

1 BOARD OF COMMISSIONERS

2 COUNTY OF COOS/STATE OF OREGON

3 In the Matter of Approving The Coos) R E S O L U T I O N
4 County Vehicle Policy Effective) 22-11-233 L
5 December 6, 2022)

6 THIS MATTER HAVING COME BEFORE the Board of Commissioners at a regular
7 meeting held December 6, 2022; and



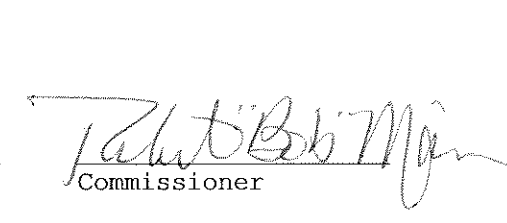
8 WHEREAS, Coos County having a Vehicle Policy in place dated 1993 which
9 required updating; and

10 WHEREAS, the Human Resources Department having revised the Coos County
11 Vehicle Policy, with copies having been provided to Department Heads, Elected
12 Officials, and Union Representatives;

13 THEREFORE, BE IT RESOLVED approving the revised Coos County Vehicle
14 Policy effective December 6, 2022.

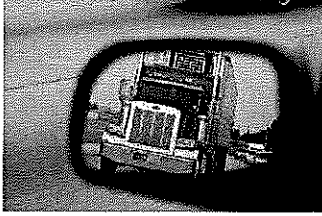
15 DATED THIS 6th day of December, 2022.

16 BOARD OF COMMISSIONERS

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Commissioner Commissioner Commissioner

COOS COUNTY VEHICLE POLICY





INTRODUCTION

It is the policy of Coos County to prevent, control or minimize the actual and potential losses faced by Coos County from the operation of motor vehicles.

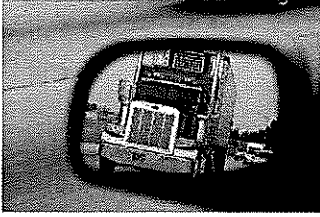
This Vehicle Policy establishes minimum standards for County Departments and is applicable to elected officials, employees, temporary hires, and volunteers who operate County vehicles and equipment on County business. To drive safely is the first duty of every driver. This means driving defensively, anticipating the mistakes, actions, recklessness or absentmindedness of pedestrians or other drivers, and being prepared at all times to do everything possible to prevent an accident.

Drivers are required to observe all rules and procedures outlined in this manual and all motor vehicle laws at all times, and as more fully set forth in Oregon Motor Vehicle Law.

Department Heads (which includes Elected Officials) may apply additional requirements to this Policy as long as they are equal to or more restrictive than the standards set forth within.

This Policy covers only the driving of vehicles such as cars, vans and pickups.

The County's Risk Manager is responsible for general administration of this Policy. Violations of this Policy may result in disciplinary action, up to and including termination of employment, loss of volunteer status, or driving restrictions. Department Heads are expected to be knowledgeable of, and shall be responsible for implementing this Policy within their respective departments. Requests to deviate from this Policy must be submitted in writing and reviewed by the Risk Manager. Employees under the CADS Union are the only exception to the rules listed in this Policy but will be required to be entered into the DMV's Automated Reporting System if their position description includes driving as an essential function.



SECTION 1

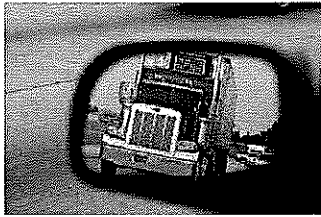
CONDITIONS FOR DRIVING VEHICLES ON COUNTY BUSINESS

QUALIFICATIONS

To qualify as a driver of Coos County vehicles or of personal vehicles for county business, a driver must meet the following conditions:

1. Be at least 18 years of age.
2. Carry a valid Oregon Driver's License.
3. Possess a Commercial Driver License if required.
4. Have in effect a current liability insurance policy for a personal vehicle used for county business with at least the minimum liability coverages required under Oregon Law. Oregon's mandatory insurance Law ORS 806.010 requires a minimum liability limit of \$25,000 per person for bodily injury and property damage; \$50,000 per accident for bodily injury to others; and \$20,000 per crash for damage to other's property.
5. Have knowledge of, and adhere to rules, state and municipal traffic laws and regulations.
6. Be approved by a supervisor to drive on Coos County business.
7. Have attended an acceptable defensive driving class at least once every three years. New Hires must attend an acceptable driving course within three months of hire. The Coos County Risk Manager shall be responsible for identifying acceptable defensive driving classes. All relevant trainings shall be documented in the employee's personnel file.

Employees may be required to attend a Defensive Driving training because of a work-related incident, a series of work -related incidents, or a poor driving record.



SECTION 2 GENERAL RULES

For all drivers on County related business, on-the-job traffic offenses and/or misconduct involving vehicles may be grounds for disciplinary action. Traffic offenses that occur in a County vehicle during non-work time may result in the employee's loss of a County-provided vehicle. It is the intent of this Policy that unsafe behavior be corrected and, should discipline become necessary, that the discipline follow the County's Employee Handbook and Union contracts, as applicable.

Drivers shall not drive County vehicles or private vehicles for County business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee should first obtain approval from his/her physician that it is safe to drive while taking the medication. An employee's Supervisor may require an employee or volunteer to provide a written physician's release verifying that a vehicle and/or other equipment can be safely operated while the employee or volunteer is taking prescribed or over-the-counter medication.

County provided vehicles need to be kept as clean as possible, and free from trash. Use of tobacco products or eating while driving in a County provided vehicle is strictly prohibited. For safety reasons, drivers must turn on the vehicle headlights when driving a County vehicle, regardless of the time of day. This does not mean daytime running lights.

PERSONAL USE OF COUNTY VEHICLES

This Policy prohibits the personal use of County-provided vehicles unless approved in writing by employee's Supervisor. County vehicles may not be used to conduct such personal business as driving children to daycare or school, shopping, or transporting non-employee passengers. Stops or other uses of County vehicles are prohibited in all instances if they would reasonably expose the County to public perception of misuse or abuse of the driving privilege unless such stop or use is legitimately within the scope of performing assigned job duties. County employees may not purchase or transport alcoholic beverages at any time, nor transport unauthorized passengers (as defined in the following section), while using a County vehicle, even if after hours.

Coos County complies with the IRS Rules under IRS Publication 15-B (Employer's Tax Guide to Fringe Benefits – Commuting Rule). A Department Head is responsible for notifying the Finance Department if an employee takes a vehicle home under circumstances that require reporting this benefit on the employee's behalf. Marked (and unmarked when applicable) police, fire and public safety officer vehicles are exempt from these IRS rules. Supervisors unsure of the rules should contact the Finance Department.

Work-to-home privileges of law enforcement vehicles (not taxable requests for work-to-home use) will be evaluated based on the definable benefit of such assignment to the County and compliance with IRS regulations for non-taxable assignments as determined and administered by the Coos County Finance Department. Requests for assignment of a County vehicle for work-to-home use shall be made by the Department Head, or as provided for in a Union contract.

USING YOUR OWN VEHICLE FOR COUNTY BUSINESS

The County allows use of privately-owned motor vehicles to conduct official County business. Registration must be current and vehicle used must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon. See Section 1 (4). A privately-owned motor vehicle used for County business must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition and adequate to provide safe transport. Vehicle equipment must conform to State of Oregon requirements. It is recommended that vehicle headlights be on when driving, for safety reasons. A motor pool vehicle, if available, shall be used to drive on official county business when a personally owned vehicle does not meet these standards.

Mileage and Parking: Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report, which is available on the County's Intranet page under Forms.

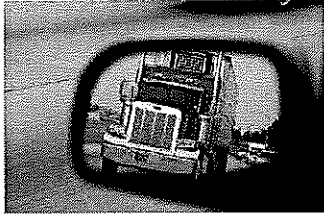
MOVING OR TRAFFIC VIOLATIONS

The driver will be personally responsible and liable for all speeding, traffic violations and parking violations while operating County or personal vehicles on County business. Drivers are required to notify their Supervisor within 72 hours of any citations received in the course and scope of their job duties.

PASSENGERS

Your Supervisor must approve all non-work-related passengers. It is not approved to have family members as passengers in County vehicles, except for long distance trips to conferences, etc. All passengers must wear seat belts. Hitchhikers are not permitted in County vehicles.

Coos County appreciates any suggestions from you that may improve our safety, service, and working conditions to make our operation more efficient and safer.



SECTION 3

DMV's AUTOMATED REPORTING SYSTEM

THIS SECTION PERTAINS TO COUNTY POSITIONS WHICH REQUIRE DRIVING AS AN ESSENTIAL FUNCTION.

For such positions, employees will be required to be registered with the DMV's Automated Reporting System (ARS) and will be asked to sign an authorization form. Failure to comply may result in revocation of driving privileges. If an employee's driver's license is not valid or the driving record is no longer acceptable, the employee shall not drive for County business and may be subject to discipline. The Human Resources Department shall consult with Department Heads to determine which existing positions meet essential driving requirements.

The County's Human Resources Department shall be responsible for entering and removing employees into the ARS, and receiving notifications or updates when transactions are entered on an employee's driving record such as speeding tickets and citations, convictions, accidents, suspensions, cancellations or revocations. Driving record information for existing and potential new hires shall become a part of an employee's personnel file maintained in the Human Resources Department.

An essential function of the position is defined as follows: *Where the requirement exists for regular driving away from the home office, or essential duties that cannot be accomplished without driving.*

Employees unsure if their position requires driving as an essential function should consult with their Supervisor. For instance, a Department's business operations manager attending a training or conference once or twice a year, or taking mail to the post office from time to time is not considered 'essential' driving.

Employees considered 'essential drivers' are responsible for reporting to their Supervisor any change in Driver's License status within 72 hours of occurrence or change in status. Supervisors are responsible for immediately notifying the County's Risk Manager so an appropriate course of action can be developed, if necessary. Failure to report a suspended license and other "prohibited" action by an employee may result in disciplinary action, up to and including termination of employment. Accidents, convictions, suspensions and citations involving off-duty driving in a personal vehicle count for the purpose of these rules.

Election Board workers hired temporarily to assist with an election are not required to be in the ARS system.

NEW HIRES

Recruitment for positions requiring driving as an essential job function shall be identified prior to any job announcement. Any offer of employment shall be conditional upon the selected candidate submitting to a successful driving record check with results that meet the County's standards. The Human Resources Department will complete the driving record check and inform the hiring manager of the results. If the driving record does not meet County standards, the Human Resources Department will make a recommendation not to hire the applicant. If the Department hiring authority wishes to contest this recommendation, an appeal may be made to the County's Risk Manager. Applicants who do not have an acceptable driving record that meet the requirements will be denied employment.

If driving a vehicle is listed as an essential function on an employee's job description, then the following shall apply to new hires:

- Out-of-state license holders must obtain a valid driver's license in Oregon within 30 days of being hired and provide Human Resources with a copy once obtained.
- If an applicant is from outside the State of Oregon, the applicant will be required to sign a release form allowing Coos County to acquire the driving record from the appropriate state, once an offer of employment has been made.
- Successfully complete, within three months, a County provided driving course as selected by the County's Risk Manager.
- Sign the Coos County Vehicle Policy Acknowledgment on day of hire.

For potential new hires, appeal hearings must be requested in writing within seven calendar days of notification and addressed to the County's Human Resources Department, addressed to 225 N. Adams Street, Coquille, OR 97423.

Per Oregon Law, for positions that do not list driving as 'essential' on the job description, supervisors should not ask applicants for a copy of their driver's license at hire for the purpose of identification.

COUNTY STANDARDS

An acceptable driving record is one that reflects a consistent pattern of safe driving behaviors over time. The County's review of the driving record focuses on infractions and unacceptable patterns that would indicate an increased risk of an accident.

Employees who are required to possess a commercial driver's license must also comply with all Oregon DMV regulations.

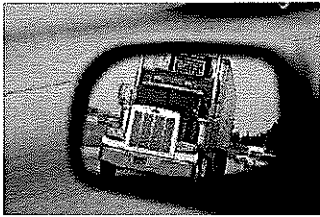
In order to be eligible to drive on county business, an employee must meet the following criteria:

1. **Anyone with a suspended or revoked license shall not be permitted to operate a vehicle for County business.**
2. **No traffic crime convictions within the last 12 months, and no more than two within the past three years.** Per ORS 801-545, traffic crime means any traffic offense that is punishable by a jail sentence. Traffic crimes may include, but are not limited to the following:
 - Driving under the influence of alcohol or drugs, or driving while impaired
 - Driving while license is suspended or revoked
 - Leaving the scene of an accident
 - Road rage, menacing, harassment
 - Homicide, manslaughter, or assault arising out of the use of a vehicle
 - Reckless driving
 - Attempt to elude a Police Officer
 - Failure to perform the duty of a driver at the scene of an accident
 - Other similarly serious violations (speeding 21 mph or more over posted limit)
3. **No more than two minor traffic related violations in the previous two years.** Minor violations may include but are not limited to class A, B or C violations that resulted in a conviction, such as:
 - Speeding 20 mph or less over the posted limit
 - Failure to obey traffic control or signal
 - Improper lane change
 - Failure to signal or failure to yield the right of way
 - Cell phone or texting violations
 - Failure to wear a seat belt
 - Other similar violations
4. **Any combination of the above which would indicate a pattern of behavior and may expose the County to unacceptable risk. This may also include a review of class D traffic violation convictions.**

Access to information obtained in the motor vehicle records check process is restricted to only those persons with a demonstrated and legitimate need to review the information.

The final determination of an unacceptable driving record shall be in consultation with the County's Risk Manager, Human Resources Department, and County Counsel. Major and minor violations that are the result of one incident may be considered as such depending on the circumstances, or the relevance of the charges to the job responsibility.

Appeal Hearings may be requested before the Board of Commissioners and shall be dealt with on a case-by-case basis.



SECTION 4 SAFETY, ACCIDENTS, AND INCIDENTS

Oregon law (ORS 811.507) states it is illegal to drive while holding and using a mobile electronic device while driving (e.g. cell phone, tablet, GPS, laptop) or while at a stop light, stop sign, in traffic, etc. Using a hands-free or built in device, or CB radio is acceptable. Texting while driving is prohibited.

ACCIDENTS & INCIDENTS

This covers accidents and incidents involving a County vehicle, or while driving a personal vehicle on County business. Within one business day of the incident, submit a Vehicle Accident Report to the County's Risk Manager. Supervisors are responsible for ensuring this happens.

1. PER ORS 811.745, any vehicle accident resulting in injury or death to any person is subject to immediate reporting to law enforcement. Additional reporting to OR-OSHA may be necessary if hospitalization or death occurs.
2. Additionally, an employee must immediately report every County vehicle accident to their Supervisor without fail, no matter how minor.
3. In case of an accident, contact the Human Resources Department as soon as possible. Be specific about location, time, extent of injury and damage, and where you can be reached.
4. Do not leave vehicle unattended except in an extreme emergency.
5. Park safely and activate warning devices.
6. Prevent the moving of injured persons unless absolutely necessary.
7. Be sure to get the names of witnesses to the incident. If a witness refuses to give his/her name, record the license number of his/her vehicle. **Regardless of the facts, admit nothing, promise nothing, and DO NOT ARGUE.** Give your name, that you work for the County, and offer to show your license.
8. Have pictures taken whenever possible. If safe, do not move or allow any vehicles to be moved until someone arrives who can verify or witness the position of the vehicles, length, and position of the skid marks, and lights on the vehicles if at night.
9. Stay at the scene of an injury accident unless instructed by a Police Officer to proceed.
10. If you are involved in an accident with an unattended vehicle, you must stop and try to locate the owner. If you cannot locate the owner, you must place a note in or on the vehicle giving your name and entity's name and address.
11. Employee shall be required to complete the Accident Procedure Checklist (located in County vehicle glovebox).

All vehicle accidents occurring in a County provided vehicle will be reviewed by the Vehicle Safety Committee/Central Safety Committee to determine preventability, or the Accident Review Board. See Section 5.

INSPECTIONS

Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This includes at a minimum checking tires for proper inflation, windows for visibility, mirrors properly cleaned and positioned, all lights and safety features are in working order, fluid levels are within the proper range, no obvious fluid leaks, and inspecting the overall condition of the vehicle's exterior and interior.

SAFE DRIVING

You are expected to show every courtesy and consideration toward other drivers and pedestrians. Your conduct while driving must be such that it will in no way reflect adversely upon Coos County. If a situation arises that you are unable to settle in a friendly manner, phone your Supervisor and report the facts, and follow their advice.

Speed: The maximum speed limit is the "posted speed limit." Your speed at all times shall be reasonable and prudent with due consideration given to weather, other traffic, conditions of the road, and intersecting side roads of highways and city roads.

Striking Fixed Objects: In handling your vehicle on the highway, in city traffic, and at loading and unloading spots, remember that striking any fixed object such as abutments, parked cars, loading docks, overhead pipes or hydrants is classified as the fault of the driver.

Proper Backing: It is advisable to walk around the vehicle to ensure nothing is behind or in front of the vehicle before driving away. If there are two or more people, one person should stand behind the vehicle to spot while backing up.

Passing or Meeting a School Bus: When approaching a school bus, be on guard at all times for signals of intention to either discharge or pick up school children. It is illegal to pass, in either direction, a school bus that is stopped to pick up or discharge passengers. The only exception to this rule is when the roadway is divided by a barrier.

Pedestrians: You have NO right-of-way where pedestrians are concerned. Legally, they may walk on either side of the road, they can cross at intersections, and they can pop out from behind a parked car on a busy city street. Never take it for granted that they see you.

SEAT BELTS AND OTHER SAFETY POLICIES

All passengers and drivers are required to wear seatbelts while operating or riding in a vehicle.

The driver of the vehicle is responsible for enforcing the use of seatbelts by all occupants. Seatbelts are proven tools for reducing deaths and minimizing injuries from motor vehicle collisions.

Vehicles should always be maintained with a minimum of a quarter tank of fuel or more to prevent condensation and to ensure that the vehicle is ready to be used immediately in an emergency.

Vehicles are to be locked when left unattended.

Equipment not attached to the vehicle shall be stowed in a way that will ensure the equipment will not shift or move about during operation and cause injury or damage.



SECTION 5 ACCIDENT REVIEW BOARD

Vehicle accidents involving a County vehicle may be reviewed by the Accident Review Board (ARB) to determine if the accident was “preventable”.

- A preventable accident is any accident in which the driver failed to perform the duties of a reasonable driver.
 - A non-preventable accident is one in which the driver did everything he/she could reasonably have done to foresee the conditions leading to the accident, and exercised suitable safeguards.
 - The involved driver will be advised of the Committee decision and will be subject to a driving performance review with management. This may be accompanied by disciplinary sanctions, up to and including termination of employment.
1. The ARB process is also a method by which policies/procedures are evaluated.
 2. The ARB shall include at least three members appointed by the Board of Commissioners for an indefinite term. One member should have experience in accident investigations; one shall represent management or safety.
 3. All County employees are expected to cooperate fully with the ARB process.
 4. The ARB members shall meet as soon as possible after the accident to review the circumstances surrounding the incident. The driver should be provided an opportunity to present facts, recount their side of the story, and answer questions.
 5. The time and place of the ARB meeting shall be coordinated with the ARB members and the Driver by County Counsel. Once a schedule is established, County Counsel shall provide notice to the members and to the Driver. County Counsel will provide packets of information regarding the accident to all ARB members at the beginning of the meeting.
 6. The ARB members shall prepare individual reports of the results of their review and forward the reports, within five (5) days of the last meeting of the ARB, to County Counsel. The reports should include a summary of the facts of the case as seen by the ARB Member. The reports should not include recommendations for disciplinary action. County Counsel will send copies of the reports to the Driver, the Driver's

Department Head, the Human Resources Department, and the Board of Commissioners. The Human Resources Department will forward the reports to the appropriate Safety Committee.

7. In the event that either County Counsel or the Human Resources Department feel that recommendations should be made to the Board of Commissioners regarding policy or safety issues, such recommendations will be forwarded to the Board along with copies of the ARB reports. Copies of these recommendations will also be provided to the Driver, the Driver's Department Head and the appropriate Safety Committee via the Personnel Department. If neither Counsel nor Personnel feel any recommendations are necessary, none shall be made.
8. If recommendations are sent to the Board of Commissioners and a Safety Committee, the Safety Committee shall also make its recommendations to the Board within thirty (30) days. After receiving all recommendations, it is the responsibility of the Department Head and the Board of Commissioners to take any necessary action. Disciplinary actions for a Union represented driver involving termination or suspension will require a due process hearing.