# Policy 0504

## From Human Resources

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(diff) ←Older revision | Current revision (diff) | Newer revision→ (diff)

| PERSONNEL POLICY MANUAL |
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| **MoDOT Personnel Policy Title**: Vehicle Usage and Liability<br>**Policy Number**: 0504 **Chapter Title**: Employment<br>**Effective Date**: September 1, 2010<br>**Supersedes Policy Number** 0504 **Dated** July 1, 2009 |
| **Approved By**: Micki Knudsen, Human Resources Director<br>(Signature on file) |

## Contents


- 1 POLICY STATEMENT
- 2 DEFINITIONS
- 3 ACCOUNTABILITY / RESPONSIBILITY
- 4 PROVISIONS / REQUIREMENTS
- 5 CROSS REFERENCES


## POLICY STATEMENT

This personnel policy outlines the usage, and liability arising under such usage, of Missouri Department of Transportation (MoDOT)-owned, rented, and leased vehicles in accordance with state statutes as well as the use of personal vehicles operated while on Missouri Highways and Transportation Commission (MHTC) and/or MoDOT business. MoDOT vehicles must be used for official department business only. While in possession of a MoDOT vehicle, other reasonable use is allowed as described in Personnel Policy 2500, "Standard Rules of Conduct." Violation of this policy, or paragraph 19 of Personnel Policy 2500, may lead to disciplinary action up to and including termination.

## DEFINITIONS

Official Department Business: Any activity directly related to an employee's or other authorized user's performance of their duties.

Department Vehicles: Vehicles owned, rented, or leased by the department, which include automobiles, trucks, airplanes, boats, self-propelled and non-self-propelled equipment, and attachments when in use.

Permanently Assigned Vehicle: A vehicle dedicated to a single job function or individual based on travel needs.

Pool Vehicle: A general use vehicles available to multiple individuals for temporary assignment(s).

Attachment: An item or implement that is towed, pushed, or otherwise attached to a vehicle.

## ACCOUNTABILITY / RESPONSIBILITY

1. It is the responsibility of an employee's immediate supervisor to authorize the use of department vehicles, or the use of rented, leased, or personal vehicles for official department business.

2. Each supervisor who authorizes the use of a department vehicle, or a rented, leased, or personal vehicle for official department business, is responsible for providing the employee with a copy of the MoDOT "Guide for Drivers on MoDOT Business" to read prior to vehicle usage. This guide can be found by clicking on the link http://wwwi/intranet/gs/travel-services/ and then clicking on "Driver's Guide."

3. It is the responsibility of each district/division/office to instruct employees on the reporting procedures and requirements of the self-insurance program. These reports and procedures are outlined in the Risk and Benefits Management Manual, Volume 1, Claims Administration, Procedure 4, Fleet Vehicle Liability Self Insurance Program.

4. While operating department vehicles or personal vehicles for official department business, employees and other authorized users must adhere to all safety and traffic policies, rules, laws, and regulations.

5. An employee must immediately report to his or her supervisor any traffic ticket received while operating a department vehicle or personal vehicle used while on official department business. The supervisor must immediately report this traffic ticket to Risk and Benefits Management and Human Resources. An employee must cooperate with Risk and Benefits Management, Human Resources, and the Chief Counsel's Office in the disposition of a ticket. Pleading guilty to a charge which is contrary to the facts and the direct result of such plea is a judgment against MHTC may result in disciplinary action, up to and including termination.

## PROVISIONS / REQUIREMENTS

1. MoDOT Vehicles

A. Department vehicles may be used for official department business by any individual who is properly authorized to use these vehicles. While operating department vehicles, employees and other authorized users must follow the procedures identified in Personnel Policy 2500, "Standard Rules of Conduct," paragraph 19.

B. MoDOT self-insures to provide liability coverage for employees of MoDOT and MHTC, and MHTC members. Personal property in department vehicles is not insured for loss or damage by the state.

C. "Non-employees" are individuals who are not employed by MoDOT or MHTC, are not a member of MHTC and are not employees of other Missouri state agencies. Non-employees will not be authorized to operate department vehicles. Non-employees may be passengers in department vehicles connected with official department business if the employee driver obtains authorization for such non-employee passenger travel from the employee driver's immediate supervisor. Such authorization is not necessary if the driver of the department vehicle is a commissioner, a member of the director's staff, a district engineer, or a division leader/state engineer. Non-employee passengers are prohibited in department vehicles if they are traveling for non-official department business unless written authorization for such travel has been requested from, and granted by one of the following: chief financial officer, director of program delivery, or director of system management.

D. An employee is not required to carry insurance known as collision or "upset" coverage to pay for damage to department vehicles operated by a MoDOT/MHTC employee.

E. No animals are allowed in any department vehicle or equipment unless they are transported in the conduct of state business or are required by a driver's or passenger's disability.

F. All use of any form of tobacco products shall be prohibited while inside any pool vehicle.

G. Certified Ignition Interlock Devices are prohibited from being installed on department vehicles. Refer to Personnel Policy 2509, "Driving Privileges," for information regarding employee driver's license requirements.

2. Pool Vehicles

A. With the approval of his/her immediate supervisor, and if it is a benefit to the department, an employee who has been authorized the use of a pool vehicle may drive the vehicle to and from his or her personal residence prior to or after conducting official department business.

3. Commuting In Department Vehicles

A. To facilitate official department business, an employee may temporarily or permanently be assigned a vehicle for commute use as provided for in this paragraph. The MoDOT director, a business unit leader, a district engineer, a division leader/state engineer, or an office/unit director may give an employee the written authority to drive the vehicle to and from the employee's personal residence under the conditions listed below:

1) The employee is expected to respond to emergency situations on a 24-hour basis requiring the use of a vehicle, such as those employees identified as First Responders in an Incident Management Plan, as required in the Operations Manual.

2) The employee is on a delayed transfer (refer to Personnel Policy 2000, "Relocation Assistance") and has the need of temporary use of a vehicle; or

3) It is determined there is a compelling benefit to the state and the manager giving approval also documents in writing that he/she supports and approves the assignment. A compelling benefit might be (but is not limited to) one of the following:

a. Responding to a situation that threatens the traveling public such as a failure of an infrastructure and making sure the department has resources where they need to be;

b. Accident prevention such as evaluating work zones and observing roadway conditions;

c. Being able to support and perform field operations efficiently or completing work as part of the employee's expected job duties; or

d. The vehicle is assigned to an employee who works from his/her home;

Only the MoDOT director or MHTC may approve assignment or special use of department vehicles for reasons other than those stated in 1), 2), and 3) above.

B. The Internal Revenue Service (IRS) considers an employer-provided vehicle for use in commuting to and from work to be a taxable fringe benefit. Employees are responsible for reporting the value of this fringe benefit to MoDOT. Refer to the Financial Policy "Vehicle Commute Benefit" by clicking on http://financialpp.gh.modot.local/index.php/Vehicle Commute Policy. It is advisable to contact the Controller's Division or District Business and Benefits Services to discuss what constitutes a commute and what does not. Generally, travel between a work site and a personal residence constitutes a commute.

C. Every January, each district engineer, division leader/state engineer, and office/unit director is required to submit to the general services director a report listing the employees in their respective areas who have been, or will be, assigned a permanent vehicle during the coming year.

4. Rented / Leased Vehicles

A. Authorization from an employee's immediate supervisor is required for employees of MoDOT/MHTC to rent or lease vehicles for official department business.

B. Actual costs incurred for the rental/lease will be reimbursed by MoDOT when the MoDOT/MHTC employee provides copies of the rental/lease agreement and receipt for payment.

5. Personal Vehicles

A. Employees may be allowed to use their personal vehicle, when authorized, to conduct official department business as an alternative to using a department vehicle, and will be reimbursed for the expense in accordance with the Financial Policy "Expense Report Policy." Written authorization or approval shall first be obtained from the employee's immediate supervisor before an employee uses his/her personal vehicle.

B. Employees whose job duties require frequent use of a department vehicle in order to perform their job functions will not be permitted to use their personal vehicle in lieu of a department vehicle due to losing their driving privileges or due to restrictions on their driving privileges (e.g. requirement to have a certified ignition interlock device).

C. Personal vehicles may not be attached to a department vehicle.

6. Excess Liability Coverage for Use of Personal Vehicles

A. When a commissioner or employee uses a personal vehicle for official department business, other valid insurance, including the commissioner's or employee's personal liability insurance, is the primary coverage for any damages or sums they may become legally obligated to pay arising out of their authorized use of such vehicles.

B. Commissioners and employees are encouraged to consult with their insurance carrier regarding liability coverage while operating their personal vehicle on official department business. Pertinent questions might include whether occasional business use is covered under their existing policy and if a policy rider is necessary.

C. Any coverage by MoDOT or MHTC is secondary or excess coverage only after applying the primary insurance noted in A above.

7. Vehicular Accidents

A. An employee must immediately report any accident to his/her super-visor in which a department vehicle is involved. This responsibility rests with the employee who is operating or is responsible for the vehicle. If using his/her personal vehicle for official department business, an employee should immediately report any accident to his/her insurance carrier, their immediate supervisor, MoDOT's Risk and Benefits Management Division, and Human Resources. Supervisors must follow the reporting and claim procedures of the Risk and Benefits Management Manual. Accident procedures are provided in each department vehicle and should be followed by an employee involved in an accident. General Services will ensure this procedural information is provided in each department vehicle.

B. When an accident involving a vehicle occurs, employees are instructed to give interested parties only their name, address, and the address and phone number of Risk and Benefits Management Division. Employees are not to sign any "releases" at the time of this accident. Any court summons served on an employee involving any such accident must be forwarded immediately to the Chief Counsel's Office with a copy to the Risk and Benefits Management Division.

## CROSS REFERENCES

Personnel Policy 2000, "Relocation Assistance"

Personnel Policy 2500, "Standard Rules of Conduct"

Personnel Policy 2509, "Driving Privileges"

Financial Policies and Procedures, Expense Report Policy (http://financialpp.gh.modot.local/index.php/Category:Expenses_and_Reimbursements)

Financial Policy "Vehicle Commute Benefit" (http://financialpp.gh.modot.local/index.php/Payroll_Benefits_and_Deductions#Vehicle_Commute_Benefit)

Guide for Drivers on MoDOT Business (http://wwwi.gh.modot.local/intranet/gs/travel-services/documents/08DriversGuide.pdf)

Incident Management Plan/Operations Manual (http://wwwi/intranet/tr/irp/default.htm)

Risk Management Manual (http://lnapp1/RI/RIManual.NSF)

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