



CITY OF HOLYOKE, MASSACHUSETTS

City Owned Vehicle Use and Driving Policy

Updated July 2022



The City of Holyoke seeks to safeguard its employees and others when driving a motor vehicle is required while conducting City business.

Following a conditional offer of employment, a driving and motor vehicle record check will be conducted on all final job candidates for whom driving a motor vehicle is an essential job function. Thereafter, checks will be run annually for these employees. Motor vehicle record checks will also be conducted on employees who will be covered by the city's insurance for their personal vehicles or rental vehicles during City business.

VEHICLE USES

The City of Holyoke has certain positions that require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles should be viewed as belonging to the citizens of Holyoke and are assigned solely for purposes consistent with providing services to those citizens.

PROCEDURES

Take-Home Vehicles: For an employee to be authorized for the take-home use of a City-owned vehicle, the employee must possess a valid Massachusetts' driver's license, maintain a safe driving history, and meet one of the following examples:

Example 1: The employee is:

1. Required to make frequent after-hours emergency callback or other unscheduled work, and
2. Such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and
3. A specialized vehicle, tools, or equipment are required for the performance of emergency duties.

Example 2: The employee is:

1. Subject to frequent after-hours callback, and
2. Such callback arrangements are to locations other than the employee's normal duty station.
3. A special vehicle, tools or equipment are required to perform after-hours assignments,
4. An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

Assignments are not permanent. When priorities or circumstances have changed, vehicles will be reassigned. All Take-Home Vehicle assignments must be reviewed and evaluated by the Department Heads and Personnel Director annually beginning July 1st. The following conditions should be considered:

- a. Requirements of the job
- b. Productivity
- c. Availability of City vehicles
- d. Cost to the City



EMPLOYEE DRIVING RECORDS

Employees in the course of their employment will be subject to an annual driving record check, through the Massachusetts Registry of Motor Vehicles. This is necessary for the City to appropriately identify potential risk of liability. Employees are required to advise their supervisor of a change in licensure status and moving violations.

A copy of the operator's Massachusetts driving record shall be obtained by the Personnel Department to remit to the insurance company to verify the historical driving record of the operator.

If the operator has an out of state license, then the operator must provide, upon request, a copy of their current state driving record to the Finance Director.

Driving records determined to be a safety concern by the Insurance Company, may result in the disapproval of an employee's vehicle use in the course of employment, after consultation with the appropriate Department Head.

ASSIGNMENT OF MUNICIPAL VEHICLES

The assignment of Municipal Vehicles for 24-hour use will be made by the Department Head and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved position description provided by the Department Head. The following criteria will be used in the determination of eligibility for 24-hour vehicle use:

Bona-fide non-compensatory reason that requires commuting in the municipal vehicle;
Officially designated 24 hour on-call status;
Requirement for frequent emergency availability during non-working hours;
Issuance of an on-call phone or other communication device; and/or,
Emergency or other equipment contained in the vehicle.

Municipal Vehicle assignments may be rescinded in writing at the sole discretion of the Personnel Director or Department Head.

RULES AND RESPONSIBILITIES

Employees who drive a Municipal Vehicle are responsible for, but not limited to, the following:

- Municipal Vehicles may only be used for legitimate municipal business unless otherwise specified through a job description or separate agreement (i.e. Police & Fire Officials).
- Municipal Vehicles may not be used when conducting Union business.
- Operators should exercise sound judgment at all times when using assigned Municipal Vehicles and should avoid the appearance of misuse.
- The Massachusetts Ethics Code discusses unwarranted privileges. Using public equipment or



resources for personal use constitutes use of an official position to obtain an unwarranted privilege not similarly available to others. Misuse of an assigned Municipal Vehicle is an ethics violation.

- Municipal Vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to City employees and individuals who are directly associated with City work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in Municipal Vehicles unless otherwise specified through a job description or separate agreement. Police Officers transporting individuals in the performance of their normal job duties are exempt from this provision.
- Municipal Vehicles shall contain only those items for which the vehicle is assigned.
- The City shall not be liable for the loss or damage of any personal property transported in the Municipal Vehicle or for any personal property while using their Personal Vehicle for work related travel.
- Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed routine maintenance repairs or other vehicle problems to their supervisors immediately.
- Employees assigned Municipal Vehicles for commuting and lawful purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.
- Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a Municipal Vehicle wear seat belts at all times if the Municipal Vehicle is so equipped.
- All operators of vehicles that require a CDL must have a medical card with them and will be tested for drugs and alcohol as provided by US DOT regulations and the City's drug/alcohol policy.
- Employees may not operate Municipal Vehicles under the influence of alcohol, illegal drugs, or any controlled substances.
- Employees are prohibited from possessing alcoholic containers, illegal drugs, or controlled substances in a Municipal Vehicle or in a Personal Vehicle being used for work related travel.
- Employees operating a Municipal Vehicle must maintain a valid motor vehicle driver's license issued by the Commonwealth of Massachusetts or the state of their current residence, which must be provided upon request by a Supervisor during a specific or annual license check.
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work-related travel, shall operate responsibly and obey all applicable traffic and parking regulations, ordinances, and laws.
- Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a Personal Vehicle on work related travel, will be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the Mayor.
- Employees who are issued citations for any offense while operating or using a Municipal Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of a citation.
- An employee who is assigned a Municipal Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in his or her Personal Vehicle or in a Municipal Vehicle, must notify his or her Supervisor immediately when practicable, but in no case later than 24 hours after such



arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges.

- No employee may use a Municipal Vehicle for out of state use without advance approval of the Mayor.
- When utilizing a Municipal Vehicle, employees are required to obtain fuel from the designated municipal fueling facility.
- Smoking is not permitted in a Municipal Vehicle in accordance with M.G.L. c270 s22. Those utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle.
- Animals or domesticated pets are not allowed in municipal vehicles. Prior authorization must be obtained for service animals.

PROHIBITION ON FIREARMS AND WEAPONS

Employees are prohibited from carrying or displaying a firearm or weapon(s) while operating a Municipal Vehicle or in a Personal Vehicle which is used for City business. Dangerous weapons are defined as any instrument so designed, constructed, or used as to be likely to cause death or great bodily injury and any instrument designed, constructed, or used to mimic the appearance of a dangerous weapon. The possession of a valid License to Carry Firearms, Firearm Identification Card or Federal Firearms License does not supersede this prohibition. Any other object that may be construed to be a dangerous weapon as defined under MGL c.269-10 or items possessed with the expressed intent to harass or injure other are likewise prohibited.

Exceptions: Police Officers who are required to carry prohibited items in performing their normal job duties are exempt from applicable provisions.

CELLULAR PHONES AND HANDHELD ELECTRONIC DEVICES

Talking on a cellular mobile device while driving is prohibited, unless otherwise permitted for Public Safety officials as provided by specific public safety guidelines. Sending text, e-mail, or other electronic messages is prohibited while operating a motor vehicle under G. L. c. 90 s. 138.

ACCIDENT PROCEDURES

Regardless of the situation, the following procedure **MUST** be followed in the event of an accident while in a City owned vehicle or a Personal Vehicle which is used for City business:

1. Immediate notification of the proper law enforcement agency for accident investigation and report. Employees should take pictures of the accident site to document the type and extent of damage to all vehicles involved, as may be possible and prudent.
2. Immediate notification of the employee's supervisor or department head.
3. Prepare a City Vehicle Accident report (see attachment B). This report along with one copy of the law enforcement report should be submitted to the designated staff member in your department.
4. If necessary, an injury report must be completed and submitted to the Personnel Department as soon as possible to file a workers' compensation claim within 24 hours of the accident, unless otherwise stated in your collective bargaining agreement.
5. Securing accident repair estimates and approval of actual repair work is the responsibility of



the employee's department with assistance from the Finance Department.

6. Post-Accident Substance Abuse Testing: In accordance with the Employees Collective Bargaining Agreement (CBA) and/or City's Substance Abuse Policy, an employee who is involved in an accident or incident, in which there is, or reasonably could have been personal injury or property damage will be considered for testing. Not every incident or injury may result in a test. Reasonable determination that action or inaction of the employee contributed to the incident or accident shall be made prior to a request for testing.
7. Commercial Drivers "CDL" carriers are responsible to follow DOT regulations with regard to testing policies and procedures

This policy is intended to provide a basic framework governing the use of Municipal Vehicles in the City **or a Personal Vehicle while conducting City business** and as such cannot contain procedures governing every situation that might arise. Employees seeking clarification of this policy should contact their supervisor or the Personnel Department.

Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including suspension or removal of Municipal vehicle privileges, suspension and/or termination of employment.



City of Holyoke Vehicle Use and Driving Policy (Attachment A) -- Acknowledgement of Receipt

I, _____ (print name) hereby acknowledge that I have received, read, understand, and agree to abide by the City's *Vehicle Use and Driving Policy*.

If assigned a Municipal Vehicle and /or use a Personal Vehicle for work-related travel, I shall comply with the respective provisions of the policy or those portions of the policy not specifically regulated by law or collective bargaining agreement or individual agreement/contract.

In addition, I authorize the Personnel Director to obtain or shall provide to the Personnel Director (out of state residents), on an annual basis for Municipal Vehicle usage or on a case by case basis for Personal Vehicle usage, and at no cost to me, a copy of my driving record, which shall only be used in determining my safety record, enabling me to be assigned and/or operate a Municipal Vehicle or to use my Personal Vehicle for work related travel, should the need be required. In consultation with the appropriate Department Head, the Personnel Director shall make such a determination.

By signing below, the employee acknowledges that they currently holds a valid driver's license and that they will have a valid driver's license in their possession at all times while operating the vehicle. The employee agrees that, as a condition of the use of the vehicle, the City may conduct a regular check of their driving record, annually at minimum. The employee agrees they will not drive the vehicle at any time without a valid driver's license and if their driving record status changes, they will notify their supervisor and the City of Holyoke Personnel Department immediately.

Once signed, this form will be placed in the employee's personnel file by the Personnel Director for records purposes.

Employee Signature: _____ Date: _____



City of Holyoke Vehicle Use and Driving Policy (Attachment B) – Vehicle Accident Report & Commonwealth of Massachusetts Motor Vehicle Crash Operator Report

Complete only those sections that apply to you. Report should be completed and turned in on the same day as the accident. EMPLOYEE: Complete and turn in to supervisor immediately.

1. Name: _____ Department _____

2. Date & Time of Accident: _____

3. Vehicle # or License Plate: _____

4. Location of Accident (Street, City): _____

5. Number of Persons Injured and Extent of Injury: _____

6. Description of accident (State in detail what occurred just before, and at the time of the accident):

7. Describe any unsafe conditions (faulty brakes, lights, etc.) that contributed to the accident:

Print Name: _____

I certify that to the best of my knowledge the information stated above is truthful.

Employee Signature

Date



City of Holyoke Vehicle Use and Driving Policy (Attachment C) – Vehicle Accident Report & Commonwealth of Massachusetts Motor Vehicle Crash Operator Report

EMPLOYEE: Complete and turn into Supervisor.
Attach a copy of the Police Report and/or EMS Report if called.

Current Status of Injured:

Extent of damage to vehicle(s) or property:

Action taken to prevent future accidents:

Disciplinary Action (if any):

Supervisor Name / Date



City of Holyoke Vehicle Use and Driving Policy (Attachment D) – Vehicle Assignment Agreement

The undersigned hereby acknowledges receipt of a company-owned or leased automobile. I understand this vehicle is to be regularly maintained and serviced, according to the service schedule outlined in the Owner's Manual or the instructions issued by the Personnel Director, whichever is appropriate.

Further, it is agreed this vehicle will be operated in a safe manner. I agree to wear my seat belt whenever the vehicle is in motion and will require other occupants to do so. I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me.

I understand the articles of this agreement apply regardless of who is operating this vehicle. I may authorize others to drive this vehicle according to the following guidelines:

- Licensed employees of the *City of Holyoke* or its subsidiaries or affiliates.
- Other licensed drivers as I so designate in emergency situations only.

I agree to promptly report all accidents or incidents resulting in injury or damage to the vehicle or other property, no matter how slight. I understand and agree that I may be tested, in accordance with the City's Substance Abuse Policy in the event that I have been in an accident with a City Owned Vehicle or using my own vehicle for city business.

I understand I am required to maintain a valid driver's license. Further, I herewith grant the *City of Holyoke* the right to investigate my motor vehicle driving record any time. My current driver's license is issued from the State of _____ and my license # is _____.

If my driving record contains two moving violations within a one-year period, my record will be brought up before the Mayor or his designee for consideration of remedial training and/or loss of driving privileges.

I understand I am not to modify the vehicle in any way without written permission. This specifically applies to the installation of cellular telephones, radios, CBs, speakers, etc. Further, trailer hitches and towing trailers are specifically prohibited. Further, I will not take this vehicle out of state without written permission from the Personnel Director.

I understand the operation of this vehicle in a safe operating condition is my responsibility. If this vehicle becomes unsafe, it is my responsibility to notify my supervisor immediately.

I have read and agree to the provisions of this Vehicle Assignment Agreement and the requirements of the Motor Vehicle Safety Program.

PRINTED NAME

DATE

SIGNATURE

VEHICLE ASSIGNED:	VIN NUMBER:
PLATE NUMBER:	MILEAGE: