

## State Operated Community Program SOCP Policy Memorandum

<b>Topic:</b>	<b>State Vehicle Use / Driving Records</b>
<b>Related policy:</b>	<b>DHS-080-005</b>
<p>Policy Memorandums - should be considered high priority, and processed immediately. They are used to disseminate new federal, state, and program policies or <u>administrative rules</u>, changes in existing policy or administrative rules, <u>policy clarifications</u> and manual updates.</p>	

**Applies to:**  
(check all that apply)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> All employees includes: | <input checked="" type="checkbox"/> Prog. Managers   | <input checked="" type="checkbox"/> Site Managers |
| <input checked="" type="checkbox"/> Nurses                  | <input checked="" type="checkbox"/> BVS1 & 2s        | <input checked="" type="checkbox"/> Trainers      |
| <input checked="" type="checkbox"/> Cent. Office staff      | <input checked="" type="checkbox"/> Group home staff | <input checked="" type="checkbox"/> HR            |
| <input type="checkbox"/> Other:                             |  | <input type="checkbox"/>                          |

**Implementation date:** 05/21/2010

**FROM:** Lois DeLong, HR Manager *LD*  
**SUBJECT:** DHS Vehicle Use for State Business and driving expectations  
**RE:** DHS-080-005

Please read and post in each SOCP Group Home the attached DHS "Vehicle Use for State Business and Driving Record expectations" policy.

A valid driver license and a satisfactory driving record must be maintained when driving is an essential function of a position. An adverse driving record may cause the loss of privilege to operate vehicles for state business and if driving is an essential function of a person's position and if suitable alternatives are not available, the person may no longer meet the essential functions of the position. Employees who drive to perform essential job functions must have, and maintain, an acceptable driving record.

Traffic offenses that will render a driving record unacceptable include, but are not limited to:

- Any traffic crime conviction within the past 36 months;
- Two or more traffic crime convictions within the past 60 months;
- Two or more Class A, B, or C traffic violation convictions within the past 12 months;
- Three or more Class A, B, or C traffic violation convictions within the past 36 months;
- Three or more Class D traffic violation convictions within the past 12 months;
- Four or more Class D traffic violation convictions within the past 36 months;
- Diversion agreements that have not been successfully completed.

**Attachments:** DHS-080-005 Vehicle Use for State Business

**If you have questions about this information, contact:**

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<b>Policy Title:</b>	Vehicle Use for State Business		
<b>Policy Number:</b>	DHS-080-005	<b>Version:</b>	2.0
<b>Effective Date:</b>	Upon Approval		

Signature on File in the Office of the Chief Administrative Officer May 21, 2010

**Approved:** Jeremy Emerson, Deputy Chief Administrative Officer **Date:** \_\_\_\_\_

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## Overview

**Description:** The policy provides required qualifications and expectations of employees, contractors, and volunteers who drive to accomplish official state business.

**Purpose/Rationale:** The purpose of this policy is to promote safe driving expectations for DHS employees, contractors and volunteers who use state or privately-owned vehicles for official state business and to establish a consistent process to limit liability exposures.

This policy provides oversight for the direction and control of vehicles used in conducting official state business. The Department of Administrative Services (DAS) Risk Management Division mandates comprehensive oversight of vehicle use rules.

**Applicability:** This policy applies to all DHS employees, contractors and volunteers who operate state-owned or privately-owned vehicles to accomplish official state business.

**Failure to Comply:** Failure to comply with this policy may result in serious injury or death of an employee, client or the public; tort claims; and state and private property loss. Failure to comply may also lead to the removal of driving privileges for official state business and disciplinary action up to and including dismissal from state service.

## Policy

It is the policy of DHS and a requirement of Oregon Revised Statutes that state vehicles may be used only for official state business and may be operated only by authorized persons who meet the department's driving criteria. No person shall drive, operate, or use (or authorize or permit another person to drive, operate, or use) any state vehicle for any purpose other than for official state business. This applies to state-owned vehicles as well as to private or rental vehicles while authorized for use on official state business or at state cost or risk. DHS requires the safe operation and use of any motor vehicle while on official state business. State vehicle use rules and department policy and procedures are to be followed.

A valid driver license and a satisfactory driving record must be maintained when driving is an essential function of a position. An adverse driving record may cause the loss of privilege to operate vehicles for state business and if driving is an essential function of a person's position,

and if suitable alternatives are not available, the person may no longer meet the essential functions of the position. Prior to operating a state vehicle an Acknowledgment Statement (DHS form 2400) must be signed stating a person has read and understands this policy and the possible consequences of violation of this policy.

DHS managers are responsible for the implementation, monitoring, and compliance with state statutes and administrative rules as they relate to DHS employment and employees' driving privileges. This responsibility includes working cooperatively with the Background Check Unit and the Office of Human Resources to ensure DMV driver history checks, license validation, insurance verification, and timely filing of reports are conducted in accordance with this policy.

Persons using vehicles contrary to law; or, DAS Risk Management administrative rule (125-155); or, this policy, are acting outside the definition of official state business and will be deemed unauthorized drivers who are acting outside the course and scope of their employment of assigned duties. Use of vehicles contrary to DAS Risk Management administrative rule includes:

- Prohibited use of state vehicle or private vehicle purportedly on state business;
- Carrying prohibited passengers or materials; and,
- Allowing unauthorized persons to drive.

**Driver Qualifications:** To meet the driving criteria for DHS all employees, contractors, and volunteers who may be required to drive for official state business must:

- Be at least 18 years of age.
- Possess a valid driver's license from their state of residency or provide an alternate means of transportation which is approved by the Department of Human Services when driving is an essential function of their position.
  - A. Employees, contractors, and volunteers who have recently moved to Oregon must possess a valid Oregon driver license prior to operating any vehicle for official state business.
  - B. All exceptions must be approved in advance by a manager, supervisor or the Office of Human Resources.
- Have received authorization to drive by DHS Office of Human Resources.
- Have completed a safe driving training program; or, is or will be scheduled to attend an approved safe driving training program within 90 days of employment.
- Have a satisfactory driving record. DHS shall take into consideration a person's entire driving record, as made available by a Motor Vehicle Department(s), in determining the person's eligibility to drive a vehicle for official state business.

**Contractors and Volunteers:** In addition to state employees, DHS contractors and volunteers may be allowed to drive vehicles for official state business. DHS contractors and volunteers must meet the criteria established within this policy before they can be authorized to drive on official state business. DHS contractors and volunteers who are authorized to drive on official state business must fully comply with this policy and all other state rules, policies and procedures on vehicle use.

**Satisfactory Driving Record:** Employees, contractors and volunteers who drive to perform essential job functions must have, and maintain, an acceptable driving record.

Traffic offenses that will render a driving record unacceptable include, but are not limited to:

- Any traffic crime conviction within the past 36 months;
- Two or more traffic crime convictions within the past 60 months;
- Two or more Class A, B, or C traffic violation convictions within the past 12 months;
- Three or more Class A, B, or C traffic violation convictions within the past 36 months;
- Three or more Class D traffic violation convictions within the past 12 months;
- Four or more Class D traffic violation convictions within the past 36 months;
- Diversion agreements that have not been successfully completed.

A motor vehicle record evaluation will be completed prior to initial hire for each employee, contractor and volunteer when driving is an essential function of their position. Additionally, a motor vehicle record evaluation may be completed following a collision, traffic conviction or driving-related citizen complaint. A risk assessment document will be used to conduct this evaluation.

Multiple convictions for traffic offenses listed in the sections above and which occurred during time periods other than those specifically described above may render a driving record unacceptable.

Failure to maintain an acceptable driving record will result in DHS revoking the authorization to drive for official state business.

**Hardship Permits:** Employees, contractors and volunteers with a hardship permit shall not drive either a state or private vehicle for official state business without the approval of the Office of Human Resources. If approval is granted, DAS Risk Management must be notified in order to obtain special insurance coverage. DHS will not submit a request to DAS Risk Management for special insurance coverage of an employee, contractor or volunteer who has been determined to be a high risk driver as defined in this policy.

**Training:** All persons in positions where driving for official state business is deemed to be an essential function of the position must complete a defensive driving course within 90 days of initial assignment and every five years thereafter. The decision as to whether an employee will be permitted to drive prior to receiving the defensive driving education will be at the discretion of their manager or supervisor, and the Office of Human Resources.

Managers are responsible to ensure employees are oriented to department policies, rules and expectations regarding vehicle use for official state business, including self-reporting and maintaining a satisfactory driving record.

Managers are responsible to ensure employees attend a defensive driving course that trains employees on safe driving standards, to spot driving hazards, identify the correct defenses and collision prevention techniques, and promotes an attitude of mutual understanding, courtesy and cooperation on the road.

There is no specific DHS course offering for defensive driving. Each manager is responsible to select a training resource for their employees. An acceptable course can include any combination of methods such as training videos, online classes, or classroom training modules from a resource competent in the subject matter of safe driving standards.

Examples of acceptable organizations competent in safe driving standards include, but are not limited to:

- National Safety Council
- Oregon Safety Council
- AARP
- Coastal
- J.J. Keller

DHS may require employees to receive additional driving education or coaching for any vehicle related incident and when deemed to be necessary by a manager, supervisor or the Office of Human Resources. The decision as to whether the employee will be permitted to continue driving prior to receiving the education or coaching will be at the discretion of the manager or supervisor and the Office of Human Resources.

**Driver Conduct:** All vehicles used for official state business must be used legally, courteously and safely. Drivers must obey the posted speed limits and observe all traffic safety rules. Drivers shall use and require appropriate safety restraints to be worn by all occupants at all times. Drivers shall not allow smoking in state-owned, rented or leased vehicles. Drivers shall not use a wireless communication device while operating a vehicle for official state business (see exception below).

All drivers must promptly report to their supervisor any incident that occurs while they are driving any vehicle for official state business, including citations, vehicle accidents or arrests. Drivers must also promptly report any driving conviction, arrest or forfeiture of bail for off-the-job traffic offenses, including the imposition of driving restrictions, receipt of notice of suspension or revocation of driving license. Upon request, drivers must present evidence that they meet the department's driver criteria.

When any reportable incident occurs, as required by this policy or any other governing law, rule or policy, the driver must notify their manager immediately and notify the Office of Human Resources within five days of being arrested, charged, or convicted of a traffic offense. Upon request, drivers must present evidence that they meet the department's driver criteria. Failure to comply with this policy or failure to report any traffic conviction or arrest may result in a loss of driving privileges and may be considered grounds for disciplinary action up to and including dismissal. Additionally, any person with a history of traffic offenses, vehicle collisions, or driving-related citizen complaints may have their driving privileges revoked and may be subject to disciplinary action up to and including dismissal.

**Exception to Use a Hands-Free Device:** The use of a wireless communication device with a hands-free device while operating a vehicle for state-related business is acceptable unless transporting clients. Managers or supervisors may grant specific employees or positions within their division a written exception to use a wireless communication device with a hands-free device while transporting clients.

Managers should carefully assess the increase in risk when deciding which employees or positions to authorize.

**Review of Driver Criteria:** Department program managers and supervisors determine the assignment of driving responsibilities as an essential function of a position. Managers and supervisors of employees who are assigned driving responsibilities as part of their duties must review the employee's driving record and driver training requirements before the job is offered and the individual is hired. Managers and supervisors should contact the Background Check Unit and the Office of Human Resources to request DMV driver record checks as a part of their employees' reference check. The Office of Human Resources will complete a risk assessment of the employee's driving record and make a determination of their approval to operate a vehicle for official state business.

When driving is an essential function of a position, an employee with an unsatisfactory driving record must have a written training/coaching management plan developed, and may not operate a vehicle on state business until the plan is implemented. A copy of the initial training/coaching management plan and periodic reviews must be sent to the Office of Human Resources for review and comment.

**Vehicle Use:** Any use of state vehicles, except for official state business as described and permitted in this policy, is considered vehicle misuse and employee misconduct. Employees driving in a manner not in compliance with this policy or DAS Risk Management administrative rule 125-155 are personally liable for all driving costs and related risks.

During the time a private or rental vehicle that has been authorized for use on official state business is used contrary to the governing laws, rules or policies, it will not be eligible for state mileage or rental cost reimbursement and the vehicle, driver, and passengers will not be covered by state insurance or self-insurance. During the time a state-owned vehicle is used contrary to the governing laws, rules or policies, the vehicle and use will be the personal liability of the driver. The driver will be personally liable for any damages to the vehicle or harm to any other parties or property. State indemnification or self-insurance will not apply.

A state vehicle may not be used by an employee to the private financial benefit of the employee or any member of his or her household.

Any exceptions to this policy or any exceptions that are permitted by DAS Risk Management administrative rule 125-155-510 and 520 must be approved by DHS division designee or program management.

**Use of Private Vehicles for Official State Business:** Managers and supervisors must approve employees' use of private vehicles, when justified, to conduct official state business. This approval must be obtained in advance and must be in writing. Employees authorized to use a privately owned vehicle for official state business must demonstrate proof of insurance and carry personal auto liability. All drivers who are authorized to use a private vehicle for official state business must comply with this policy, DAS Risk Management administrative rule 125-155 and all other governing laws, rules or policies.

**Passengers:** State vehicles may be used to transport people only to the extent necessary to accomplish state business. No driver may give a ride in a state-owned vehicle to anyone except as permitted by this policy or DAS Risk Management administrative rule 125-155.

Examples of authorized passengers include:

- State employees;
- State clients;
- DHS Volunteers;
- DHS Contractors; and,
- Guests of government (official visitors from any entity in which the state has an interest, including local government officials)

### **Procedures that apply**

- [DHS-080-005-01](#)

### **Forms that apply**

- DHS 0823: Request to Use Personal Vehicle on State Business [WORD](#) [PDF](#)
- DHS 0822: Motor Vehicle Record Evaluation Risk Assessment Document [WORD](#) [PDF](#)

### **References**

- [OAR 125-155-00/125-155-900](#) State Vehicle Use and Access
- Oregon Vehicle Code (ORS Chapters 801-826)
- [FAQs](#): DHS Vehicle Use for State Business
- [OAR 735-064-0220](#) Traffic Offenses Used in Habitual Offender, Driver Improvement, CMV Serious Violations and Hardship/Probationary Driver Permit Programs
- [OAR 735-072-0035](#) Driver Improvement Offenses

### **Definitions**

**Authorized driver:** A DHS employee, contractor, volunteer or other individual authorized by the Office of Human Resources to drive for official state business.

**Class A, B or C Traffic Violations:** Examples include, but are not limited to violation of the basic rule; failure to obey a traffic control device; illegal U-turn; driving while uninsured; and driving a vehicle without driving privileges.

**Class D Traffic Violation:** Examples include, but are not limited to unlawful use of a disabled parking permit or parking space; failure to notify of name and/or address change; and, no or defective equipment (examples: brakes, rearview mirror or windshield wipers).

**Collision:** An incident whereby a vehicle operated by a DHS driver hits or is hit by another

vehicle, bicycle or moving equipment or whereby a vehicle operated by a DHS driver hits a pedestrian or any object.

**Conviction:** A judicial determination, whether by bench trial, jury trial, or plea, finding an individual guilty of a misdemeanor or felony crime. Included in this definition are convictions arising from an individual's failure to complete court-sanctioned diversion.

**Diversion agreement:** A conviction of Driving While Under the Influence of Intoxicants (DUII) until completion of a court-approved program as set forth in ORS 813.250.

**Driving as an Essential Function:** Means driving is essential to the position or duty; driving cannot be reassigned; removal of the driving function would fundamentally change the job.

**Education:** Includes formal and informal training methods.

**Hardship Permits:** Issued by DMV to persons whose driving privileges have been suspended or revoked. These permits grant restricted or limited driving privileges, such as for occupational purposes.

**Incident:** An unplanned event that occurs to a state driver or vehicle. Includes but is not limited to collisions, vandalism, injuries to the authorized driver or passenger, or injuries caused to a 3<sup>rd</sup> party by the authorized driver or passenger, complaints or disagreements between the authorized driver and another person, breakdowns, etc. Citizen complaints and driving offenses will be considered incidents for the purpose of this policy and accompanying procedure.

**Official State Business** or "state business": Any activity conducted in accordance with Oregon statutes and administrative rules and is directed and controlled by DHS for the purposes of advancing the department's mission, including traveling to training.

**Private Vehicle:** A motor vehicle that is owned, rented, borrowed, leased, or otherwise lawfully in the possession and control of any person other than the state.

**Property Loss Tracking System (PLTS):** A DHS computer application for entering and tracking of losses to state property, accessible by cluster risk coordinators and CAF business experts.

**Traffic crime:** A conviction of any traffic offense that is punishable by a jail sentence, ORS 801.545. Examples include, but are not limited to: criminal driving while suspended; reckless driving; driving under the influence of intoxicants; and, failure to perform duties of a driver to injured persons in the event of a collision.

**Traffic Violations:** A conviction of a traffic offense that is designated as a traffic violation in the statute defining the offense, or any other offense defined in the Oregon Vehicle Code (or its equivalent in any other state) that is punishable by a fine but that is not punishable by a term of imprisonment, ORS 801.557.

- See [Common Terms](#) for all department-wide support services policies



## **Contacts**

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## **Policy History**

- **Version 2.0 –**
  - 05/07/2010 – Revised to widen applicability to all DHS employees, contractors and volunteers. Clarification of driver training requirements and the process used to determine if a driver has a satisfactory driving record. New form included, DHS 0822, Motor Vehicle Record Evaluation Risk Assessment Document
- **Version 1.0:**
  - 10/01/2003 – Initial release supersedes 50.200.11A