



SECTION:	Healthy, Safety and Security			POLICY #:	502
TITLE:	Driving on County Business			PROCEDURE #:	502-A
				ORDER #:	22-028
DEPT:	Business Services			DIVISION: Risk Management	
ADOPTED:	1/86	REVIEWED	03/22	REVISED:	03/22

PURPOSE: The purpose of this policy is to maximize the safety of drivers, passengers and the public when vehicles are driven on county business.

AUTHORITY: The Marion County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the county under ORS 203.010, 203.035, 203.111, and 203.230.

APPLICABILITY: This policy applies to all county elected officials, employees, and volunteers who drive county owned or personal vehicles on county business.

Should any provisions of this policy conflict with the vehicle operations standards for sworn law enforcement employees of the Marion County Sheriff’s Office, then the provisions of the Sheriff’s policies and procedures shall prevail.

GENERAL POLICY: It is the policy of Marion County that any person who drives a vehicle while performing county business is qualified to drive under Oregon motor vehicle laws and have a demonstrated ability to operate a motor vehicle in a safe and responsible manner.

Employees and volunteers are encouraged when practical, to consider alternatives to driving, such as carpooling, and phone or video conferencing. Drivers are also encouraged, when practical to use a fleet vehicle that provides the best fuel economy.

This policy applies to the operation of motor vehicles and is not intended to cover the operation of off-road equipment or machinery that does not require a driver license to operate.

DEFINITIONS:

1. **Acceptable Driving Record**- An individual's driving history that is within the acceptable range of points as listed in Appendix A
2. **County vehicle**- A vehicle that is owned or leased by Marion County.
3. **Discretionary driver**- An employee or volunteer whose job does not include driving as an essential job function, but chooses to drive on county business.
4. **Driving on county business**- Driving in a county or personal vehicle for any county sanctioned task performed within the scope of a driver's assigned duties, including, brief errands.
5. **Personal vehicle**- A vehicle not owned, leased, or maintained by Marion County.
6. **Qualified driver**- An employee or volunteer who meets the requirements to drive on Marion County Business according to this policy.
7. **Required driver**- An employee or volunteer whose job includes driving as an essential job function.
8. **Volunteer**- Any person who donates approved service to Marion County without pay or reimbursement from Marion County other than approved incidental expenses or stipend for services rendered.

POLICY GUIDELINES:

1. RESPONSIBILITIES

- 1.1. Department heads and elected officials are responsible for enforcing this policy and ensure that all operators of vehicles in their respective department have fulfilled the requirements of this policy.
- 1.2. Supervisors and managers will ensure that anyone who operates a vehicle on county business is notified of the requirements contained in this policy and corresponding procedures.
- 1.3. Marion County Risk Management is responsible for monitoring driving records of individuals who drive for county business.
- 1.4. Marion County Risk Management provides training resources for safe driving.
- 1.5. Drivers must comply with all applicable laws, parking regulations, and county policies and procedures.
- 1.6. A driver whose license has been suspended, revoked, or any other change that affects the person's driving status must immediately notify their supervisor.
- 1.7. Drivers are held responsible for all traffic citations, parking tickets, or fines incurred while driving on county business.

2. SAFETY

- 2.1. Oregon law requires all motor vehicle operators and passengers be properly secured with a safety belt or safety harness, child-restraining devices, or booster seats as required based on a child's weight, height, and age.
- 2.2. Consumption of alcoholic beverages or a controlled substance while operating a motor vehicle on county business is prohibited.
- 2.3. Drivers may not operate a motor vehicle while using medication that may impair their ability to safely operate a motor vehicle. Drivers taking such medications must notify their supervisors.
- 2.4. Making or receiving phone calls, sending, or receiving text messages, email or other similar activities are prohibited while operating a motor vehicle. This prohibition does not apply to operators of Marion County Sheriff's Office patrol vehicles that are equipped with mobile data systems. Marion County Sheriff's Office policy will apply.
- 2.5. Marion County discourages making or receiving phone calls when on a hands-free device, except in an emergency situation.
- 2.6. Marion County owned or leased vehicles will not be relinquished to a non-county driver except in the case of an emergency.
- 2.7. When exiting a vehicle, drivers are required to turn off the engine, remove the key and lock the vehicle.

3. QUALIFICATIONS FOR DRIVING ON COUNTY BUSINESS

- 3.1. To be considered a qualified driver, Marion County employees, and volunteers must:
 - 3.1.1. Be at least 18 years of age.
 - 3.1.2. Possess a valid Oregon driver's license.
 - 3.1.3. Maintain an acceptable driving record as determined using the weighted point system in Appendix A.
 - Both on and off-the-job traffic infractions are used in determining a driver's points.
 - 3.1.4. Employees who receive an unacceptable rating, based upon their driving record, are not qualified drivers and are not allowed to drive on county business.
- 3.2. Applicants for positions that include driving as an essential function:
 - 3.2.1. Be at least 18 years of age.
 - 3.2.2. Possess a valid driver's license
 - 3.2.3. Possess an acceptable driving record for the past 60 months.
 - Applicants with less than 60 months driving history must have at least 24 months driving history and 12 points or less based on the scoring system in Appendix A.
 - Driving records will be assessed during the background check process.
 - Applicants with an out-of-state license must provide, upon request, and at their own expense a certified copy of their out-of-state driving record.

- 3.2.4. Applicants found to have an invalid or unacceptable driving record will be removed from consideration for positions that require driving as an essential function.

4. COUNTY VEHICLES

- 4.1. Personal use of county vehicles is prohibited, except for incidental use as follows:
 - 4.1.1. Stops for meal or restroom breaks during business
 - 4.1.2. Short and infrequent stops of a personal nature that are in the route of travel for county business and are accomplished during a normal break.
- 4.2. The use of a county vehicle is prohibited in all instances where it could reasonably expose the county to the public perception of misuse or abuse of driving privileges. Such uses include but are not limited to stops at a liquor store, a bar or tavern, marijuana retailer, an adult bookstore, or a gambling establishment, unless the stop is required as part of the job assignment.
- 4.3. County vehicles are not allowed to be taken home overnight unless it is a job requirement.
- 4.4. Drivers are prohibited from modifying or altering county vehicles. County vehicles will not be modified for non-county business purposes.
 - 4.4.1. Marion County will not install Ignition Interlocking Devices (IID) on its vehicles or sign an Employer Ignition Interlock Device Exemption form. Therefore, for purposes of this policy, should any operator who is required to drive a Marion County vehicle receive a work permit or hardship license with an IID requirement, it shall be deemed invalid for the purposes of driving on Marion County business.

5. PERSONAL VEHICLES

- 5.1. Use of personal vehicles to conduct county business is permitted when authorized by a department head, elected official, or their designee. Departments must establish a process using Attachment A in Procedure 502-A to document that the authorization has been granted and that automobile liability insurance is in place to cover the vehicle.
- 5.2. A personal vehicle used for county business must be a mechanically safe conventional four-wheel, motor vehicle that is licensed to operate on public roadways. Vehicle equipment must conform to Oregon requirements.
- 5.3. Oregon law (ORS 860.010) requires all vehicle owners to carry valid and current automobile insurance on their vehicles. Use of personal vehicles for official county business in violation of the mandatory automobile insurance laws is considered a deliberate and willful disregard for statutory requirements. The Oregon Tort Claims Act allows the county to exclude coverage in such cases.
- 5.4. The employee's personal vehicle insurance is primary with respect to bodily injury and property damage when driving a personal vehicle. The county defends and investigates all claims or actions against the county, its employees or individuals driving on county business, unless the claim arises out of an alleged act or omission

occurring in the performance of county duties because of malfeasance in office, willful or deliberate neglect of duty and when all applicable underlying coverages have been exhausted by payment or settlement of judgments. The county's self-insurance applies only as excess to statutory limits for bodily injury and property damage, or the aggregate of all the other applicable insurance limits, whichever is greater.

- 5.5. Mileage reimbursement for use of personal vehicles is considered full payment (including depreciation, insurance, maintenance, and operating costs) for its use. Mileage reimbursement rates are established by the Marion County Finance Department and are based on the Internal Revenue Service (IRS) reimbursement rate.

6. ASSIGNMENT OF VEHICLES

- 6.1. Department heads, elected officials or their designee may assign county vehicles to designated employees only to conduct county business, and to maintain the ability to respond to county business outside the normal work hours when special equipment or tools are available in or on the vehicle. Use of county vehicles to commute to and from work, except as stated above, is prohibited. County vehicles may not be assigned to drivers who are not county employees.
- 6.2. County employees who are assigned a county vehicle may use the vehicle with prior approval of their supervisor during regular duty hours for medical appointments and meals when the employee is on call and may need to leave an appointment or meal to respond to a work assignment.
- 6.3. County employees may not lend county vehicles to other persons, and county employees may not carry passengers except on county business.
- 6.4. Vehicle assignments may be withdrawn at any time for any reason, including but not limited to the following:
 - 6.4.1. Violation of this policy
 - 6.4.2. Failure to meet the driver qualifications
 - 6.4.3. Operating county vehicle in violation of the law
 - 6.4.4. Conduct in connection with use of the county vehicle that is not in the best interest of Marion County, or
 - 6.4.5. Use of county vehicle no longer benefits Marion County.
- 6.5. County departments must prepare a written annual report identifying which employees are authorized to use county vehicles for commuting. This report must be submitted to the payroll supervisor in the Finance Department on or before July 1st of each year. Employees who are authorized to use county owned vehicles for commuting may be responsible for paying income tax on the personal use of the vehicle.

7. OUT OF STATE TRAVEL

- 7.1. Using a county vehicle for out-of-state travel is prohibited except in the following situations with prior approval by Marion County's Risk Manager:
- 7.1.1. Patrol cars engaged in a pursuit (prior notification not required)
 - 7.1.2. Marked vehicles attending a ceremonial event
 - 7.1.3. Vehicles used for the transfer of persons in custody
 - 7.1.4. Road maintenance equipment as part of a mutual aid agreement
 - 7.1.5. When specialized repair or maintenance is required at an out-of-state location, or
 - 7.1.6. Distance traveled out of state is less than 100 miles one way and does not involve an overnight stay.

8. RIDE-A-LONG PROGRAM

Subject to prior authorization from a department head, elected official or their designee; Ride-A-Long or job shadowing programs involve non-employees accompanying an employee in a county or personal vehicle while the employee conducts county business. Non-employees may include family members as well as members of the public.

9. PASSENGERS

Only authorized passengers are allowed to ride in county vehicles. Authorized passengers are:

- 9.1. County employees conducting county business
- 9.2. Officers and agents representing the county
- 9.3. Volunteers acting on behalf of the county
- 9.4. Vendors and contractors working on behalf of the county
- 9.5. Participants or clients in county business and programs
- 9.6. Representatives of other governmental agencies working with the county
- 9.7. Anyone with prior specific authorization by the appropriate department head, elected Official or designee
- 9.8. Ride-A-Long participants who have completed the required ride-along application.

10. ANIMALS

Transportation of animals is prohibited except for the following:

- 10.1. Live animals are permitted to be transported in sheriff's office vehicles as necessary during the conduct of business.
- 10.2. Animals are permitted to be transported in animal control vehicles in specialized containment structures.
- 10.3. Deceased animals are permitted to be transported in vans, trucks, and trailers for the purpose of disposal of animal remains consistent with established county standards.
- 10.4. Service dogs are permitted as part of an approved accommodation under the Americans with Disabilities Act.

11. VIOLATION OF POLICY

Violating the driving policy or misconduct involving the use of a motor vehicle may be grounds for disciplinary action up to and including termination.

12. PERIODIC REVIEW

Marion County Business Services will review and update this policy and corresponding procedures every three years or more frequently if necessary.

ATTACHMENTS

Appendix A: Driver Qualification Point System

Adopted: 1/86
Revised: 1/96
6/11
8/13
3/22

Appendix A

Driver Qualification Point System

TYPE OF OFFENSE	POINTS
<i>Felony or Misdemeanor</i>	
Convictions within previous 60 months	35
<i>Diversion Agreement</i>	
Within previous 60 months of the ending date of the diversion agreement	30
<i>License Suspension or Revocation</i>	
Within previous 60 months of the ending date of the suspension or revocation	15
<i>Class "A" Conviction</i>	
Convictions within previous 36 months of date of conviction	20
Convictions within previous 36-60 months of date of conviction	15
<i>Class "B" Conviction</i>	
Convictions within previous 12 months of date of conviction	12
Convictions within previous 12-36 months of date of conviction	10
<i>Class "C" Conviction</i>	
Convictions within previous 12 months of date of conviction	10
Convictions within previous 12-36 months of date of conviction	8
<i>Class "D" Conviction</i>	
Convictions within previous 12 months of date of conviction	8
Convictions within previous 12-36 months of date of conviction	6

Point totals for applicants and new volunteers for driving positions may not exceed 35.

Point totals for current employees:

0 - 35: Acceptable

36 - 45: Probationary- may continue to drive following required tasks listed in procedures

46 and Over: Unacceptable

EXAMPLES OF VIOLATIONS LISTED BY CLASSIFICATION

1. CLASS "A" VIOLATION

- 1.1. Failure to obey a traffic flagger
- 1.2. Driving while suspended (violation)
- 1.3. Careless driving (accident involved)
- 1.4. Speed racing
- 1.5. Speeding (30+ MPH over posted limit)
- 1.6. Failure to stop for a school bus

2. CLASS "B" VIOLATION

- 2.1. Passing in a no pass zone
- 2.2. Failure to drive on right side of the road
- 2.3. No operator's license

- 2.4. Careless driving (no accident involved)
- 2.5. Failure to obey a traffic control device
- 2.6. Speeding (21-30 MPH over posted limit)
- 2.7. Driving uninsured

3. CLASS “C” VIOLATION

- 3.1. Failure to use traction devices
- 3.2. Defective headlights
- 3.3. Illegal U-turn
- 3.4. Failure to yield to pedestrian in crosswalk
- 3.5. Speeding (11-20 MPH over the limit)

4. CLASS “D” VIOLATION

- 4.1. Impeding the flow of traffic
- 4.2. Failure to signal lane change
- 4.3. Failure to display license plates
- 4.4. Speeding (1-10 MPH over the limit)
- 4.5. Failure to use safety belts
- 4.6. Failure to change information on driver’s license

5. Notwithstanding the violations listed above, Oregon law provides that if the speed limit is 65 miles per hour and:

- 5.1.1. The driver is exceeding 65 miles per hour but not exceeding 75 miles per hour, the offense is a Class “C” traffic violation.
- 5.1.2. The driver is exceeding 75 miles per hour but not exceeding 85 miles per hour, the offense is a Class B traffic violation.
- 5.1.3. The driver is exceeding 85 miles per hour, the offense is a Class A traffic violation.