COUNTY POLICY AND PROCEDURES **6.80**

Subject: **VEHICLE AND EQUIPMENT OPERATION**

Date: **DECEMBER 1, 2024**

Pages: **1 of 7**

Replaces Policy Dated: March 2, 2018

STATEMENT OF POLICY: Pinal County is strongly committed to reducing vehicle and equipment accidents through a systematic review of driver licensure and qualification records, clarifying responsibilities of all parties, and creating procedures and protocols related to safe vehicle operations.

PURPOSE: This policy is designed to:

A. Promote the safety of individuals driving County vehicles or operating motorized equipment.
B. Protect citizens, residents, and visitors in the County.
C. Control the financial liability of the County related to equipment and vehicle operations.

SCOPE: This policy and these procedures apply to any County employee, County official, County Human Resources-approved volunteer, Superior Court employee, and Clerk of the Superior Court employee (collectively **"individual**") while operating motorized County equipment; operating any vehicle designed for use on public highways while working on behalf of Pinal County; or operating any vehicle owned, rented, or leased by Pinal County ("County vehicle") at any time.

POLICY:

A. GENERAL DRIVER REQUIREMENTS

1. Only those defined in the "Scope" section are eligible to operate County vehicles and motorized County equipment.
2. No person under the age of 18 is permitted to operate a County vehicle or equipment.
3. A valid driver's license for the particular type and class of vehicle or equipment shall be required for all individuals driving a County vehicle or operating motorized County equipment.
4. A Class D license shall be required of individuals to drive any vehicle that does not require a motorcycle or commercial license. This includes individuals operating a vehicle designed to carry up to fifteen passengers, which includes the driver.
5. A rating of "A" or "Acceptable," as defined under the *Driving Record Rating Standard* in Section B of this policy, is necessary for positions which require driving.
6. For additional details regarding qualifications and requirements for use of a County vehicle, see: County Owned & Take Home Vehicles Policy, PCPP 3.97; Calculation of Fringe Benefits on County Owned and Take Home Vehicles Policy, PCPP 3.98; and Personal Vehicle Use and Loss/Damage Reimbursement 4.80.

B. DRIVING RECORD RATING STANDARD

1. Risk Management shall request and review the driving records for all applicants prior to hire to ensure they meet the Rating Code "A" or "Acceptable" driving record rating (see chart below). This applies to full-time, part-time, temporary, or intermittent positions.

2. Risk Management shall request and review the driving record for currently employed individuals recommended for promotion to a position that may require driving to ensure a Rating Code of "A" or "Acceptable".
3. Risk Management shall request and review individual driving records from the Arizona Department of Transportation Motor Vehicle Division (MVD) at least annually and rate each individual in accordance with the *Driving Record Rating Standard* below. Individuals with a DOT license will also be subject to annual national database query.

MVD Points	Driving Record Rating	Rating Code
0 - 4	Acceptable (meets requirements)	A
5 - 7	Needs Improvement	N
8 or more	Unacceptable	U

4. Individuals receiving a Rating Code of "N" or "Needs Improvement" shall be notified by Risk Management of the rating and review the standards listed above. Risk Management will also collaborate with the Appointing Authority to develop a plan which may include verbal coaching, further policy review, additional monitoring of driving records, driver's training, and/or other driving improvement measures.
5. Individuals with an "Unacceptable" rating shall not drive a County vehicle (or personal vehicle on County business) without the approval of the Driving Review Board.

C. REMOVAL OF COUNTY DRIVING PRIVILEGES

1. Risk Management shall immediately remove the County driving privileges of any individual, whose driver's license is cancelled, expired, refused, revoked, suspended, disqualified, or restricted by the State, upon verbal notice from the individual, supervisor, or Appointing Authority/Elected Official or through confirmation by written document.
2. County driving privileges may be temporarily removed by Risk Management, with County Management approval, for refusal of a drug or alcohol test, or in situations that rise to the level of a serious event or an egregious nature, such as a motor vehicle accident resulting in extensive property damage, severe bodily injury or death to a third party, or a public complaint with substantiation.
3. Individuals shall not drive a County vehicle (or a personal vehicle on County business) if notified by Risk Management that County driving privileges have been removed for an "Unacceptable" Driving Record Rating, as defined in Section B of this policy, or with the agreement of the County Manager's Office when temporary removal of the privilege to drive has been in the best interest of the County.
4. Once County driving privileges have been removed by Risk Management, Human Resources will collaborate with the Appointing Authority to agree on a designated resource to conduct a driving risk investigation. Result of the investigation will be shared with the Driving Review Board, who will determine whether or not to reinstate driving privileges.

D. INDIVIDUAL DRIVER RESPONSIBILITIES

Individuals who operate a County vehicle, or motorized County equipment, represent the County and are expected to operate the vehicle or equipment in a courteous and safe manner in order to prevent harm to self and others. Drivers must comply with the following duties which represent minimum expectations:

1. <u>Driver Safety and Training</u>:
   a) Become familiar with vehicle or equipment prior to operation.

b) Minimize driving distractions by setting GPS, climate and other equipment prior to driving.
c) Wear a seatbelt at all time while driving, pursuant to ARS § 28-909, and ensure any passengers are wearing seatbelts while the vehicle is in motion.
d) Do not use handheld devices while driving, pursuant to ARS § 29-914, unless the Appointing Authority has a policy which allows an exception and restrictions outlined in ARS § 29-914 do not apply.
e) Attend and complete all driving-related educational classes, trainings, workshops, and webinars as directed by your Elected Official/Department, Human Resources, or Risk Management.
f) Maintain an acceptable driving rating as defined in Section B of this policy and fully cooperate with any written plan to improve driving behavior.
g) Secure and lock all unoccupied County motor vehicles.

2. Compliance:
   a) Comply with all applicable federal, state, and local laws when operating, using, or in possession or control of a County vehicle or motorized County equipment.
   b) Maintain proper care of any vehicle driven. This includes vehicle cleanliness, periodic inspection for damage, and ensuring proper tire inflation.
   c) Ensure that both proof of insurance and vehicle registration are present in the County vehicle glove compartment at all times. Immediately notify Risk Management if either document is missing.
   d) Maintain the appropriate, valid driver's license and keep the license in the driver's possession at all times while operating a County vehicle or, when required, motorized County equipment.
   e) Personally and promptly pay or address any fines imposed for a moving or non-moving traffic violation for which the individual is responsible, whether on or off duty.

3. Driver Notification Duties:
   a) Notify your supervisor immediately if :
      i. You feel unsafe to drive. This may include fatigue, physical ability, a reaction to an over the counter or prescription medication, or other circumstances.
      ii. Your driver's license is cancelled, expired, refused, revoked, suspended, restricted, or with any other restrictions or changes to endorsements.
      iii. You are arrested or cited for a violation of any part of the Arizona Revised Statutes concerning driving under the influence of drugs or alcohol, regardless of whether you were driving a County or personal vehicle.
   b) Notify Risk Management and your supervisor immediately if:
      i. You are involved in a motor vehicle accident while operating or in possession or control of a County vehicle.
      ii. You are stopped by law enforcement for a traffic infraction while driving a County vehicle, regardless of the outcome.
   c) Notify Fleet Services if a breakdown, malfunction, or other problem occurs while driving a County vehicle during or outside work hours. Fleet personnel will make the necessary arrangements to address the issue. Do not arrange a tow for the vehicle, change a flat tire or initiate commercial repairs without Fleet Services authorization.

4. Prohibited Conduct:
   a) Do not operate a County vehicle or motorized County equipment after consuming alcohol or any other substance which impairs driving or operation of motorized equipment, including prescription or over the counter medication. (Refer to the Drug-Free Workplace Policy, PCPP 6.10.) Pinal County Sheriff's Office personnel may have exceptions to this policy for law enforcement purposes authorized by the Appointing Authority.

b) Do not use tobacco, tobacco-related products, chew, vapor/e-cigarettes, or marijuana, and do not engage in smoking of any kind, while in or operating a County vehicle or motorized County equipment. (See the Smoking, Vaping, and Tobacco Products Policy, PCPP 6.30.)

c) Do not drive if you are not physically and/or mentally capable of operating the vehicle or equipment safely.

E. PROHIBITED TRANSPORTS AND VEHICLE ALTERATIONS

The following activities are prohibited in County vehicles and motorized equipment:

1. Transport of non-County or unauthorized passengers.
2. Transport of non-County items for a third party.
3. Transport of guns or other weapons, unless required for employment at Pinal County.
4. Transport of explosive or flammable materials, unless the volume is an approved quantity for County use, and lawfully required placards are displayed on the transporting vehicle.
5. Transport or tow of non-County trailers, other vehicles, or any other attachable item.
6. Transport of an alcoholic beverage or non-prescription controlled substance or drug.
7. Deactivation, disabling or otherwise limiting the function of a County-installed GPS device, or deactivation of airbag, unless approved by Fleet.

Necessary and appropriate exceptions to the rules above may be authorized by the Appointing Authority or designee, after notification and discussion with Risk Management.

F. MANAGEMENT RESPONSIBILITIES

1. Department Directors/Elected Officials will maintain a current record of all vehicles under their control which require a CDL license and/or endorsement to operate.
2. Department Directors/Elected Officials must ensure that County vehicles are scheduled for regular maintenance services as indicated on the window sticker, or at least once per year.
3. Fleet Services will maintain a schedule and log regular inspections, preventive maintenance, and emissions compliance for each County vehicle.
4. Fleet Services will adhere to the County Vehicle & Equipment Marking Policy, PCPP 10.4.
5. Supervisors who receive notification of a driver's inability to drive safely by the driver or another person must immediately contact Risk Management or Human Resources to discuss next steps.
6. Supervisors shall report each employee DUI (driving under the influence) citation, pending charge, and conviction to Risk Management as soon as possible, but no later than three working days, after obtaining knowledge of the citation, pending charge, or conviction.
7. Supervisors shall complete a *Supervisor's Report of Industrial Injury* report for an injury to a County driver and send it to Risk Management within one business day of a vehicle accident. Contact Risk Management immediately to report serious injuries or fatalities.

G. VEHICLE INSURANCE REQUIREMENTS

1. County-owned vehicles: Evidence of insurance must be present in all County vehicles. Documentation will be sent to Departments annually, when vehicle insurance is renewed. Contact Risk Management if proof of insurance is needed.
2. Rented or leased vehicles: Follow Budget and Finance Department policies and procedures for **v**ehicle rental. Contact Risk Management prior to renting or leasing vehicles to discuss insurance coverage and required proof of insurance.
3. Personal vehicle use for County business: Individuals who use their personal vehicle for County business must maintain proper insurance as required by state law and have proof of coverage in the vehicle.

H. PROCEDURES FOR VEHICLE/EQUIPMENT ACCIDENT REPORTING

An accident is considered to be any incident involving physical damage to a County vehicle or motorized County equipment, which includes damage to another vehicle, property of a third party, or bodily injury to any party. When an accident occurs, the County driver shall follow the procedure below. Some departments may have additional procedures for drivers or supervisors.

If an individual is driving a personal vehicle on County business, procedures from this section also apply. Responsibility for repair of physical damage to a personal vehicle would be on the party who is "at fault." Direct any questions to Risk Management.

Following an accident, the County driver shall:

1. Protect the accident scene: Take reasonable action to prevent further harm. Immediately engage an emergency warning device, such as vehicle hazard lights and other reasonable means to protect the accident scene. Pull out of traffic lanes if possible.

2. Call 9-1-1 for any party needing urgent medical attention.

3. Report the accident:
    a) Immediately notify the local law enforcement agency regardless of severity or location.
    b) Promptly contact your supervisor to report the accident and any driver injuries. Your supervisor must complete a *Supervisor's Report of Industrial Injury* and will coordinate any non-emergency medical assistance.
    c) Drivers and supervisors are encouraged to contact Risk Management for support or questions.

4. Actions while at the scene:
    a) Cooperate with law enforcement. Provide them with County proof of insurance information, your name and contact information. Respond to questions with facts, do not speculate. Obtain the agency and incident or citation number from the responding officer.
    b) If law enforcement is not coming or is delayed, do not discuss details of the accident with the other party or take responsibility. The County driver should:
        i. Provide County proof of insurance and driver name.
        ii. Obtain the other driver's phone number(s), address, and insurance company information (company name, policy number, and phone number).
        iii. Obtain the name, license plate, and contact information of any witnesses who stop at the scene.
    c) Record the date, time of day, location, license plate numbers of all vehicles involved, and any other information that will assist in preparing a County vehicle accident report.
    d) Photograph damage to the County vehicle, including the County vehicle number and license plate number. Photograph any damage to property such as street signs or guardrails. If you feel comfortable taking photos of the damage to the other vehicle, ask permission to do so.

5. Maintain confidentiality: Refrain from giving accident details to anyone except your direct supervisor, Risk Management, or the investigating law enforcement agency. Direct questions from any party regarding fault, responsibility, losses, injuries, or coverage to Risk Management. If you are contacted by the other party's insurance company to give a statement regarding the accident, contact Risk Management first.

6. Complete the required reports: Contact Risk Management to advise them of the accident, if you have not done so already. Complete the *Employee's Report of Vehicle Accident* and submit the report to Risk Management and your direct supervisor within one business day. Volunteers must complete the same report. Request that your supervisor complete a *Supervisor's Report of Industrial Injury* if you are injured.

I. DRIVING REVIEW BOARD

The purpose of the Pinal County Driving Review Board is to review documents and information related to each at-fault accident in order to determine the cause, to identify ways in which the accident could have been avoided, and to initiate preventive measures for the future. The Board also reviews driving privileges of individuals who have been restricted from driving on County business under Section C of this policy.

1. Definitions

a. Appointing Authority: Department head or elected official, or designee.
b. Bodily Injury: Physical injury to any person which requires treatment by a medical professional.
c. Driving Review Board: A board established to review vehicle and equipment accidents and to make determinations on driving privileges.
d. Equipment Abuse: Damage done to any motorized equipment which is caused by deliberate or negligent actions involving operation, misuse, or placement of the equipment.
e. Vehicular or Equipment Accident: An unplanned occurrence involving County equipment or a County vehicle which resulted in damage to a County vehicle or motorized equipment, damage to a third party's vehicle or property, or injury to a person or animal.
f. Property Damage: Tangible physical damage to a vehicle, equipment, or other property belonging to the County, any person, or any entity.

2. Driving Review Board Structure

The Board shall consist of up to five voting members. Three members will be permanent members who vote. To establish a quorum, a total of three voting members must be present. The Board will be comprised of members as follows:

a. County Manager or designee; voting member (permanent member)
b. Human Resources Director or designee; voting member (permanent member)
c. A person selected by the Executive Director of the Arizona Counties Insurance Pool (ACIP) having education, training, or experience in accident investigations; voting member (permanent member)
d. One member appointed by Risk Management on a case-by-case basis as their expertise is needed. This member must be employed by Pinal County on a full-time basis for more than one year, and may be selected from any department within the County; voting member
e. One member appointed by the Appointing Authority or elected office when driving privileges of an individual are under review; voting member
f. Risk Manager or designee; non-voting member

3. Risk Management Duties

a. Review all vehicle accidents to determine whether the situation was preventable.
b. Collect information from the Appointing Authority on the investigation of the accident, any determination made by their safety committee, and any corrective action taken.
c. Notify the Appointing Authority of any vehicle or equipment accident that will be reviewed by the Driving Review Board.
d. Relay Driving Review Board recommendations or comments to the Appointing Authority.

e. Report further actions taken by the Appointing Authority in response to a specific accident, or in general, to the Driving Review Board at the next meeting.
f. Notify the Appointing Authority and driver in writing of Board determinations on driving privileges, such as reinstatement or failure to reinstate.
g. Compile periodic statistics for the County Manager or other communications at the request of the Driving Review Board.

4. **Appointing Authority or Elected Official Duties**

a. Investigate each vehicle or equipment accident and determine whether it was preventable. (Contact Risk Management if knowledgeable staff is not available or qualified to complete the investigation, and assistance will be provided.)
b. Provide Risk Management with the outcome of the investigation and indicate specific corrective action taken.
c. Notify an individual driver if the Board is reviewing their driving privileges.
d. Consult with Human Resources if the Board determines an individual's driving privileges will not be reinstated. The Appointing Authority may offer alternative employment arrangements, terminate the individual's employment or volunteer service, or take other action based upon County Merit Rules and the nature and duration of the loss of driving privileges.
e. Consider Driving Review Board recommendations and communicate with Risk Management on any feedback or further action taken.

5. **Board Duties and Authority**

The Driving Review Board is empowered to:

a. Review vehicle and equipment accidents, as referred by Risk Management.
b. Select accidents to be presented at the Driving Review Board meeting.
c. Make recommendations to an Appointing Authority regarding procedural changes, training, policy revisions, or equipment modifications to minimize a repeat of similar accidents.
d. Make decisions regarding the removal or reinstatement of driving privileges for individuals whose ability to drive has been removed by Risk Management or whose driving record has been designated as "Unacceptable" according to Section B of this policy.
e. Decisions on the Driving Review Board are final and are not appealable to the Pinal County Employee Merit System Commission, the Pinal County Law Enforcement Officers Merit System Council, or any similar Judicial Branch merit system commission or council.

6. **Board Limitations**

The Driving Review Board may not impose or make recommendations to an Appointing Authority regarding discipline of individual drivers.