

City of Niles, Ohio Vehicle Use Policy

POLICY STATEMENT

The City of Niles, Ohio may assign a vehicle to an official or employee (whether on a case-by-case or continual basis) to fulfill official job functions. The City owns and maintains such vehicles, including related equipment, explicitly to conduct official City business.

All employees who may be required to drive either a City owned, leased vehicle or a privately owned vehicle for City business must possess a current and valid Ohio driver's license. If an employee has reason to believe that their license may not be current and valid, the employee shall notify their department supervisor and the Safety-Service Director within 24 hours.

Personal use and the use of City-owned vehicles, including related equipment, for the private gain of any elected, appointed or City employee, including related equipment, except for commuting and de minimus personal use, is strictly prohibited.

Drivers guilty of policy violations are subject to disciplinary action including but not limited to the prohibition to operate city-owned vehicles or possible termination.

Vehicles are to be operated in a manner which avoids even the appearance of impropriety.

This Policy does not apply to the City's Safety Forces.

1. General Guidelines for Using City Vehicles

- 1.1 City vehicles are municipal property and are to be used for official City business only.
- 1.2 Employees may not use vehicles assigned while off-duty except for work-related activities.
- 1.3 City vehicles can be used to transport non-City individuals (those who are not City employees) if the transport is for business purposes. It is not permissible without express written approval from the Safety-Service Director, to transport non-City individuals (those who are not City employees) for non-business purposes.
- 1.4 Only City employees can operate City vehicles; contract employees and unpaid interns cannot operate City vehicles.
- 1.5 Operators of vehicles or equipment that require a special class license must possess the license prior to operating such vehicles or equipment. Those employees who possess a driver's license from another state must obtain an Ohio driver's license within three months of their date of hire.
- 1.6 Unattended vehicles must be locked at all times. Unattended vehicles must not have a key in the ignition.
- 1.7 All travel outside the City limits must be for legitimate business purposes. Supervisor approval is strongly encouraged.
- 1.8 Hitchhikers and pets are not allowed to ride in any city-owned vehicle.
- 1.9 Eating food is prohibited while driving a city-owned vehicle.

2. **Individual Responsibilities**

- 2.1 The driver and all passengers must wear seat belts at all times when the vehicle is in motion.
- 2.2 Employees must comply with applicable state and local driving laws, parking regulations and City safety policies.
- 2.3 Employees must drive according to road conditions especially during inclement weather.
- 2.4 Employees are personally responsible and liable for any citations and/or violations received while operating a City vehicle.
- 2.5 For employees required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered as grounds for disciplinary actions up to and including termination, whether infractions occurred while conducting City business or outside of work. Employees are required to immediately report to their supervisors and the Safety-Service Director any tickets or citations for stationary or moving violations received while operating a vehicle for City business.
- 2.6 Employees must notify their immediate supervisor and the Safety-Service Director within 24 hours of receiving notice that their license will be revoked or suspended.
- 2.7 Drivers shall not operate City or personal vehicles for City business when they are required to take medication which may impair their ability to safely operate a moving vehicle. Drivers have an affirmative duty to report to their health care provider the fact that they are required to drive for City business and the type of vehicles that they are responsible for to enable the provider to give appropriate direction about the use of prescription medication and City driving tasks. Drivers must also report any restrictions and limitations to their supervisor and the Safety-Service Director when taking such medication.
- 2.8 Employees operating City vehicles are strictly prohibited from cell phone use (phone, text, data, etc.) while the vehicle is in operation.
- 2.9 Under no circumstances will any employee purchase, carry, or consume any form of alcoholic beverage or controlled drug substances while operating a City vehicle.

3. **Take-Home Vehicle Assignment:**

Employees must meet at least one of the following four (4) criteria:

- 3.1 If emergency response/emergency call-out is the justification, vehicle use must be supported by data demonstrating the actual number and nature of required emergency responses. There must be a minimum of eight (8) emergency responses per quarter or thirty-two (32) per year to meet the standard. In addition, there must be an explanation as to why alternative forms of transportation cannot be used to respond to the emergencies and why assigned City vehicles cannot be picked up at the City Building.
- 3.2 If economic benefit is the justification, it must be supported by a calculation of economic benefit to the City. The cost of mileage and time it takes and employee to travel from their home to their work station may be included in the calculation of economic benefit to the City. In addition, there must be an explanation as to why alternative forms of transportation cannot be used to respond to the emergencies, and why assigned City vehicles cannot be picked up at the City Building.

- 3.3 If special equipment is used as the justification, the following information must be provided:
 - a. The necessary special equipment must be described.
 - b. Explanation of why a city vehicle is required to transport the special equipment.
 - c. How the equipment is used.
 - d. Why the vehicle cannot be picked up at the City Building.
 - e. Description of the type and nature of emergencies that requires the use of such equipment within the vehicle.
- 3.4 If the Union Contract is used as justification, the relevant collective bargaining agreement language is to be cited and approved by the Safety-Service Director.
- 3.5 The Take-Home Vehicle Assignment Authorization Request Form shall be submitted to Niles City Council for approval each quarter.

NOTE: Employees authorized to use a City owned vehicle on a 24-hour-per-day, seven-day-per-week basis shall be subject to imputed income tax regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The City of Niles will use IRS Publication 15-B "Employers Tax Guide to Fringe Benefits," Section 3, Fringe Benefit Valuation Rules, Commuting Rule in determining any tax liability and automatically update changes to the rate as made by the IRS. The rule establishes a \$1.50 per one-way commute value as the non-cash taxable fringe value. This value will be includable in the employee's gross income and is subject to all federal withholding taxes. Employees who are assigned marked police, unmarked police vehicles or specialized vehicles carrying tools and meeting certain other eligibility criteria established by the IRS will not be subject to the rule. [This provision will update automatically in accordance with IRS Rules.]

4. **Safety**

- 4.1 Employees must comply with all driver safety training and the policies procedures established by the City of Niles.
- 4.2 Employees shall operate vehicles and equipment in compliance with traffic laws and the rules and regulations within the City of Niles and the State of Ohio, including the use of seat belts at all times by the operator and all passengers.
- 4.3 City employees may not operate a motor vehicle while under the influence of alcohol or a controlled substance.
- 4.4 Smoking and use of smokeless tobacco in City vehicles is strictly prohibited.
- 4.5 Employees operating City vehicles are strictly prohibited from cell phone use (phone, text, data, etc.) while the vehicle is in operation.
- 4.6 Wearing stereo/music headphones/ear buds while operating a City vehicle is prohibited.
- 4.7 City employees will avoid any vehicle use which might result in or create the appearance of impropriety with regard to public perception concerning misuse of City vehicles. Citizen complaints concerning driving habits such as speeding, recklessness, and/or other inappropriate behavior may lead to revocation of vehicle assignment and other appropriate disciplinary actions.
- 4.8 Any employee who is found to have an expired, canceled, revoked, suspended or photo ID license will be prevented from driving for City business.

5. **Private Vehicle Use**
- 5.1 All private vehicles authorized for City business will be properly insured in the State of Ohio pursuant to Ohio financial responsibility laws.
 - 5.2 All private vehicles authorized for City business will be properly licensed and maintained in accordance with City of Niles Ordinances and State of Ohio's vehicle operating requirements.
 - 5.3 Employees must maintain a current Ohio Driver's License. (Any employee who is found to have an expired, canceled, revoked, suspended or photo ID license will be prevented from driving for City business.)
 - 5.4 The City shall provide gasoline in accordance with contracts for employees performing City business in which private vehicles are used. (Employees are required to submit appropriate forms attesting to the performance of work while using a private vehicle which is to be signed by their supervisors.)
6. **Accidents of City-Owned/Personal Vehicles Used in Performance of Job**
- 6.1 Any crash in a City vehicle, City leased vehicle or personally owned vehicle used in performance of job duties must be reported in accordance with the City of Niles Vehicle Accident Reporting Procedures.
 - 6.2 The City of Niles Drug Testing Policies and Procedures must be followed.
 - 6.3 Incidental damage to a vehicle or equipment, defined as damage while the vehicle is unattended or damage such as a broken windshield from a flying rock must also be reported to the employee's immediate supervisor.
7. **Graphics, Painting, and Markings**
- 7.1 All City vehicles will have standardized markings and graphics in accordance with each dept. established marking details.
 - 7.2 Advertisements, signs, bumper stickers or other markings of a political or commercial nature may not be displayed on any City vehicles at any time.
 - 7.3 Employees are expected to maintain the exterior and interior cleanliness of City vehicles. Blatant misuse of the vehicles, as determined by the Supervisor, that leads to the requirement of structural or other repairs may be charged back to the user.
8. **Vehicle Idling**
- 8.1 In order to reduce emissions that are a result of idling diesel and gasoline engines, no City-owned diesel or gasoline powered vehicles/equipment or stationary engines may idle for more than five (5) consecutive minutes, with the following exceptions:
 - Idling when queuing*;
 - Idling to verify that the vehicle is in safe operating condition;
 - Idling for testing, servicing, repairing or diagnostic purposes;
 - Idling when it is necessary to accomplish work for which the vehicle was designed (such as operating a crane or when emergency vehicles used by Police and Fire are at the scene of an incident);
 - Idling to bring the machine system to operating temperature; and
 - Idling to ensure safe operation of the vehicle.

Note: For the purpose of this section, queuing shall mean the intermittent starting and stopping of a vehicle while the driver, in the normal course of doing business, is waiting to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and is impracticable. Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or a location where work or a service will be performed.

9. **Disciplinary Action**

In accordance with this Policy, Ohio Revised Code and pertinent collective bargaining agreements, employees who are found to have violated the policies set forth or if there are any indications or misconduct involving City vehicles, may be subject to disciplinary action up to and including termination.

A handwritten signature in cursive script, reading "Robert Marino Jr.", is written over a horizontal line.

Robert Marino Jr.
President, Niles City Council

City of Niles, Ohio
**Take-Home Vehicle Assignment
Authorization Request**

Employee Name: _____ Department: _____
Position Title: _____ Primary Work Location: _____
City of Residence: _____
Daily Commute Miles: _____ Current Odometer Reading: _____
Daily Business Miles: _____

Number of emergency call-outs in previous year:
Jan 1 – March 31: _____ April 1 – June 1: _____
July 1 – Sept 30: _____ Oct. 1 – Dec. 31: _____

Pursuant to the City of Niles Vehicle Use Policy, requests to authorize take home vehicles must meet at least one of the following criteria.

 Emergency Response: The employee has primary responsibility for responding to emergency situations which require immediate response to protect life or property **and** the employee is called out at least 8 times per quarter. A “call-out” is defined as a directive to an employee to report to a work site during off duty time. Documentation listing the number and nature of call-outs from the prior year. In addition, there must be an explanation of why alternate transportation cannot be used and why a City vehicle cannot be picked up from the City Building. **Attach all justification and back-up documentation to this form.**

 Economic Benefit: There is an economic benefit to the City. This means the cost of travel/daily business reimbursement would exceed the costs associated with a take home vehicle. **Attach all justification and back-up documentation to this form.**

 Special Equipment: The employee has primary responsibility for responding to emergency situations which require immediate response to protect life or property **and** the employee needs a special vehicle and/or carries specialized equipment other than communications equipment in order to perform their work outside of normal working hours. A description of this equipment must be submitted with the Take Home Vehicle Request. **Attach all justification and back-up documentation to this form.**

 Union Contract: Collective bargaining agreement may provide general language for department director to approve take home assignment. **Provide union name, contract number, and attach a copy of the relevant contract language.**

Note: Use of a City owned take-home vehicle is a fringe benefit that generates a tax liability. If your request for take-home vehicle assignment is approved, you are encouraged to speak with the City Auditor concerning possible tax liabilities.

Requestor’s Signature Date

I have read and understand the City’s Policies governing take-home vehicles assignments. I certify that this request meets the requirements.

Signature: _____ Date: _____

Safety-Service Director:

I certify that this request meets the requirements of the City’s Policy.

 Approved Denied

Signature: _____ Date: _____

Date submitted to Public Ground Committee: _____ Council Approval Date: _____