

SECTION 6.3

OPERATION OF JEFFERSON COUNTY VEHICLES

A. Purpose

This policy is to establish uniform guidelines, regulations and procedures for the appropriate use of all County-owned motor vehicles. Adoption of this policy supplements all other non-conflicting motor vehicle policies of the County.

B. Policy

1. For this Policy, a “vehicle” is any motorized vehicle, including an automobile, manufactured primarily for use of public streets, roads, and highways.
2. Jefferson County, Texas is sometimes referred to as “County” in this Policy.
3. “County vehicles” includes all vehicles owned by Jefferson County, Texas and all of its agencies and departments.
4. “Highway” means the entire width between property lines of any road, street, thoroughfare, or bridge in this state not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its policy power.
5. “Operate” means to be in actual physical control of a motor vehicle or motorized equipment upon a highway.
6. The County provides vehicles to departments and specific employees based upon County business necessity.
7. County vehicles are not assigned nor provided to employees as a job perk. County vehicles are provided in order for the County to efficiently carry out its business for the public and in order that County employees can efficiently carry out their assigned duties during their normal work hours or in conjunction with their assigned standby or callout responsibilities.
8. County vehicles shall not be used outside of the county, except when used solely for County business, and only upon prior written approval by a department head.
9. County vehicles must be maintained as specified by the Service Center, Precinct Service Center, or Sheriff Department’s Operations Manual.
10. At no time will a County vehicle, including those assigned to a specific employee as an authorized “take-home vehicle,” be allowed as a commute vehicle from a home located outside of the County to work, or from work to a home outside of the County.

11. County vehicles not being used for County business shall be kept on County premises within the County's auto pool, or the department's auto pool, except when temporarily stored at a work site or sent out for repairs.
12. Anyone assigned the use of a County vehicle must meet the County's current training and certification standards, as well as all other County policies relating to the use of County vehicles. Employees are directed specifically to the County's current drug and alcohol policies (See Section 6.3 C, "Training And Certification of Jefferson County Vehicle Operators," Section 8, "Drug and Alcohol Policy," and Section 8.1, "Drug and Alcohol Policy for Employees Subject to the Department of Transportation Regulations).
13. At no time shall a County vehicle be used for personal entertainment or vacation.
14. County vehicles shall not be operated by non-County employees, except when driven by an authorized driver.
15. County employees are prohibited from operating County vehicles in any manner that would tend to compromise the public's trust in the integrity, honesty and efficiency of Jefferson County. It cannot be overstressed that County vehicles are not provided to officials or employees to be used for private or personal use. The misuse or abuse of the privilege of operating a County vehicle may result in disciplinary action. Continued misuse of County vehicles by a department may result in the removal of the vehicle from the department's inventory, control and/or reduction in that department's budget.
16. County employees are expected to maintain the highest possible ethical and moral standards, and to operate County vehicles within the laws of the State of Texas, and other rules and regulations as may be set forth by Commissioners' Court. Jefferson County expects that all employees will operate County vehicles and conduct themselves in a manner that will reflect positively upon the County.

C. Training and Certification of Jefferson County Vehicle Operators

1. Risk Acceptability. Any driver who incurs any one of the following violations is not acceptable:
 - Three or more accidents (at fault) in the last three years;
 - One or more Type A violations in the last five years;
 - Two or more Type B violations in the last five years;
 - Any combination of accidents and Type C violations, which equal four or more in the last three years;

2. Violations

Type A Violations (includes all felony offenses even if not listed):

- Negligent homicide arising out of the use of a motor vehicle (gross negligence);
- Driving while intoxicated or under the influence of drugs or alcohol (or any other greater offense involving the use of a motor vehicle while under the influence or intoxicated);
- Using a motor vehicle for the commission of a felony;
- Aggravated assault with a motor vehicle;
- Intoxication assault or intoxication manslaughter involving the use of a motor vehicle.

Type B Violations:

- Operating during a period of suspension or revocation;
- Operating a motor vehicle without owner's authority;
- Hit and run (BI and PD) driving.

Type C Violations:

- Permitting an unlicensed person to drive;
- Reckless driving;
- Speed contest;
- All other moving violations not listed as Type A or B violations.

3. Eligibility. In order to operate a County motor vehicle on a highway, an employee must be designated by the employing department as a driver and must meet the following standards:

- a. Provide evidence of an appropriate valid Texas driver's license.
- b. Maintain a satisfactory driving record as evidenced by the Driver Records Division of the Texas Department of Public Safety.
- c. Fulfillment of the requirements above shall authorize the employee to operate any County vehicle of one-ton carrying capacity or less upon the highways. The Department Head/Elected Official shall determine that the requirements are satisfied.
- d. To be certified to operate a County motor vehicle in excess of one-ton capacity, the employee must demonstrate proficiency in the operation of the type of vehicle in question. The Department Head/Elected Official shall determine that such proficiency requirements are satisfied.

- e. A properly certified employee who is involved in an accident in which he is held “at fault” will be required to complete a Defensive Driving Course at their own expense within one month of the accident. Failure to complete the Defensive Driving Course may result in termination of employment. A copy of the certificate of completion should be given to the Department Head/Elected Official and a copy to HR for the personnel file. Habitual or repeated violation of the County policy or the Texas Motor Vehicle Law may result in the suspension or cancellation of driving privileges and disciplinary action up to and including termination.
 - f. While operating a County-owned vehicle, drivers should refrain from using cell phones. If it is necessary to use a cell phone, drivers should position phones where they can easily access them without taking their eyes off the road, take such precautions as hanging up if conditions become hazardous, place calls when the vehicle is not moving or time them to coincide with red lights. Other distractions such as eating, tuning radios, or applying makeup, etc., should also be avoided.
 - g. The Department Head/Elected Official shall not permit an employee who is not an approved driver to operate any county motor vehicle under his control.
 - h. If driving is an essential function of an employee’s job and the employee’s Driver’s License is suspended or his/her driving record becomes “unsatisfactory” as defined in the “Risk Acceptability” guidelines on page 1 of this policy, he/she must report this, in writing, to their Department Head/Elected Official and to the Human Resources Director within five days of the occurrence. The employee shall be subject to disciplinary action up to and including termination.
4. Reporting Requirements.
- a. Any employee subject to this policy who is charged with and/or arrested for a moving traffic violation or any greater offense involving the use of a motor vehicle while under the influence of drugs or alcohol or intoxicated, including but not limited to DWI, DUID, Intoxication Assault or Intoxication Manslaughter, must report this, in writing, to their Department Head/Elected Official and to the Human Resources Director within five days of the occurrence.
 - b. Any employee subject to this policy who is convicted of any charges listed in “2” on the preceding page, (including pleas of guilty or nolo contendere) must inform their Department Head/Elected Official and the Human Resources Director, in writing, within five days of such conviction.
 - c. Failure to so inform the County subjects the employee to disciplinary action, up to and including termination of their employment with the County, whenever the information is discovered.

- d. If an employee is convicted of a DWI and/or DUID, and driving is an essential function of his/her job, his/her employment with Jefferson County will be terminated.
- e. Employees must inform their supervisor if their drivers' license is suspended or revoked, or if they receive a traffic citation while driving a county vehicle. Vehicle parking and moving violation citations are the responsibility of the vehicle operator.

D. Seat Belts and Safety Equipment

- a. All licensed county vehicles shall be equipped with functional seat belts.
- b. Seat belts shall be worn while driving or riding as a passenger in a county vehicle.
- c. Texas law requires the use of seat belts or passive restraint systems for all occupants of a motor vehicle. Riding on public roads on equipment or vehicles not providing proper seating or restraints is not a safe practice and is discouraged.
- d. ATV, off-road or construction-type equipment with rollover protective cages or guards shall be equipped with seat belts. Drivers are required to use the seat belts while operating such equipment to prevent being thrown from the equipment should an upset or roll-over occur.
- e. All safety interlocks, guards and other safety-related items provided by the vehicle or equipment manufacturer shall be maintained in functional condition. These items should not be disabled or removed.

E. Insurance

- a. Jefferson County is self-insured for liability exposure under the Texas Torts Claim Act. Employees who operate a county vehicle exclusively on county business would normally be covered if they were at fault in a vehicle accident.

If the employee is determined to be operating the county vehicle outside course and scope of County business and determined at fault in an accident, the county will not be liable, and the employee could be held personally responsible for damages. Operating a county vehicle outside course and scope of County business includes driving to and from work, lunch hour, and any other time the employee is not furthering the business of Jefferson County.

Employees who regularly operate a county vehicle can protect themselves by purchasing a non-owned automobile policy that would cover them during times they are operating a county vehicle outside course and scope. Employees should contact their own insurance agency to obtain this coverage.

- b. Employees who only operate county vehicles and equipment larger than pickup truck size such as dump trucks and tractors are exempt from the non-owned insurance recommendation as long as the vehicles are not taken home or used outside of work related duties.
- c. County law enforcement officers may utilize County vehicles during secondary employment only when authorized pursuant to their department's Automobile Policy or the Jefferson County Sheriff's Office Automobile Policy and General Orders regarding use of a County vehicle by all Sheriff's Office personnel if their department does not have a policy regarding use of County vehicles during secondary employment.
- d. Law Enforcement officers, as defined by Article 2.12 of the Texas Code of Criminal Procedure, who drives a county vehicle outside the course and scope of employment with Jefferson County is only afforded the minimum Texas State liability limits of \$30,000 bodily injury per person, \$60,000 bodily injury per accident (two or more persons) and \$25,000 property damage per accident as outlined in Chapter 612.0005 of the Texas Government Code. Coverage provided by 612.005 is applicable only if the employee is authorized to use the vehicle and not committing a criminal offense.
- e. While law enforcement officers are covered by the aforementioned coverage in (d), it is highly encouraged that law enforcement officers, who regularly operate a county vehicle, to protect themselves by purchasing a non-owned automobile policy that would cover them over the aforementioned minimum Texas State liability limits as stated in (d). Employees should contact their own insurance agency to obtain this coverage.