

PPM #17

Policy Name: *Vehicle Operation*

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Authorization: 
Charles R. Davis, Deputy Secretary

PURPOSE

The purpose of this policy is to advise all applicants and employees of the vehicle operation requirements which must be satisfied in order for an employee to be authorized to use a vehicle while on Office of the Lieutenant Governor (OLG) or Department of Culture, Recreation and Tourism (DCRT) business. These requirements will assist the OLG and DCRT in reducing the risk of injury to employees and the public and reduce the loss from property damage claims. This policy applies to every employee operating a vehicle on OLG and DCRT business, whether a personally owned vehicle or vehicle owned, leased or rented by the state.

DEFINITION OF A STATE VEHICLE

A State Vehicle is any licensed vehicle owned, leased/or rented by the State of Louisiana.

GENERAL REQUIREMENTS

- A. State owned, leased or rented vehicles are to be operated only on official OLG or DCRT business. Use of such vehicles for personal business is strictly prohibited.
- B. Drivers must possess a valid driver's license.
- C. Personal vehicles operated on OLG and DCRT business must satisfy Louisiana's compulsory insurance requirements.
- D. Seatbelts must be worn at all times. Drivers are responsible for ensuring that all passengers likewise comply with the state's seatbelt law.
- E. Only individuals on official OLG and DCRT business are permitted to operate or ride in vehicles being operated on OLG or DCRT business. In order for a non-state employee to be a passenger in a state vehicle, an Indemnification Agreement (Attachment A) must be completed prior to departure.
- F. Vehicles must be maintained in compliance with law, including current safety inspection stickers and license plates. The vehicle must possess all safety equipment required by law (i.e., lighting equipment, mirrors, horns and warning devices).

- G. Operation of a vehicle must comply with all applicable state and local traffic laws and ordinances. Drivers are personally responsible for traffic and parking ticket fines, except those due to the condition of a state vehicle (Example: expired safety inspection sticker).
- H. State vehicles are to remain locked and parked in designated areas when not in use.
- I. Drivers are responsible for removing all trash and personal belongings from a state vehicle after use.
- J. Drivers are responsible for maintaining at least a half-full tank of gas and completing the vehicle log/trip ticket before returning a vehicle after use.
- K. Vehicle keys and credit cards are to be returned to the designated person immediately after use.
- L. Maintenance problems or concerns on a state vehicle are to be documented and reported immediately to the designated person within your office.
- M. Smoking is not allowed in vehicles owned, rented or leased by OLG or DCRT.
- N. Drivers shall not use a Wireless Telecommunications Device (as defined below) while driving in a state-owned, leased, or private vehicle that is being driven on state business. This includes writing, sending, or reading a text-based communication and/or engaging in a call. Use of a Wireless Telecommunications Device is permissible for passengers in such vehicles.

The only exceptions to this restriction include to:

1. Report a traffic crash, medical emergency or serious road hazard.
2. Report a situation in which the person believes his personal safety is in jeopardy.
3. Report or avert the perpetration or potential perpetration of a criminal act against the driver or another person.
4. Engage in a call or write, send or read a text-based communication while the motor vehicle is lawfully parked.

A Wireless Telecommunication Device is any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

RESPONSIBILITIES

A. Agency Head, Driving Coordinator or Designee

The Agency Head, Driving Coordinator or Designee is responsible for the implementation of the Driver Safety Program. Prior to authorizing state employees to drive, they are responsible for completing all of the following steps for employees that are authorized to drive:

1. Verify that each driver has a valid and properly classed driver's license.
2. Obtain/review each employee's official driving record (ODR) to ensure that the employee meets all program requirements to drive.
3. Certify that each employee has completed an ORM recognized defensive driving course within 90 days of hire.
4. Provide appropriate signature along with the employee's signature for authorization to drive, on the DA-2054.
5. Notify appropriate supervisors which employees have been authorized to drive or not.
6. Maintain a list of employees that have been authorized to drive or not at each audit location.
7. Review and maintain driving policies and procedures as needed.
8. Ensure that all training courses are conducted and documented.

B. Supervisors

1. Provide time for the employee to complete the online Defensive Driving Class or instructor-led course.
2. Allow only authorized employees to drive on state business.
3. Ensure that all agency vehicles are in a safe operating condition and that the monthly vehicle checklist is completed.
4. Correct any deficiencies found on the vehicle checklist and document the repairs.
5. Ensure that all accident/incidents are properly reported in a timely manner and documents.

C. Employees

1. Employees shall only operate those vehicles for which they are licensed and insured.
2. Employees who are authorized to drive state vehicles are responsible for the safe operation of those vehicles.
3. Drivers shall report any unsafe condition or accident involving state vehicles to their supervisor or designee.

4. Employees who drive their personal vehicle on state business shall be required to show proof of insurance annually.
5. Employees shall immediately report any revocation of their driver's license or any moving violations to their supervisor. Reporting applies whether on state or personal/private business and whether in a state or personal/private vehicle.

DRIVING AUTHORIZATION

A. New Employees

To drive a state vehicle on state business, each new employee must review and sign the Employee Acknowledgement/Authorization Section of the DA-2054 (Driver Authorization Form) and submit it to the Agency Driving Coordinator. The form is then sent online to the Department of Motor Vehicles to request a copy of the employee's official driving record (ODR). A new employee that comes to work with OLG or DCRT from out of state is responsible to provide a certified copy of their driving record from their previous state of residence at their own expense. After receiving the ODR, the driving coordinator will review it to ensure that the employee is not considered to be a "high risk" driver and meets the requirements to drive a state vehicle or their personal vehicle for state business. For the final approval to drive, the appointing authority or designated person of the agency will sign the bottom of the DA-2054. A copy of the approved/disapproved DA-2054 will be sent back to the location within an agency that submitted the form.

B. Existing Employees

All employees that drive a state or their personal vehicle for state business must have their ODR checked annually by completing the DA-2054 and using the same procedure as above. The approval signature by the appointing authority or designee must fall within the 12-month period from the previous signed DA-2054 to be in compliance.

C. Random Driver's License Checks

During the year, employees may be asked to produce their driving license to the Agency Driving Coordinator for validation of a legal license.

D. ODR Citation Flags

When certain citation flags are noticed on the ODR such as speeding violations, suspension of driver's license (SUS), revoked license (REV) and etc., the Agency Fleet Coordinator will determine if the employee may drive a state vehicle or his personal vehicle on state business. If it is determined that an employee is disqualified to drive on state business, a letter from the Agency Driving Coordinator is sent to the employee's supervisor requesting that the employee is removed from the approved driving list.

If an employee has a “NI” citation, which means no insurance, the employee is not approved to drive their personal vehicle on state business. The Agency Fleet Coordinator will request that the employee is removed from the approved driving list for personal vehicles.

E. Personal Vehicles

Employees who drive their personal vehicle on state business shall be required to show proof of insurance annually. The state will not reimburse employees for damages incurred to their personal vehicle while on state business. It will compensate the employee only for the amount of the owner’s comprehensive deductible insurance.

F. Driver’s Training

All new employees that are approved to drive a state or personal vehicle on state business must take the designated ORM driving class within ninety (90) days of hire and thereafter every three (3) years. The driving class may be taken online from the “LEO” employee information site or by attending a class from an agency-driving instructor. Copies of the certificate of completion for the course must be provided to the Agency Driving Coordinator.

Any authorized to drive employee that has received a conviction for a moving/accident violation is required to re-take the driver course within 90 days of the conviction date. The requirements for reporting moving/accident violations are listed below.

G. Contractors

The Department Head or his/her designee is allowed to deem contractors as authorized travelers for official state business only. An executed DA 2055 form is required, along with review of the driver’s official driving record (ODR) in advance of the authorized travel. The contractor does not have to take the online (LEO) driving class to be approved to drive vehicles on state official business.

REPORTABLE EVENTS (Applies regardless of whether occurring in a state or personal vehicle, while on duty or on personal time, and irrespective of fault, injury or damage)

- A. All traffic accidents, regardless of fault, injury or damage.
- B. All moving violations that result in a citation or arrest.
- C. Notification that the employee’s driver’s license is restricted, suspended, revoked or under threat of same for any reason, including but not limited to failure to meet insurance requirements, failure to pay traffic tickets and/or failure to pay court ordered child or spousal support.

- D. Diagnosis of any physical, mental or other medical condition which impair an employee's ability to safely operate a vehicle or which could result in suspension of driving privileges for any period of time (i.e., seizure disorder; sight impairment; immobility). This information will be reported to the OLG's and DCRT's Human Resources Office and handled with appropriate concern for confidentiality and in compliance with prevailing law.
- F. Use of medications which cause drowsiness or impair the ability to operate a motor vehicle.

REPORTING REQUIREMENTS

- A. All employees who drive on state related business (whether as an essential or marginal job function) must immediately report all vehicle accidents to his/her supervisor. This includes driving a state or personal vehicle on state business. Accidents occurring after normal business hours must be reported at the commencement of the next business day.
- B. A state vehicle accident report (DA 2041) form must be submitted within 48 hours to the ORM Claims Unit for all accidents in a state vehicle. A copy of this form will be placed inside the glove box of the vehicle. This form may be submitted without the official police report. The police report along with any other pertinent information may be submitted to ORM Claims Unit at a later date. Completed vehicle accident forms may be submitted via the following:

FAX# (225) 342-4470
E-Mail ORM-DA2041@la.gov

Proper documentation must be maintained to support this requirement.

- C. All accidents occurring in a state vehicle or in a personal vehicle while on state business must be immediately reported to law enforcement.
- D. All other Reportable Events as defined in this Policy must be reported to the employee's supervisor or the Agency Driving Coordinator before close of business on the day of the event or on the next business morning following the occurrence.

HIGH RISK DRIVERS

Applicants and employees who drive or may be required to drive on official business must maintain safe driving records. High-risk drivers will not be allowed to drive on OLG or DCRT business for a period of one-year from the date of high risk determination. High-risk drivers are:

- A. Individuals having a single conviction, guilty plea or plea of nolo contendere for operating a vehicle while intoxicated or under the influence of controlled

substances, hit and run driving, vehicular homicide or negligent homicide, or reckless driving within the twelve-month period immediately preceding the application for employment, check of driving record or latest conviction or plea;

- B. Individuals who have three or more convictions, guilty pleas or pleas of nolo contendere for moving violations within any twelve-month period. The twelve-month period is the twelve months immediately preceding the latest occurrence; and
- C. Individuals determined by the Safety Committee to be high risk drivers based upon information available from the employee, witnesses, records, reports and/or law enforcement officials following a reportable event as described above.

AUTOMATIC DISQUALIFICATION FROM DRIVING

If an event automatically disqualifies an employee from driving (for example, suspension or revocation of driver's license), the Agency Fleet Coordinator shall immediately inform the appointing authority, Department Safety Director and the Department Fleet Coordinator that the employee's driving privileges will be terminated.

VEHICLE SAFETY COMMITTEE

There shall be a Vehicle Safety Committee, (hereinafter Committee) formed to review driving occurrences such as accidents, traffic violations, traffic-related arrests and other vehicle safety issues. The Committee shall be comprised of the Agency Fleet Coordinator, the agency's Safety Coordinator, Department Fleet Coordinator and with the Department's Safety Officer serving as Chairman.

A. Preliminary Determinations

- 1. **A Reportable Event which may place employee in high-risk driver classification:**

Immediately upon learning of such a reportable event, the Committee shall jointly submit a recommendation to the appointing authority to temporarily suspend the employee's driving privilege.

- 2. **A Reportable Event which does not place employee in high-risk driver classification:**

Upon learning of a reportable event which does not place an employee within the high-risk driver classification, the Agency Fleet Coordinator will investigate and evaluate the event to determine whether referral to the Committee is required. Any such determination will be appropriately documented and reported to the Safety Officer and appointing authority for review.

3. The Safety Director will notify the Human Resources Director of any decision to temporarily suspend the driving privilege of an employee when such action impacts the employee's ability to perform routine job functions. Where possible, and in furtherance of the overall interests of the OLG and DCRT, the Human Resources Director, in conjunction with the appointing authority, may temporarily modify job duties or reassign the employee pending Committee proceedings and disposition.

B. Procedures

1. Upon learning of a reportable event which may place an employee within the high risk driver classification, the Safety Director will schedule a Committee meeting and inform the employee of the right to appear to answer questions and provide information pertinent to his/her maintaining the privilege of operating a vehicle on OLG and DCRT business.
2. The Agency Fleet Coordinator shall be responsible for investigating and gathering all information pertinent to the incident in question, including obtaining reports/citations and communicating with law enforcement authorities. The Agency Fleet Coordinator shall be responsible for presenting all information developed via this investigation to the Committee.
3. The employee's presentation to the Committee may include personal and witness testimony and any information deemed pertinent to explain, justify or mitigate his/her actions which have jeopardized the privilege of operating a vehicle on OLG and DCRT business.
4. All preliminary decisions by the Agency Driving Coordinator on reportable events which do not place an employee within the high-risk driver classification will be reviewed by the Committee to ensure consistency and compliance with this policy.
5. For all reportable events which place the employee in the high-risk driver classification, there shall be a presumption that the employee should not be allowed to operate a vehicle on departmental business.
6. The Committee, in rendering its decision, shall consider all pertinent facts, including the employee's evidence and defense of his/her actions, weather conditions, vehicle conditions, cause and description of the event, uncontrolled hazards, employee fault, driving history and severity of injury/property damage.
7. The Committee, upon review of all pertinent information, will render and forward its recommendation to the appointing authority. This recommendation shall include a comprehensive analysis of the facts and reasons for its recommendation.

VIOLATION OF POLICY

Since the primary purpose of this policy is to enhance employee and public safety, all failures to comply with the requirements of this policy will be viewed as serious safety violations. As such, any employee failing to comply with this policy will be subject to disciplinary action, including the possibility of termination from the classified service.

LOSS OF DRIVING PRIVILEGES

Any employee who is unable to perform the routine job functions of his/her position due to the temporary or permanent loss of driving privileges, whether by decision of the Appointing Authority or the Office of Motor Vehicles, may be removed from the classified service. Where possible, and in furtherance of the overall interests of the OLG and DCRT, job restructuring or employee reassignment to a position which does not require driving may be considered.

QUESTIONS

Questions regarding this policy should be addressed to the Human Resources Division.

Summary of Changes: Revised policy number (December 1, 2011); added prohibition regarding use of wireless telecommunication device while driving for state business in accordance with 7/1/12 ORM Driver Safety Program changes, added permissibility for contractors to be authorized drivers (December 13, 2012).