

1. PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and standards for:

- Vehicle Uses – Municipal or Personal Vehicles
- Personal Vehicle Use for Work Related Travel
- Municipal Vehicle Assignments
- Commuting and Imputed Tax
- Vehicle Accident Reporting
- Responsibilities When Driving a Municipal or a Personal Vehicle

2. APPLICABILITY

The entire policy applies to all General Government employees. Employee's whose employment is regulated by individual agreement or collective bargaining agreements are subject only to those portions of this policy that are not specifically regulated by law or agreement.

If any provision of this policy violates any governing law or regulation, or if any law or regulation applicable to this policy becomes effective after the effective date of this policy, then this policy shall be deemed changed to be in compliance with such governing law or regulation.

3. DEFINITIONS

Expense Reimbursement – payment for approved expenses relating to Personal Vehicle use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

Municipal Vehicle – those automobiles, truck, vans, or other self-propelled equipment owned, rented, or leased by Town and licensed for travel on a public way.

Personal Vehicle – that vehicle owned or available for private use by the employee.

Commuting – the use of Municipal Vehicle for travel between the employee's residence and his or her principal work location. Under Internal Revenue Service (IRS) regulations, the benefit of using a Municipal Vehicle for commuting is considered taxable income to an employee and the value of the personal use of the Municipal Vehicle will be included in his or her compensation.

4. VEHICLE USES

Municipal Vehicles

It is the policy of the Town of Phillipston that certain positions require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles should be viewed as belonging to the citizens of Phillipston and are assigned solely for purposes consistent with providing services to those citizens.

Personal Vehicles

It is the policy of the Town to reimburse employees for reasonable expenses which they incur as a result of Personal Vehicle use on behalf of the Town. Receipts and Expense Reports must be submitted in a timely manner in order for employee to be reimbursed for such expenses.

Registering and Insuring a Vehicle

Whenever a new vehicle is purchased and registered, the Selectboard Office must be notified and appropriate paperwork completed immediately to add the vehicle to the Town's insurance policy.

5. PROCEDURES

A. Employee Driving Records

Employees in the course of their employment on a regular basis may be subject to driving record check, through the Registry of Motor Vehicles. This is necessary for the Town to appropriately identify potential risk of liability.

A copy of the operator's Massachusetts driving record shall be obtained by the Selectboard Office to verify the historical driving record of the operator. If the operator has an out of state license, then the operator must provide, upon request, a copy of their existing state driving record to the Selectboard Office. Any out of pocket expense in obtaining a copy of the driving record will be reimbursed by the Town upon submission of a receipt, in a timely fashion. Driving records shall be reviewed by the Selectboard.

Driving records determined to be a safety concern by the Selectboard, may result in the disapproval of an employee's vehicle use in the course of employment, after consultation with the appropriate Department Head. Attachment B is the rating system to evaluate driving records.

B. Work-Related Use of Personal Vehicles

Work related use of Personal Vehicles must be approved in advance by the Supervisor or Department Head. Use of Municipal Vehicles is preferable to use of Personal Vehicles.

When an employee is authorized to use a Personal Vehicle for work-related travel, he or she shall be reimbursed for mileage at the IRS standard mileage rate, unless covered by contract or stipend, According to the IRS, the standard mileage rate for business purposes is based on an annual study of the fixed and variable costs of operating a vehicle. Employees will be notified by the Town of any changes to the IRS rate. In accordance with IRS regulations/rulings, the mileage rate is intended to cover, but is not limited to, the cost of fuel, repairs, insurance, all operating costs, and general wear and tear on the Personal Vehicle.

In addition to the mileage rate, the Town will reimburse employees authorized to travel outside of the Town, driving a Personal or Municipal Vehicle, within the scope of employment, for tolls and reasonable parking expenses, when receipts are provided. Employees will not be reimbursed for tolls that are paid by the employee during his or her normal commute to work.

Insurance

Employees who are authorized to use Personal Vehicles for work related travel are required to show proof to their Supervisor/Department Head, on an annual basis, of the following minimum levels of insurance coverage:

- Bodily Injury: \$100,000/\$300,000
- Property Damage: \$50,000

Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

In order to be reimbursed for Personal Vehicle use, employees must complete a Reimbursement/Expense Form provided by the Selectboard Office and submitted with appropriate supporting documentation and/or receipts in a timely manner.

C. Assignment of Municipal Vehicles

Employees assigned a Municipal Vehicle are required to have a valid motor vehicle license for the class of vehicle to be operated issued by the Commonwealth of Massachusetts or their state of current residence and must show proof of such valid license to his/her Supervisor or Department Head prior to being assigned a Municipal Vehicle.

Department Heads may assign employees to particular vehicles for use during work hours.

Assignment of Vehicles for 24-Hour Use (Use approved for commuting purposes)

The assignment of Municipal Vehicles for 24-hour use will be made by the Selectboard, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of

their job functions, as identified in an approved position description provided by the Selectboard. The following criteria will be used in the determination of eligibility for 24-hour vehicle use:

- Officially designated on-call status;
- Requirement for frequent emergency availability during non-working hours;
- Issuance of a pager or other communication device; and/or,
- Emergency or other equipment contained in the vehicle.

Positions are currently authorized for 24-hour use are:

Police Chief
Fire Chief
Highway Superintendent

Prior to the assignment of a municipal vehicle the Selectboard/designee shall obtain and review a copy of the operator's Massachusetts driving record as described in this policy. Municipal Vehicle assignments may be rescinded in writing for good reason or cause by the Selectboard.

Vehicle use is limited to travel to and from the residence and at the place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be used for personal travel outside a direct commuting route.

Whenever a position becomes vacant, the authorization for 24-hour use will be re-evaluated.

Employees assigned a Municipal Vehicle for 24-hour use involving a commute of more than 25 miles one way, shall reimburse the Town for the additional fuel cost as determined by the Town Treasurer. Employees who have been assigned a Municipal Vehicle and have established commuting patterns of more than 25 miles one way prior to July 2006 shall be exempt from this provision, as long as there is no break in assignment of a Municipal Vehicle greater than 6 months, after which the exemption will no longer apply.

Employees assigned Town vehicles will be given a copy of this policy and will be required to sign a confirmation of receipt.

Imputed Income Taxation

Employees authorized to commute in a Municipal Vehicle may be subject to imputed income 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 Town Treasurer shall be responsible for determining any tax liability and will be provided with the names

of all employees authorized to use Municipal Vehicles for commuting purposes, and the normal, one-way commuting distance, each December 1st.

Employees who are assigned marked and unmarked police vehicles, and/or Municipal Vehicles that meet eligibility criteria as defined under 26 CFR 1.274-5T will not be subject to imputed income taxation as a result of the vehicle assignment.

Non-Assigned Town Owned vehicles

Town-owned vehicles not specifically assigned to a Town employee, such as DPW vehicles, police cruisers, etc. are not to be used for personal use. There will be no exceptions.

D. Responsibilities When Driving a Municipal Vehicle or Personal Vehicle for Work

Employees who drive a Municipal or Personal Vehicle are responsible for, but not limited to, the following:

- Municipal Vehicles may only be used for legitimate Town business.
- Individuals assigned a Municipal Vehicle with commuting privileges may take “incidental personal uses” such as stopping at a grocery store or going to the bank, on his/her way home, but only if the stop does not add mileage to the trip.
- Operators should exercise sound judgment at all times when using assigned Municipal Vehicles and should avoid the appearance of misuse.
- The Massachusetts Ethics Code discusses unwarranted privileges. Using public equipment or resources for personal use constitutes use of an official position to obtain an unwarranted privilege not similarly available to others. Misuse of an assigned Municipal Vehicle is an ethics violation.
- Municipal Vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in Municipal Vehicles. Police Officers transporting individuals in the performance of their normal job duties are exempt from this provision.
- The use of Personal Vehicles for transporting individual’s unrelated to municipal business shall not occur on town work time.
- Municipal Vehicles shall contain only those items for which the vehicle is assigned.
- The Town shall not be liable for the loss or damage of any personal property transported in the Municipal Vehicle or for any personal property while using their Personal Vehicle for work related travel.
- Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their Supervisor immediately.

- Employees assigned Municipal Vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.
- Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a Municipal Vehicle wear seat belts at all times, if the Municipal Vehicles is so equipped.
- All operators of vehicles that require a CDL license, must be tested for drugs and alcohol as provided by US DOT regulations and the town drug/alcohol policy.
- Employees may not operate Municipal Vehicles or Personal Vehicles being used for work related travel, under the influence of alcohol, illegal drugs, or any controlled substances.
- Employees are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in a Municipal Vehicle or in a Personal Vehicle being used for work related travel. Police Officers who are required to carry prohibited items in performing their normal job duties are exempt from this provision.
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, must maintain a valid motor vehicle license issued by the Commonwealth of Massachusetts or the state of their current residence, which must be provided upon request by a Supervisor during a specific or periodic license check.
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.
- Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a Personal Vehicle on work related travel, will be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the Town Manager/Town Administrator.
- Employees who are issued citations for any offense while operating or using a Municipal Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation.
- An employee who is assigned a Municipal Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in his or her Personal Vehicle or in a Municipal Vehicle, must notify his or her Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges.
- No employee may use a Municipal Vehicle for out of state use without advance approval of the Selectboard.
- Smoking is not permitted in a Municipal Vehicle in accordance with M.G.L. c270 s22. Those utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle that do not smoke.

E. Cell Phones and Handheld Electronic Devices

For the safety of the employee and all those on the road, employees shall not use a hand-held cellular/mobile telephone while the Municipal Vehicle or Personal Vehicle being used for work related travel is moving, unless the employee must place an emergency call to 911 or to another local emergency number, or the cellular/mobile telephone is used with a hands-free set.

F. Vehicle Accidents

In the event that an employee's Personal Vehicle is damaged during an approved, work-related trip, and the damage is not due to negligence of the employee, the Town will reimburse the employee to cover the part of the cost of repair, up to a maximum of \$500 or the amount of the deductible, whichever is less, per occurrence. A copy of a police report and evidence of the employee's vehicle insurance deductible (comprehensive or collision) payment shall accompany any request for reimbursement.

When an employee using a Municipal Vehicle or Personal Vehicle on work related travel is involved in a motor vehicle accident, the operator must:

- Stop the vehicle
- Obtain the following information:
 - Name(s) and address(es) of the other driver(s);
 - Driver's license number(s) of the other driver(s);
 - Name(s) and address(es) of the owner(s);
 - Registration number(s) of the other vehicle(s) involved;
 - Name(s) and address(es) of other driver(s) insurance company(ies); and,
 - Name(s) and address(es) of any witness(es) to the accident.
- Do not admit liability for the accident, even if the employee believes it was their fault.
- Immediately report details to the employee's immediate Supervisor.
- When any person has been injured and/or when vehicles have suffered significant damage, the local or state police must be called to the scene.
- Do not move the vehicle in these circumstances until authorized by the police.
- Unless an injury prevents the operator from doing so, he/she must fill out a Vehicle Accident Report (VAR) within 48 hours of the accident. A blank copy of the form may be obtained from the Selectboard Office. The completed VAR shall be filed with their direct Supervisor.
- The Supervisor shall ensure all information is in the report and file a copy with the Selectboard Office. A copy shall be placed in the employee's personnel file.

G. Discipline

Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including suspension or removal of Town vehicle privileges, suspension and/or termination of employment.

Attachment A – Acknowledgement

I, _____ (print name), as an employee of the Town of _____, hereby acknowledge that I have received, read, understand, and agree to abide by the Town’s *Vehicle Use Policy*.

If assigned a Municipal Vehicle and/or receive authorized to use a Personal Vehicle for work related travel, I shall comply with the respective provisions of the policy or those portions of the policy not specifically regulated by law or collective bargaining agreement or individual agreement/contract.

In addition, I authorize the Selectboard or their designee to obtain or shall provide to the Selectboard (out of state residents), on an annual basis for Municipal Vehicle usage or on a case by case basis for Personal Vehicle usage, and at no cost to me, a copy of my driving record, which shall only be used in determining my safety record, enabling me to be assigned and/or operate a Municipal Vehicle or to use my Personal Vehicle for work related travel, should the need be required. In consultation with the appropriate Department Head, the Selectboard shall make such a determination.

Once signed, this form will be placed in the employee’s personnel file by the Selectboard for records purposes.

Employee Signature: _____

Date: ____/____/____

Attachment B – Guidelines for Acceptable Drivers

An acceptable rating to drive a Town vehicle or for employees to use personal vehicles for municipal business shall be 1 or 2.

Rating (based on last 3 years of driving experience)

(1) Superior – no traffic citation or motor vehicle accidents

(2) Good – no more than 1 moving traffic citation, or 1 motor vehicle accident (not at fault)

(3) Marginal – no more than 2 moving traffic citations, or 2 motor vehicle accidents (not at fault), or 1 at fault motor vehicle accident

(4) Probationary status – anything in excess of marginal rating. A six months watch is indicated and MVR's checked at six months intervals.

(5) Unacceptable – any driver whose MVR shows any one of the following records is not acceptable:

- Three or more accidents (at fault) in the last three years.
- One or more Type A violations in the last three years.
- Any combination of accidents and Type B violations equaling four or more in the last 2 years.
- An operator's license that has been suspended or revoked within the past three years.

Type A Violations

1. Driving while intoxicated
2. Driving under the influence of drugs
3. Negligent homicide arising out of the use of a motor vehicle
4. Operating a motor vehicle during a period of suspension or revocation of an operator's license.
5. Using a motor vehicle for the commission of a felony.
6. Aggravated assault with a motor vehicle.
7. Operating a motor vehicle without the owner's authorization.
8. Permitting an unlicensed person to drive.
9. Reckless driving.
10. Speeding contest.
11. Hit and run (bodily injury and physical damage) driving.

Type B Violations

All moving violations not listed as Type A violations.