



Yolo County Housing

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DATE: December 3, 2009

TO: YCH Board of Commissioners

FROM: Lisa A. Baker, Executive Director

PREPARED BY: Janis R. Holt, Resource Administrator

SUBJECT: **Review, Approve and Adopt the Yolo County Housing Driver Selection and Vehicle Use Guidelines**

Agenda Item No. 3.01

RECOMMENDED ACTION

The Board of Commissioners Review and Approve the Proposed YCH Driver Selection and Vehicle Use Guidelines.

BACKGROUND / DISCUSSION

CHWCA (California Housing Workers' Compensation Authority) and HAIG (Housing Authority Insurance Group) recommend that insured public housing agencies adopt driver selection and vehicle use guidelines to reduce risk to employees and to the agency. Although YCH follows these guidelines in its daily operations, it will be beneficial to staff and to the Agency to have written procedures implemented and available for reference.

The YCH Driver Selection and Vehicle Use Guidelines establish a program that addresses:

- Driver selection processes and license requirements verifying prospective and current employees' insurability;
- Enrollment requirements in the California DMV Employer Pull Notice Program;
- Definitions of excluded employees who would be deemed uninsurable due to their driving record;
- Specifications of approved YCH-owned vehicle use;
- Insurance and driving requirements of personal vehicles used for YCH business;
- Accident reporting procedures for YCH-owned vehicles or employee-owned vehicles operated on behalf of YCH;
- Driver responsibilities while operating a vehicle for the safety of the driver, passengers, and YCH property.

In particular, the draft policy will:

- Allow employees who are on stand-by and required to be available for emergency maintenance to drive YCH vehicles home and leave them parked until needed call-out. This will reduce the costs associated with retrieving their vehicle; staff time from home to work to home on each call out. It will also allow staff to respond to emergencies in a timelier manner. This only applies when the staff person is scheduled for emergency on-call duty and only during those hours associated with that duty.
- Define the requirements of an "authorized driver" including maintaining an insurable driving record, familiarity with the assigned vehicles, participation in defensive driving courses, and fitness to drive.
- Work in coordination with the previously adopted YCH Distracted Driver Policy to provide comprehensive guidance to YCH staff.

The adoption of the Driver Selection and Vehicle Use Guidelines will provide staff with a reference that will enhance their safety and reduce risk while meeting the recommendations of YCH insurers.

FISCAL IMPACT

None.

CONCLUSION

Staff recommends approval of the Yolo County Housing Driver Selection and Vehicle Use Guidelines

Attachment: Yolo County Housing Driver Selection and Vehicle Use Guidelines



YOLO COUNTY HOUSING

DRIVER SELECTION AND VEHICLE USE GUIDELINES

I. PURPOSE AND SCOPE

Yolo County Housing (YCH), in its mission to operate its vehicles safely for the protection of all with whom it shares the road, has developed this program. The program reflects currently accepted best practices for the selection and management of drivers operating any vehicle on behalf of YCH. These best practices have proven effective in controlling misuse of vehicles and poor driving practices which lead to accidents. This policy applies to all employees who may operate any YCH vehicle or their own personal vehicle on behalf of YCH, including leased or rented vehicles.

II. DEFINITIONS

- A. Authorized Driver: Authorized drivers are those employees that have been identified, by verification of their driving record through the Department of Motor Vehicles, as 1) having an acceptable driving record in accordance with those set forth in this policy; 2) received approval to drive YCH fleet vehicles from the driver's manager or supervisor, and 3) have met any other requirements as set forth by YCH.
- B. Motor Vehicle Report (MVR): A report by the State of California, Department of Motor Vehicles. It details the driving record, by individual names and driver license numbers, for each request submitted, and indicates the status of the applicable driver's licenses.
- C. Major Violations: Major violations shall include, but are not limited to the following:

1. Driving under the influence of alcohol or drugs. This would include prescription drugs that have the warning that operating machinery or a motor vehicle while using this drug is not safe.
2. Failure to report an accident
3. Making a false accident report
4. Vehicular homicide or manslaughter
5. Attempting to elude a police officer
6. Driving while license is suspended or revoked
7. Reckless driving, racing or speed contest
8. Speeding at 25 mph or more over the posted speed limit.
9. Hit and Run

D. Minor Violations: Minor Violations shall include any moving traffic violation other than a major violation. Examples include, but are not limited to the following:

1. Speeding (less than 25 mph over the posted speed limit)
2. Running a stop sign or red light
3. Improper turn
4. Passing across a double yellow line
5. Failure to yield
6. Following too close

E. At-Fault Accidents: An accident arising out of the use of a motor vehicle due to the negligence or willful misconduct of the operator, or any other accident where reasonable assurance of non-fault cannot be furnished.

F. Violation: An act involving the unsafe operation of a motor vehicle. Types of violations include:

- Civil - A written allegation by a law enforcement officer claiming a person violated a law, such as a traffic ticket.
- Infraction – A violation punishable by a fine or other penalty, but not by incarceration.
- Misdemeanor – A violation punishable by imprisonment in a county jail, by fine, or by both.
- Felony – A crime which is punishable with death or by imprisonment in the state prison. Under certain conditions a felony crime can be treated as a misdemeanor.

G. Conviction: A conviction includes (1) a finding of guilty by a court or other tribunal as to any charged vehicular offense, (2) a plea of guilty or no contest (nolo contendere) to such an offense, or (3) a bail forfeiture without entry of a formal plea.

III. CONDITION OF EMPLOYMENT

It is the policy of YCH that a driving record which meets the agency's standard is a condition of employment for employees who may drive a vehicle, the agency's or their own, on behalf of YCH. Maintenance of this driving record is a consideration for continued employment for those employees who are required to drive as part of their regularly assigned duties as YCH employees.

The requirement for a valid driver's license and acceptable driving record is listed on each employee classification job description.

Drivers of vehicles on YCH business shall be required to meet the following criteria:

A. Driver License Requirements

1. Authorized drivers must have a valid license for the class of vehicle being operated. If the vehicle requires a commercial driver license (CDL), then the driver must possess a valid CDL with the appropriate endorsements for the type of vehicle being operated. (All vehicles currently operated on behalf of YCH business require a Class "C" Driver's License).
2. A valid license must be in authorized driver's immediate possession at all times when operating a YCH-owned vehicle. If an employee does not have a valid license, he or she will not drive a YCH-owned vehicle. If the license is revoked or suspended for any reason, the employee must immediately notify his/her supervisor or the Resource Administrator.

B. Motor Vehicle Reports

The DMV's Employer Pull Notice (EPN) Program is a critical component of this policy. Every authorized driver must be registered in the EPN, and a mechanism must be in place to review and address reports of MVR activity that are sent to YCH. Information on enrollment and operation of the EPN program are included in appendix B

1. All new hires in subject classifications must bring a copy of their Motor Vehicle Report (MVR) from the Department of Motor Vehicles (DMV) printed within the last thirty (30) days. An acceptable current MVR is a condition of employment and will remain a condition of continued employment. **Employees, however, should not be allowed to drive until the MVR is received, reviewed, and deemed acceptable per the standards of this policy.**

All traffic violations which occur during non-business (personal use) hours may affect driving privileges and are subject to review.

C. Other Requirements

1. Authorized drivers must be capable of demonstrating familiarity with the type of vehicles assigned. Those employees for which driving is designated as an "essential job function" or where driving is more than an occasional part of their job duties shall be required to attend a defensive driving course once every three (3) years. Check rides may also be conducted based upon an employee's MVR and/or reported/observed unsafe driving behavior; and,
2. Authorized Drivers must be capable of passing physical examinations administered by a licensed physician when a question of fitness to drive arises or is required by regulation; and,
3. An Authorized Driver may be subject to discipline in accordance with the General and Management Collective Bargaining Agreements and the YCH Personnel Policy and Procedure Manual, in the event his or her license is revoked or suspended by a court of law or by an enforcement agency, or if it is determined that the employee does not meet the minimum driving standards of YCH.

IV. **EXCLUDED EMPLOYEES**

- A. Any employee who is deemed uninsurable by the Agency's automobile insurance provider will be considered an excluded employee.
- B. Any or all of the following violations, as defined in Section II, showing on the employee's driving record (MVR) may be cause for revoking an employee's authorization to drive on behalf of YCH and will be considered an excluded employee:
 1. Three (3) or more moving violations within the past three years (an accident will be considered a moving violation);
 2. Two (2) or more "at-fault" accidents within the past three years; or
 3. One (1) major violation within the past three years.
- C. Any Authorized Driver, who is required to drive as part of his/her regularly assigned duties will not be allowed to drive a YCH vehicle if s/he has an unacceptable MVR, as defined in section B above. The employee will be placed on non-driving status and will be notified in writing.

YCH can not allow continued operation of vehicles on its behalf by drivers who meet the criteria for ineligibility, as defined in section B above. YCH may be deemed uninsured for incidents involving that driver exposing YCH to direct liability.

V. VEHICLE USE

A. YCH Vehicles

1. YCH vehicles are provided to support official YCH business and are to be used only by Authorized Drivers. YCH vehicles **will not** be used by employees for personal reasons.
2. Employees who are on stand-by and required to be available for emergency maintenance on a 24-hour basis are allowed to drive YCH vehicles directly home after work and leave them parked until needed for "call-out." Any exceptions to this must be approved by the Executive Director or his/her designee.
3. Vehicles are not to be considered part of an employee's compensation and must not be used as an inducement for employment. In all cases, the vehicles are to be operated in strict compliance with California motor vehicle laws and with the utmost regard for their care and cost-efficient use.
4. Authorized Drivers will not transport persons other than on-duty YCH employees in a YCH-owned vehicle, unless the persons are being transported in connection with official YCH business, or as authorized by a supervisor.
5. Except in the case of an emergency or disaster response situation, a driver will not allow a vehicle to which s/he has been assigned to be driven by any person not authorized to drive the YCH-owned vehicle.

B. Personal Vehicles

Authorized Drivers who use their personal vehicle for YCH business must:

1. Provide a Certificate of Insurance to YCH with minimum limits of \$100,000/\$300,000/\$50,000 for bodily injury per person, bodily injury per accident, and property damage respectively (**Proof of current coverage and limits must be kept on file at YCH**);
2. Ensure their vehicle is currently registered with the Department of Motor Vehicles; and

3. Operate the vehicle in accordance with California traffic safety laws including use of seatbelts.

Any employee whose personal vehicle is damaged in a collision while the employee is performing duties within the course and scope of YCH business shall be reimbursed for the cost of a deductible up to a recommended amount of between \$500 and \$1,000, provided:

1. The employee was not in violation of any California State Vehicle or Penal Code Section;
2. The driver of the other vehicle is responsible for the accident as verified by a police report; and
3. The amount to be reimbursed by YCH is not recoverable under any insurance policy available to the employee.
4. The employee must provide verification of the cost of the damage to YCH.

C. Rented or Leased Vehicles

YCH provides coverage through its auto liability policy that provides employees operating rental vehicles on YCH business with adequate coverage for collision and liability.

VI. ACCIDENT REPORTING PROCEDURES

When a YCH-owned vehicle or an employee-owned vehicle being operated on behalf of YCH is involved in an accident, the following procedures must be followed by a YCH employee:

- A. Assure injuries or medical needs are addressed either using first aid or calling for emergency services;
- B. If possible move vehicles to a safe location, position warning signals (flares, etc);
- C. Immediately notify the police department or California Highway Patrol (CHP) and your supervisor of the accident. Do not admit negligence or liability. Leave the determination of liability to the responsible law enforcement agency;
- D. Utilize the Accident Reporting Packet provided by your insurance administrator located in the glove box;
- E. Take a photograph at the scene of the accident, if possible;

- F. Do not attempt settlement, regardless of how minor the incident;
- G. Get the name, address, and phone number of any injured person and witnesses, if possible;
- H. Exchange vehicle identification and insurance information, including a policy number, with the other driver; and
- I. Contact your supervisor to report the accident as soon as possible. Turn all documentation over to a supervisor or manager within twenty-four (24) hours.

VII. DRIVER RESPONSIBILITIES

If assigned a YCH vehicle, the employee assumes responsibility for operating the vehicle in a safe and responsible manner. Therefore, an Authorized Driver's responsibilities include, but are not limited to, the following:

- A. Vehicles owned or maintained for use and service by YCH will be used for YCH business. Exceptions to this rule must have Executive Director or designee's approval;
- B. Employees on YCH business will observe all traffic rules and regulations, **including the use of seat belts**. The driver will be responsible for any fines or penalties incurred, including parking violations;
- C. Employees must have the appropriate class of valid California Driver's License in their possession at all times when driving on YCH business;
- D. **Employees must be insurable under YCH's Automobile Liability policy;**
- E. Operating the vehicle in a manner consistent with reasonable practices that avoid abuse, theft, neglect, or disrespect of the equipment;
- F. Practicing safe driving techniques and adhering to current safety requirements, including but not limited to, the YCH Distracted Driver Policy; i.e. Cell phones should be used only when the vehicle is parked. *See Appendix A for the Code of Safe Practices.*
- G. Restricting the use of vehicles to authorized drivers only; and
- H. Reporting all moving violations or accidents to a supervisor or manager before the end of shift, but, in no case, longer than twenty-four (24) hours.

- I. Drivers are responsible for the cleanliness of assigned vehicles both inside and out.
- J. Following and adhering to the YCH Distracted Driver Policy.

For the safety of each employee, YCH, and the community we serve it is your responsibility to comply with these guidelines.



YOLO COUNTY HOUSING

DRIVER SELECTION AND VEHICLE USE GUIDELINES

Employee Declaration

I have read and understand the Driver Selection and Vehicle Use Guidelines and agree to adhere to the rules outlined therein.

Print Name

Signature

Date

Print Name
Resource Administrator

Signature

Date

Copy to Individual Personnel Files

Appendix A

CODE OF SAFE PRACTICES – TIPS FOR SAFE DRIVING

Transporting Equipment or Property

When items of equipment, property, supplies, etc., are being transported, the driver will ensure that all items are properly secured or tied in place to prevent them from shifting or falling from the vehicle.

Riding on Fenders, Hoods, or Running Boards

No person will be allowed to ride on running boards, fenders, hoods, tailgates, or rear racks of vehicles.

Obstruction to Driver's View

No driver will drive any vehicle when it is so loaded that it obstructs his or her view ahead or to the right or left side or interferes with his or her control over the driving mechanism of the vehicle. No more than three people will ride in the front seat of a vehicle at one time.

Opening and Closing Vehicle Doors

No person will open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor will any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Unattended Vehicles

No person driving or in charge of any YCH vehicle will permit it to be unattended without first stopping the motor, locking the ignition, removing the key, and effectively setting the brake.

Striking Unattended Vehicles

If a moving vehicle strikes a vehicle standing or unattended or other property, the driver will immediately stop and endeavor to locate the custodian or owner. If unable to do so, he or she will securely and conspicuously place his or her name and address on the damaged property. The police department that has jurisdiction should be notified, and the incident shall be reported to a supervisor or manager within twenty-four (24) hours.

Flags on Projected Loads

Any vehicle having a load that extends more than 4 feet beyond the rear will have the end of the load marked with a red flag which will be at least a 12-inch square.

Coupling Devices

A driver whose vehicle is towing a trailer, dolly, or other equipment will ensure that the trailer hitch is securely latched, the lights are properly connected, and safety chains are properly attached.

Obstructing Traffic for Work Requirements

Whenever work requirements make it necessary for an YCH-owned vehicle to block or obstruct traffic, the driver will place warning signs and/or traffic cones to warn oncoming motorists of the obstruction. Warning signs will be placed far enough from the standing vehicle to give oncoming motorists adequate time in which to stop safely. Distance should be determined by: (1) street and weather conditions, (2) speed limits in the area, and (3) whether the vehicle is standing on a straight or curved roadway. Vehicles so equipped will use revolving red or yellow lights or blinkers as additional warning devices. Exceptions will be made for emergency vehicles.

Appendix B

THE EMPLOYER PULL NOTICE (EPN) PROGRAM California Vehicle Code Section 1808.1

The Employer Pull Notice (EPN) Program was established to provide employers and regulatory agencies with a means of promoting driver safety through the ongoing review of driver records. The following is a brief history of the EPN program and when legislation was enacted:

- 1982 - Law enforcement and government employers began to enroll their drivers into the program voluntarily.
- 1989 - all Class A (formerly known as Class 1), Class B (formerly known as Class 2), transit authority, certified, and Public Utilities Commission (PUC) regulated drivers (limousine drivers, charter party carriers, etc.) were enrolled pursuant to California Vehicle Code (CVC) Section 1808.1.
- 1990 - The Public Utilities Commission (PUC) began enrolling owner operators.
- 1998 - DMV, Motor Carrier Branch, began enrolling owner operators who transport property. PUC continued to regulate owner operators who transport passengers and household goods.

The EPN program allows your organization to monitor DL records of employees who drive on your organization's behalf. This monitoring accomplishes the following:

- Improves public safety.
- Determines if each driver has a valid DL.
- Reveals problem drivers or driving behavior.
- Helps to minimize your liability.

When an employer enrolls in the EPN program, they are assigned a requester code. The requester code is added to an employee's driver license (DL) record. When an employee's DL is updated to record an action/activity, a check is made electronically to determine if a pull notice is on file. If the action/activity is one that is specified to be reported under the EPN program, a driver record is generated and mailed to that employer.

The EPN program automatically generates a driver record when any of the following actions/activities occurs:

1. Upon enrollment of driver in the EPN program.
2. Annually from the date of enrollment or 12 months from the last action/activity printout.
3. When a driver has any of the following actions/activities added to his/her driver record:
 - Convictions of a violation
 - Failures to Appear
 - Accidents
 - Driver License Suspensions or Revocations
 - Any other actions taken against the driving privilege

For additional information refer to:

<http://www.dmv.ca.gov/vehindustry/ePN/epngeninfo.htm>