



PERSONNEL POLICY

SUBJECT: COUNTY VEHICLE USE

DATE: January 1, 2017

Number: 200-16

I. Statement of Policy

It is the policy of Fulton County to allow employees to use County vehicles based on the preservation of Public Safety and Health, to satisfy response requirements, and to otherwise provide for the effective and efficient use of County and personal vehicles in the delivery of services to citizens of Fulton County.¹

II. Applicability

All County employees who are assigned and operate County vehicles or who are reimbursed for the personal use of their private automobile shall comply with this policy.

III. Establishment and Implementation of Procedure

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

¹ This policy is consistent with Fulton County's Code, Sec. 23-3-6, paragraph (d), which states:

A report will be sent semi-annually to the Board of Commissioners that will, by department, show: County vehicles that are taken home at night by County employees; type of vehicle; employee's name and residence; and the reasons for authorization to take the vehicle home at night.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".



PERSONNEL PROCEDURE

SUBJECT: COUNTY VEHICLE USE AND ASSIGNMENT CRITERIA

DATE: July 1, 2018

Number: 200-16

I. County Vehicle Take-Home Privileges

A. Eligibility for vehicle take-home privileges for Public Safety and Public Facilities Employees who live in Fulton County:

1. For Public Safety (Police, Sheriff, Marshal): only those officers who are determined to be necessary for callback on an emergency basis for incident response or investigations will be eligible for take-home privileges to residences within Fulton County. The vehicle must be equipped as an emergency response vehicle to qualify for this treatment.

The Chief of Police, Sheriff, and Marshal will make the determination of those who qualify under this provision and report to the County Manager on a quarterly basis.

2. For Public Facilities (Public Works, Department of Real Estate and Asset Management (D.R.E.A.M.)): only those individuals who are determined to be skilled and needed for callback to respond to County facility emergencies (such as water or sewer line breaks, plumbing, electrical, heating or air conditioning outages, etc.) will be eligible for take-home privileges to residences within Fulton County. The vehicle must be equipped with the tools necessary for the appropriate response to qualify under this provision.

The Director of Public Works and the Director of D.R.E.A.M. will make the determination of those who qualify under this provision and report to the County Manager on a quarterly basis.

B. Eligibility for vehicle take – home for Public Safety and Public Facilities Employees who live outside of Fulton County:

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

1. All other employees who qualify for a take home vehicle under this policy, but who live outside of Fulton County, may choose one of the following options:
 - a. Parking the vehicle at the closest County facility to home for drop-off and pick-up;
 - b. Using a personal vehicle for call-backs and charging mileage (a combination of 1 and 2 would be permissible); or
 - c. Paying the County a commute fee of \$.10 per mile from the County line to the employee's residence and back via payroll deduction.

II. Other Circumstances Where Overnight, Take-Home Privileges May be Granted

On a case-by-case basis, a Department Head may authorize temporary overnight take-home privileges for one of his/her employees. In those instances, the employee must have been attending an authorized meeting as an official representative and it is not in the best interest of cost and safety to return the vehicle to its normal location. In such instances, the Department Head must document for file the temporary overnight privilege to indicate the justification for the action.

III. County Vehicle Range

For day-to-day business, authorization to take a vehicle outside of the Atlanta Metropolitan Area (e.g., Macon, Columbus) must be approved in writing by the County Manager or his/her designee. For purposes of this policy, the Atlanta Metropolitan area is defined as the 20 county area as established by the United States Census Bureau. These counties are as follows: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Pickens, Rockdale, Spalding, and Walton.

IV. Report to Board of Commissioners

Consistent with Fulton County's Code, Sec. 23-3-6, paragraph (d), a report will be sent semi-annually to the Board of Commissioners (BOC) that will, by department, show: County vehicles that are taken home at night by County employees; type of vehicle; employee's name and residence; and the reasons for authorization to take the vehicle home at night.

Exceptions and requested additions to the semi-annual report required by this policy must be made in writing and approved by the County Manager who will include them in the semi-annual report to the BOC.

Additions/deletions to the Overnight Vehicle List must be approved by the County Manager who will include them on the next semi-annual report to the BOC.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

V. Other Provisions for the Use of Vehicles on County Business

The County will endeavor to:

- A. Provide transportation when available, or make reimbursement of costs incurred, to employees traveling on official business for the County.
- B. Assign County vehicles full time during the working day to specific employees based on a justified need and not because of position.
3. Provide County vehicles, as available, to other employees having less than full time needs.
4. Encourage use of public transportation system when business is near Metropolitan Atlanta Rapid Transit Authority line.
5. Encourage use of the County-wide motor pool.
6. Authorize reimbursement at the current County-approved rate-per-mile for the use of privately owned vehicles only when it is deemed necessary and in the County's best interest.
7. Expect employees to travel to and from work at their own expense.

VI. Vehicle Assignment

Vehicle assignment for business purposes may be categorized in the following manner:

- Exclusive Assignment - Restricted
- Exclusive Assignment - Unrestricted
- Eight-Hour Assignment
- Pool Assignment
- Personal Vehicle

All assignments, including use of personal vehicles, are subject to the monetary limitations imposed by the Fulton County Board of Commissioners as part of the annual budget process. Except as otherwise provided for in this policy, County vehicles shall be used for official County business only.

- A. Exclusive Assignment – Restricted: the authorized use of a County vehicle by a designated County employee/position for the purposes of efficiently and effectively performing County business and encompasses commuting to and from home and “*de minimus*” personal use. Examples

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

of “*de minimus*” personal use include lunch and/or a personal errand on the way between a County work location/activity and the employee’s home.

- B. Exclusive Assignment – Unrestricted: the assigned, unrestricted use of a County vehicle on a 24-hour basis within the Metropolitan Atlanta area. Exclusive assignment is limited to specific positions within the County, i.e., the Fulton County Marshal’s and Police Departments and the Sheriff’s Office, whose response time to urgent and immediate needs of public safety duties and responsibilities are essential. The specific positions for unrestricted, exclusive assignment will be determined by the County Manager.

Unrestricted use of Public Safety (emergency medical services and law enforcement) vehicles by specifically authorized personnel is allowed. Such unrestricted use must encompass an urgent and immediate need to respond to public safety duties and responsibilities where response time is essential. All such assignments must be recommended by the appropriate Public Safety Department Directors and approved by the County Manager.

- C. Eight-Hour Assignment: the assigned use of a County vehicle by a designated employee/position for the efficient and effective performance of County business during the respective employees assigned work period which may in fact be more than eight hours depending on job assignment as approved by the Department Head. Such assignment allows for use of the County vehicle for all authorized uses with the exception of commuting between normal work site and personal residence.

An eight-hour assignment of a County vehicle may be approved when:

- A vehicle is needed and used extensively each working day, or
- The nature of one’s work may cause unusual depreciation and wear on a personal vehicle.

- D. Department Pool Assignment: the assigned use of a County vehicle by employees of a specific department for the efficient and effective performance of County business on an as needed basis.

County vehicles not assigned to a specific employee/position are designated as Department Pool Assignment vehicles. These vehicles are to be utilized by County personnel as directed by the owning Department Head or his/her designee.

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

Department Pool Assignment vehicles should normally be used to handle a department's short-term (approximately eight hours) transportation requirements; however, they may be used on a temporary basis for periods greater than a day when approved by the Department Head, to accomplish essential County business. The Department Head shall document for file the justification for this approved action.

- E. Personal Vehicle Use: allowed in the performance of County business when a County vehicle is not otherwise appropriate or available. Reimbursement shall be accomplished on an allowance or mileage basis as outlined later in this policy.
1. Individuals using personal vehicles on official County business are required to carry, at a minimum, the Georgia auto liability limits as evidence of financial responsibility. This is the primary insurance coverage for the employee's vehicle at all times, including when the vehicle is used on official County business. These individuals are required to provide the supervisor with evidence of insurance upon request.
 2. Approved officials or employees who use their personal vehicles for County business may be reimbursed on a per mileage basis. Mileage for transit between home and work and between work and lunch does not qualify for reimbursement.
 3. An employee or official who is required regularly to use and consistently uses his private vehicle in carrying out his/her day-to-day assignments may, on recommendation of the Department Head, be compensated for the use of his private vehicle at the approved rate per mile.
 4. Persons in this category of assignment who consistently travel more than 500 miles per month in the conduct of County business may be considered for another type of vehicle assignment.
 5. *Reimbursement requests*: The "Mileage Reimbursement Request" form shall be signed by the employee requesting the reimbursement and verified by the employee's Department Head. Reimbursement documents shall be filed with the Finance Department. The Finance Director may employ any reasonable means of checking the validity of mileage reimbursement requests. Any inaccurate record keeping shall subject the requesting employee to disciplinary action in accordance with applicable Fulton County policy including, but not limited to, the Discipline Procedures for Classified Employees Policy.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

6. In general, the County assumes no liability for property and/or personal injury damages for employees operating a personal vehicle while conducting official County business.

VII. Other Vehicle Use Considerations

- A. Mass Transit: High priority should be given to the use of public transportation systems. Employees using mass transportation for official business can turn in a receipt for reimbursement.
- B. Taxation: Personal use of a County vehicle will subject the employee to the Internal Revenue Service (IRS) tax liability guidelines. Positions that meet the Public Safety requirements of the IRS code are exempt. The Internal Revenue Code requires the value of using a County vehicle for commuting to and from work to be taxed as income subject to federal, state and FICA withholding requirements.

VIII. Approval Process

Semi-annually, each Department Head will assess the status of the vehicle assignments, utilizing the five categories outlined in paragraph I.

On or before March 31st and September 30th of each year, Department Heads will submit justification for requirements for exclusive and eight-hour assignments to the Director of the Public Works Department. These requirements should be submitted using the "Request for Vehicle Assignment" form. D.R.E.A.M. will provide a consolidated recommendation to the County Manager for his/her review and presentation to the BOC for the third Wednesday Board Meeting in April and October of each year.

In the case of mileage and vehicle allowance, reviews will be conducted annually in conjunction with the September report.

IX. Driver Responsibilities

A. Driver Qualifications

Only County employees who hold a valid Georgia or other state driver's license and who meet the following driver's qualifications shall be allowed to operate County vehicles or drive their personal vehicles while conducting official County business:

1. Have at least one year of experience in the class of vehicle to be operated or have received proper training in the operation of the vehicle prior to use.
2. Must meet driver's licensing requirements.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

3. Must provide an initial Driving History Report (MVR) and annually thereafter.
4. An employee will not qualify for a County vehicle if, during the last 36 months, the driver had any of the following experiences:
 - Been convicted of a felony.
 - Been convicted of sale, handling, or use of drugs.
 - Has automobile insurance canceled, declined, or not renewed by a company for reasons related to unsafe driving practices.
 - Has 12 or more points assigned to his/her driving record.

B. License Inspection

All County employees must, upon request, provide a copy of their driver's license to the Department of Human Resources Management. A visual check of the driver's license shall confirm the following:

- Signature matches the individual
- Photo resembles the individual
- Description and address fits the individual
- The expiration date has not passed
- The license has been issued by the state in which the individual resides

C. Reporting Requirements

1. Driving While Impaired

All County employees are required to report any Driving While Impaired (DWI) arrest, or any other drug or alcohol arrest related to driving, whether on or off duty, to their supervisor. The employee's driving privileges will be suspended pending final disposition by the courts. Failure to report the arrest is a violation of the Fulton County Personnel Regulations and shall be grounds for disciplinary actions.

2. Traffic Violations

All County employees who are assigned a County vehicle or who drive any vehicle more than 10% of their work time are required to report any traffic violations, whether on or off duty, to their supervisor. Failure to report any traffic violations is a violation of the Fulton County Personnel Regulations and shall be grounds for disciplinary action. Fines imposed on a County employee for a traffic offense committed while on or off duty are imposed on the employee personally and payment thereof is the employee's personal responsibility.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

3. Incidents and Accidents

In the event of a preventable accident involving death, the employee will, at a minimum, be suspended five (5) scheduled work days without pay and required to attend a Defensive Driving course approved by the County Manager or his/her designee at the County's expense before he/she is permitted to resume driving any vehicle while conducting official County business.

All vehicle operators are required to report any accident or any other incident involving a County vehicle, or any accident or other incident in a personal vehicle while conducting official County business in any vehicle, immediately, or as soon as possible, to their Appointing Authority or Department Head. In the event of an accident, the vehicle operator shall also:

- Contact the appropriate investigating agency, regardless of the extent of damages.
- Not discuss the circumstances of the accident with anyone other than the investigating officer, the County's insurance carrier, or persons conducting an internal investigation.
- Make no attempt to reach a settlement.
- Get the name, address, and phone number of all involved parties and witnesses.
- Take photographs of the accident or incident scene if possible.

D. Safety and Proper Care

All County employees who operate County vehicles or their personal vehicles while conducting official County business are required to operate them in a safe and lawful manner and shall not engage in any actions which would distract the driver from the safe operation of the vehicle. Also, employees shall operate said vehicle in accordance with the motor vehicle laws of Georgia and the applicable law of any other governmental entity having jurisdiction. Approved commuters are responsible for making sure the County vehicle assigned to them is parked safely and securely when parked at the employee's home.

All drivers who operate vehicles owned by, titled to or otherwise controlled by the County, are responsible for the proper care, use, safety and security of County property.

In addition to any other acts prohibited by this Procedure, in accordance with O.C.G.A. § 40-6-241, all drivers of commercial motor vehicles are prohibited from engaging in the following acts while operating a County commercial vehicle:

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

- Using more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or
- Reaching for a wireless telecommunications device or stand-alone electronic device in such a manner that requires the driver to no longer be in a seated driving position or properly restrained by a safety belt.

E. Alcohol, Drugs, and Tobacco Prohibited

Possession, transportation or consumption of alcohol or illegal drugs by anyone in a County vehicle is strictly forbidden, and no tobacco products may be used in County vehicles.

F. No Right of Privacy

County vehicles are the property of Fulton County and as such, are subject to inspection, audit, and search by County officials. This includes the right to place tracking devices on County vehicles and monitor their whereabouts without notice to employees. The County Manager shall designate persons authorized to conduct inspections, audits, searches, and monitoring.

G. Appearance

It shall be the responsibility of the employee to which a County vehicle is assigned to keep the vehicle in a state of cleanliness. County vehicles are a direct reflection on the County and as such should portray a professional appearance.

H. Vehicle Logs

Vehicle Logs (i.e., the "Automobile Mileage Report" form) may be placed in vehicles at certain times by County administration to help gather information to help the County assess its vehicles' needs and usage patterns. When this happens, each driver will be responsible for ensuring that there is a vehicle log in his/her vehicle and that it is filled out each day. When a page is filled out completely, the driver is responsible for getting his/her supervisor's initials on the sheet showing they have reviewed the record.

I. Vehicle Inspection Checklist

Each employee who is assigned a County vehicle shall complete a Vehicle Inspection Checklist and provide a copy to his/her supervisor no less than once monthly, as determined by the County Manager or his/her designee.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

J. Gas Stations

Only approved gas stations may be used unless there are extenuating circumstances.

K. Passengers

Only passengers on official County business are allowed in County vehicles.

L. Cell Phones and Electronic Devices

In accordance with O.C.G.A. § 40-6-241, the use of a mobile telephone for voice communications while physically holding or supporting said telephone with any part of the body and while operating a County vehicle or while operating a personal vehicle on official County business is prohibited except in the following circumstances:

- When reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard;
- By a law enforcement officer, firefighter, emergency medical services personnel, or other similarly employed public safety first responder during the performance of his/ or her official duties; and/or
- When using an earpiece, headphone device, or device worn on a wrist to conduct voice based communications.

In all other circumstances, employees should park their vehicle in a safe manner and location when it becomes necessary to use a mobile telephone for voice communications inside the vehicle.

Reading or writing texts or emails while operating a County vehicle or personal vehicle on County business is prohibited. Specifically, it is unlawful under O.C.G.A. § 40-6-241 to “[w]rite, send, or read any text based communication, including but not limited to a text message, instant message, e-mail, or Internet data on a wireless telecommunications device or stand-alone electronic device” while operating a motor vehicle on any highway of this state.”

Mobile telephones should not be used while pumping gasoline.

The use of any other electronic digital media device (e.g. GPS, laptop computer, iPod, etc.) while operating a personal vehicle on official County business, is discouraged. Employees should park their vehicle in a safe manner and location when it is necessary to use an electronic digital media device inside the vehicle.

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.