested for failing to comply with the rules of the road while driving on County business. County Risk Management must be immediately notified of a driver who has had their license suspended or revoked. Drivers must notify their supervisors immediately if their license is revoked or suspended.
4. For photo radar or other citations issued against the vehicle's registration, the driver will complete a certificate of innocence or certificate of non-liability issued with the citation to identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
5. In the event of an accident or incident involving a vehicle on County business, County drivers shall immediately contact their supervisor.
6. County drivers shall ensure that any passenger in any vehicle while on County business, other than those defined in the "Passenger" section of this Policy, are authorized by their supervisor.
7. County drivers shall not drive County vehicles or personal vehicles for County business when they take medication that may impair their ability to safely operate a moving vehicle.
8. County drivers are not permitted to operate a vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely.

**APPENDIX D - UNINSURED MOTORIST COVERAGE
(ORS 742.500/742.504)**

1. The purpose of the Uninsured Motorist Coverage is to ensure that drivers who drive on County business and who are covered under EPP 52 Driving and Vehicle Policy receive uninsured motorist coverage in the minimum amount required under state law.
2. This uninsured motorist coverage applies to all persons who are covered under EPP 52 Driving and Vehicle Policy. In order for uninsured motorist coverage to apply, at least one vehicle involved in the accident must be subject to the Driving and Vehicle Policy and that vehicle must be the vehicle occupied by the person covered by the Driving and Vehicle Policy.
3. The amounts by which an individual shall be legally entitled to recover for uninsured motorist coverage shall be limited to the lesser of the minimum amount required to be provided by law or:
 - (a) \$25,000 because of bodily injury to or death of one person in one accident;
 - (b) Subject to that limit for one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident; and
 - (c) \$10,000 Because of the destruction of the property of others in any one accident.
4. The uninsured motorist coverage provided by the County is subject to the following provisions:
5. The accident that is the basis for a claim must be reported to a police, peace or judicial officer, the Department of Transportation, or the equivalent department in the state where the accident occurred within 72 hours after the accident.
 - (b) An amount may be recovered under uninsured vehicle coverage only if the accident that is the basis for the claim involves an uninsured vehicle. An uninsured vehicle is a vehicle that does not have at least the insurance coverage described above that is applicable at the time of the accident, or the vehicle is a hit-and-run vehicle, a phantom vehicle, or a stolen vehicle. An uninsured vehicle does not include an insured vehicle unless the vehicle is a stolen vehicle. An uninsured vehicle does not include a vehicle owned by a self-insurer within the meaning of a motor vehicle financial responsibility law, motor carrier law or similar law. An uninsured vehicle does not include a government-owned vehicle, a vehicle operated on rails or crawler-treads, a vehicle located for use as a residence or farm equipment that is not being operated on a public road at the time of the accident.
 - (c) A vehicle constitutes a “hit-and-run vehicle” or a “phantom vehicle” only if the operator or owner of the vehicle cannot be identified. A vehicle constitutes a phantom vehicle only if the facts of the accident can be corroborated by competent evidence other than the testimony of any person having an uninsured motorist claim as a result of the accident.

(d) Any dispute relating to the amount of recovery to which a person is entitled shall be determined by arbitration.

(e) A person seeking to recover damages based on uninsured motorist coverage shall give written proof of claim within a reasonable period of time to the County, if requested. If requested by the County, a person seeking to recover damages based on uninsured motorist coverage shall submit to physical examination and shall provide or authorize disclosure of all medical reports and records.

(f) In the event payment is made under this uninsured motorist coverage, the County shall be entitled to the proceeds of any settlement or judgment that results from the exercise of any right of recovery against the uninsured motorist legally responsible for any part of the accident.

(g) If requested by the County, the person receiving payment under uninsured motorist coverage shall take any action necessary or appropriate to recover damages from the uninsured motorist.

(h) No cause of action shall accrue to any person seeking recovery under this uninsured motorist coverage unless, within two years from the date of the accident (i) the parties have agreed to an amount due, (ii) arbitration proceedings with respect to the recovery sought have been instituted, or (iii) the person seeking recovery has filed an action against the County or against the uninsured motorist and the County.