

# **Town of Amherst Vehicle Use Policy & Travel Policy**

*Approved by Town Manager, July 2018*

## **1. PURPOSE AND SCOPE**

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

- Town of Amherst vehicle use and assignments
- Compensation for personal vehicle use for work related travel
- Responsibilities when driving a Town of Amherst or a personal vehicle
- Vehicle accident reporting

## **2. APPLICABILITY**

- a. This entire policy applies to all employees. Employees whose employment is regulated by individual agreement or collective bargaining agreement are subject only to those portions of this policy that are not specifically regulated by law or such agreement.
- b. 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.
- c. Employees assigned Town vehicles, or provided with a vehicle stipend, or who use their personal vehicle for work related travel, will be required to sign a confirmation of receipt of this policy.
- d. Non-compliance with any and all applicable provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension and/or termination from Town employment.

## **3. DEFINITIONS**

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

Expense Reimbursement – payment for approved expenses (parking, tolls, etc.) relating to personal vehicle use for Town business upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

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

Town of Amherst Vehicle - those automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Town of Amherst and licensed for travel on a public way.

Vehicle Stipend – the amount approved by the Town Manger and/or Finance Director to compensate an employee for regular or routine use of a personal vehicle for work related travel. Vehicle stipends

are considered salary and therefore subject to taxation. Such Stipend may be rescinded with ninety day written notice and are paid in lieu of personal vehicle expense reimbursement.

Mileage Reimbursement – the per mile amount approved by the Town Manager to compensate an employee for use of a personal automobile for town business. Mileage reimbursement is considered to be a salary item, and, as such, is subject to taxation, but not subject to retirement.

#### **4. VEHICLE USE**

##### **A. Town of Amherst Vehicle**

Certain positions require employee access to Town vehicles, either during work or on a 24-hour on-call basis. Unless otherwise designated, Town vehicles are not personal vehicles and are not for personal use. Town vehicles are assigned solely for purposes consistent with providing municipal services to its residents and businesses.

##### **B. Personal vehicle Expenses**

The Town of Amherst reimburses employees for reasonable expenses which they incur as a result of personal vehicle use during work hours for the Town.

##### **C. All vehicle use is subject to motor vehicle and driving record check**

Any employee using a Town vehicle or personal vehicle to for work related travel may be subject to a driving record check and required to complete and submit a motor vehicle release form. The Police Department shall obtain a copy of the employee's driving record from the license issuing agency and report its findings to the Director of Human Resources and applicable Department Head. If it is determined that the driving record of the employee is a safety concern, the employee will be so advised and may be prohibited from use of either a Town vehicle or personal vehicle for work related travel.

#### **5. PROCEDURES**

##### **Work Related Travel in Personal vehicles**

1. An employee authorized to use a personal vehicle for work-related travel shall be reimbursed for mileage at the rate in effect at the time of travel unless covered by contract or stipend. To be reimbursed, employees must seek reimbursement from the Accounting Department and submit with appropriate back-up documentation and/or receipts within 30 days. Reimbursement will be made by Electronic Funds Transfer (EFT). The Town will reimburse for documented tolls and reasonable parking expenses incurred on the job in a Town or personal vehicle.
2. Employees who are required to use a vehicle to perform work for the Town on a regular recurring basis may be compensated with a periodic vehicle stipend. The amount of the stipend will be determined by the Comptroller. Employees receiving a periodic vehicle stipend may be reimbursed for reasonable parking expenses. Employees will not be reimbursed for tolls that are paid by the employee during the normal commute to work.
3. Employees who are authorized to use personal vehicles for work related travel are required to demonstrate proof of state mandated minimum insurance coverage upon request.

### **Assignment of Town Vehicle**

Employees must show proof of a valid Massachusetts motor vehicle operator's license prior to being assigned a Town vehicle. Vehicles are assigned consistent with department workload and employee function. The assignment of vehicles may be rescinded at any time by the Town Manager or Department Head. The following positions are currently assigned a town vehicle and authorized 24-hour use:

Police Chief

Police Captains

Fire Chief

Superintendent of Public Works

Assistant DPW Superintendent

Assistant Fire Chiefs

The assignment of vehicles for 24-hour use will be made by the Town Manager and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. During a leave of absence whether paid or unpaid, the Town vehicle will be returned to the department for the duration of the leave. Criteria used in determination of eligibility for 24-hour vehicle use include: Official designated on-call status; Requirement for frequent emergency availability; and or Emergency or other equipment contained in the vehicle. Persons assigned a town vehicle may not additionally receive a vehicle stipend.

### **Non-Assigned Town-Owned Vehicle**

Town owned vehicles not specifically assigned to an employee, such as DPW vehicles, police cruisers, etc., are not to be used for personal use.

## **6. RESPONSIBILITIES WHEN DRIVING TOWN AND/OR PERSONAL VEHICLES FOR WORK.**

- a. Town vehicles may only be used for town business. Misuse of an assigned Town vehicle is an ethics violation under Massachusetts General Laws, Chapter 268A. Using public equipment or resources for personal use or use of an official position to obtain an unwarranted privilege not similarly available to others violates the law.
- b. Employees must maintain and keep in their possession a valid motor vehicle license issued by the Commonwealth of Massachusetts. Operators must exercise sound judgment at all times and should avoid any appearances of misuse.
- c. Town vehicles will not be used to transport passengers who are not Town employees or individuals directly associated with Town work activities (committee members, consultants contractors, etc.).
- d. Smoking, including the usage of e-cigarettes, chewing tobacco or any other tobacco product, is prohibited in a Town vehicle.
- e. Employees must refrain from using hand-held cell phone or other personal electronic devices such as iPad or tablet, etc., while the vehicle is moving unless the employee must place an emergency call to 911 or to another local emergency number. The cell telephone may be used with a hands-free set. Town employees will comply with current state law regarding cell phone use while driving.

- f. Town vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
- g. Employees are expected to keep Town vehicles clean, trash and smoke free and report any needed repair, malfunction, damage, or other vehicle problems to the appropriate supervisor immediately.
- h. Employees assigned Town vehicles for commuting purposes are expected to lock the vehicle when not in use. Operators must not leave vehicles unattended while the engine is idling, with the ignition keys in the ignition, in the lock or anywhere in the vehicle.
- i. Except as provided by law, employees must wear seatbelts in town vehicles or personal vehicles while on town business during operation of the vehicle.
- j. Employees may not operate Town or personal vehicles while being used for town business, under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operation.
- k. **The transportation of unopened alcoholic containers is prohibited.** Additionally, unless required to carry such items in the performance of duties, employees are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in any vehicle being used for work related travel.
- l. Employees operating vehicles on town business shall drive defensively, avoid unnecessary idling, carpool when able, and obey all applicable traffic and parking regulations, ordinances, and laws. Employees who incur parking or other fines will be personally responsible for payment of such fines. Employees who are issued citations for any offense while using a Town vehicle must notify their supervisor immediately when practicable, but in no case shall notification exceed 24 hours.
- m. An employee who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in a personal vehicle or Town Vehicle, must notify their supervisor immediately when practicable, but in no case shall notification exceed 24 hours. Conviction for such an offense may be grounds for loss of Town vehicle privileges and/or further disciplinary actions.
- n. When using a Town vehicle, employees are required to obtain fuel from a designated town fueling facility, unless fueling is required in the course of out of town travel. The use of Town fuel for personal use is prohibited.

## 7. ACCIDENT PROCEDURES

When an employee using a Town Vehicle or a personal vehicle on work related travel is involved in a motor vehicle accident, the operator must **Stop the vehicle; and**

- Evaluate for personal safety and the safety of occupants. Call 911 or ask any other person to call 911 if there is any question of injury.
- When able, personally or ask another person to obtain and document the following:
  - a. Name address, driver's license number of the other driver(s);
  - b. Name and address of the vehicle owner(s);
  - c. Registration number of the other vehicle(s) involved;
  - d. Name and address of other driver(s) insurance company(s); and.
  - e. Name and address of any witnesses to the accident.
  - f. Immediately report details to the employee's supervisor
  
- Whenever any person has been injured and/or vehicles have suffered significant damage, the local or state police must be called to the scene. Do not remove the vehicle in these circumstances until authorized to do so by the police. Refrain from discussion of fault or liability with anyone.
  
- As soon as possible or within 48 hours of the accident, the operator must complete a Vehicle Accident Report (VAR) and give it to their direct supervisor and the Comptroller's office to process a claim with the insurance company.
  
- If applicable, an injury report available from Human Resources should be completed and filed with the Department Head.