

RESOLUTION NO. 1726

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND
APPROVING A POLICY ON TAKE-HOME VEHICLES

WHEREAS, in order for City employees to respond to emergency situations after normal working hours in an expeditious manner, certain employees have been granted permission to take City vehicles home so that they can respond directly to the emergency; and

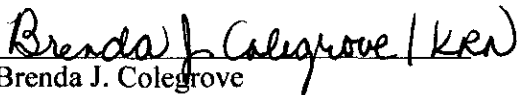
WHEREAS, the City has not had a policy to guide the use of such vehicles nor to set forth the standards under which decisions can be made of which employees would be allowed the use of such vehicles; and

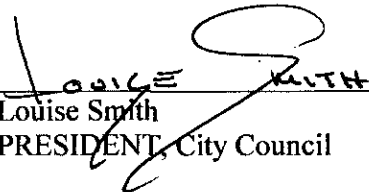
WHEREAS, the Mayor and City Council believe that it is in the best interests of the City to have such a policy;

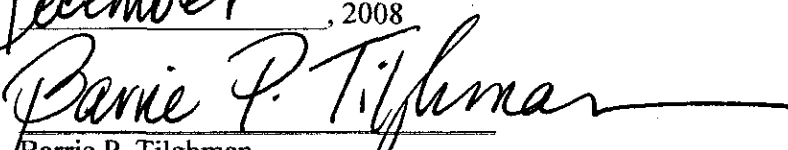
NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council adopts the attached Off-duty Use of Vehicles Policy.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on the 24th day of November, 2008 and is to become effective immediately upon adoption.

ATTEST:


Brenda J. Colegrove
CITY CLERK


Louise Smith
PRESIDENT, City Council

APPROVED by me this 15th day of
December, 2008

Barrie P. Tilghman
MAYOR, City of Salisbury

DRAFT



City of Salisbury

Off-Duty Use of City Vehicles Policy

Effective Date: _____

1.0 POLICY

This policy establishes procedures regarding the off-duty use of City vehicles and employee reimbursements for business use of their private vehicles. This applies to all City employees with the exception of those covered by the Salisbury Police Department Take Home Vehicle Program (Chapter 22.2.5 of the Salisbury Police Department Written Directives) or unless otherwise noted within the policy.

2.0 DEFINITIONS

2.1 Assigned Vehicle. A City automobile or truck designated for the use of an individual employee in the normal performance of his/his duties but not authorized for take-home use.

2.2 Mileage Reimbursement. A per mile rate to compensate employees for use of a privately owned vehicle on official business, based on actual logged miles.

2.3 Take-Home Vehicle. A City automobile or truck designated for the use of an individual employee in the normal performance of his/her duties including the commute from home to work.

3.0 PROCEDURE/RULE

3.1 Take-Home Vehicles.

a. For an employee to be authorized the take-home use of a City vehicle; one of the following tests must be met:

Test 1: The employee is:

- (1) subject to frequent after-hours emergency callback or other unscheduled work, and
- (2) such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and
- (3) a specialized vehicle, tools, or equipment are required for the performance of emergency duties.

Test 2: The employee is:

- (1) subject to frequent after-hours callback, and
- (2) such call back arrangements are to locations other than the employee's normal duty station, and
- (3) a special vehicle, tools or equipment are required to perform after-hours assignments, and
- (4) an unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

This category is normally reserved for emergency maintenance response situations where a group of employees share formal on-call responsibilities on a rotational basis, typically for a week at a time.

Test 3: The employee is:

- (1) subject to after-hours emergency call back and other unscheduled work, and
- (2) by virtue of the employee's position in the organization, the employee is responsible for directing and/or participating in emergency preparedness and emergency response operations, and
- (3) such call back arrangements are to locations other than the employee's normal duty station, and
- (4) a special vehicle, tools or equipment are required to perform after-hours assignments.

b. Department Directors shall determine reasonable schedules and vehicle assignments for rotational, on-call coverage. For other purposes, the City Administrator, at the written request of the Department Director, will authorize full-time take-home vehicles based on the criteria described above.

c. Except as provided in subsection "d" of this policy, take-home vehicles are to be used for official purposes only. For the purposes of this policy, the daily commute to and from the employee's duty station and normal meal periods within duty hours are considered official use.

d. While serving in official "on-call" status, the Fire Chief and Deputy Fire Chiefs are allowed to use their vehicles for personal use; however, no passengers are permitted except for official duties or members of the employee's immediate family or significant other. Employees may use their take-home vehicles for *di minimis* personal use such as stopping by a store on the way to or from work, provided that the store is not out of their way.

e. No passengers may be transported in take-home vehicles except as required for official duties or as approved by the Department Director.

f. In using the City's vehicular equipment, an employee must keep in mind that the employee is a representative of the City and that conduct in adhering to the rules of the road and courtesy on the road is a reflection on the City. It is imperative that such an employee obeys all traffic laws. Any fines incurred by an employee while operating a City vehicle due to traffic or parking violations shall be the sole responsibility of the employee. Employees are responsible for the care, conservation and correct and safe usage of City vehicles.

Consumption of alcohol, drugs or tobacco of all types is prohibited in all City vehicles.

g. When not in use, City-owned vehicles and equipment will be properly locked so as to avoid any theft or destruction. Employees' Supervisors must be notified immediately of all damaged or lost property. If an employee experiences an accident, equipment loss, or damage to the vehicle derived from the negligence of the employee, he/she shall face disciplinary action and shall be required to replace the damaged items.

h. Employees must possess a valid driver's license of proper classification to operate a City vehicle. In the event an employee's driver's license is suspended or revoked, the employee must immediately notify his/her Supervisor. Failure to do so shall be cause for disciplinary action.

i. With the exception of specifically designated undercover vehicles, all City take-home vehicles under this section of the policy shall bear an appropriate emblem identifying them as City vehicles and shall possess local government license plates as issued by the State of Maryland Department of Motor Vehicles Administration (MVA).

3.2 Penalty For An At-fault Accident Involving A City Vehicle. An employee who is involved in an at-fault accident while driving a city vehicle is subject to the loss of their driving privilege either for a period of time or permanently dependent up on the severity and frequency of such accident. Temporary or permanent loss of driving privileges may also result in further disciplinary action depending upon the impact on the ability of the employee to perform his/her duties.

3.3 Penalty For Operating A City Owned Vehicle Under the Influence of Drugs or Alcohol. An employee suspected of operating a vehicle under the influence of alcohol or drugs will be subject to the City's Drug & Alcohol Policy.

3.4 Penalty for Other Violations of This Policy. Any other violations of this policy may result in disciplinary action up to and including termination in accordance with the provisions of Chapter 8 of the Employee Handbook

3.5 Mileage Reimbursement. Mileage reimbursement shall be authorized by the Department Director for an employee who must utilize his/her personal vehicle to conduct City business and who receives no other form of allowance.

a. Commuting mileage to respond to an after-hours call-back or unscheduled return to work is considered as official City business.

b. Claims for mileage reimbursement shall be made in accordance with current Travel Expense Reimbursement procedures.

c. The standard rate of mileage reimbursement shall be set in accordance with the Internal Revenue Service's Standard Mileage Rates.

3.6 Transition. Employees who previously were assigned take-home vehicles, and who lose permission to be assigned a take-home vehicle as a result of the adoption and application of this policy, will be allowed to continue to use the vehicle as a take-home vehicle for ninety (90) days following notification that they no longer have permission to use their vehicles as take-home vehicles.

4.0 APPENDIX/APPENDICES


City of Salisbury Police Department Take Home Vehicle Program (Chapter 22.2.5 of the Salisbury Police Department Written Directives); Policy on Transporting Citizens (Chapter 26.1.1(H) 32); and Policy on Take-Home/CID Administrative and Animal Control Employees.

INTER

OFFICE

MEMO

Office of the Mayor

To: City Council
From: John R. Pick 
Subject: Take-Home Vehicle Policy
Date: November 18, 2008

Attached is a copy of the most recent revision of the proposed Take-Home Vehicle Policy as well as a resolution for consideration by the Council adopting the policy. This policy was revised based on the discussion at the November 3, 2008 Council work session by adding sections on the disciplinary action for violations of the policy, as well as for operating a vehicle under the influence of alcohol or drugs and for involvement in an at-fault accident involving a City vehicle.

If you have any questions, please let me know.

cc: Mayor Tilghman
Lore' Chambers
All City Department Heads
Brenda Colegrove