



Yolo County Housing

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BOARD OF COMMISSIONERS

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DATE: September 4, 2008

TO: YCH Board of Commissioners

FROM: Lisa A. Baker, Executive Director

PREPARED BY: Janis R. Holt, Resource Administrator

SUBJECT: **Review and Approve the Yolo County Housing Cellular Phone and Distracted Driver Policy**

RECOMMENDED ACTION:

That the Board of Commissioners Review and Approve the proposed YCH Cellular Phone and Distracted Driver Policy.

BACKGROUND / DISCUSSION

On July 1, 2008, California State Vehicle Code 23123 was enacted prohibiting the use of a wireless telephone unless utilizing a hands-free device while driving a motor vehicle. In response, the California Housing Authority Risk Management Association (CHARMA) provided a draft Distracted Driver Policy with a strong recommendation that their membership adopt and implement a version of the policy. We have expanded upon the provided policy including the appropriate use of YCH-owned cellular phones.

The adoption of this policy, which is included in your board packet, will:

- Provide guidelines to help ensure employee safety and the safety of others while driving on YCH business;
- Comply with CHARMA policy and help reduce liability to the agency;
- Emphasize the risks of engaging in distracting behavior while driving; and
- Outline the appropriate use of YCH-issued cell phones.

FISCAL IMPACT

No additional fiscal impact is anticipated at this time.

CONCLUSION

Staff recommends approval of the Yolo County Housing Cellular Phone and Distracted Driver Policy.

Attachments: Yolo County Housing Cellular Phone and Distracted Driver Policy



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YCH Cellular Phone and Distracted Driver Policy

Purpose

To establish guidelines for the issuance and usage of YCH-owned cellular telephones as well as procedures for monitoring and controlling costs related to cellular telephone use in connection with YCH business. This policy was created in order to enhance employee safety, limit agency liability, and provide clear parameters of cell phone use while operating a motor vehicle.

In California, as of July 1, 2008, V.C. 23123 went into effect, which provides in relevant part:

- A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.
- The law allows a driver to use a wireless phone to make emergency calls to a law enforcement agency, a medical provider, the fire department, or other emergency services agency.
- A violation of this section is an infraction punishable by a base fine of twenty dollars (\$20) for a first offense and fifty dollars (\$50) for each subsequent offense.

Scope

This policy applies to all employees and other persons who have or are responsible for any cellular device issued by Yolo County Housing; or conduct business on behalf of the agency using any cellular device.

General

It is the policy of Yolo County Housing to consider the issuance of a cellular device when the responsibilities of an employee require:

- The employee to be reachable immediately.
- The employee to be "on call" outside of normal business hours.
- The employee is not normally present at a fixed workstation and timely communication is difficult to transact.

The final decision on whether an employee will be issued a cellular device rests with the Executive Director.

YCH-Owned Cellular Phones: Appropriate Use

It is imperative that cellular devices owned by YCH used to conduct YCH business be used appropriately, responsibly and ethically. The following must be observed:

1. YCH-owned cellular devices are property of Yolo County Housing and must be treated, used, and safeguarded as such. If an employee damages or loses a YCH-issued phone, the employee must notify their Supervisor immediately.
2. No employee is to use a YCH-owned cellular phone for the purpose of illegal transactions, harassment, or obscene behavior, in accordance with other existing employee policies.
3. All costs associated with issued cellular telephones will be allocated to the appropriate department.
4. Monthly itemized bills will be received by YCH and reviewed by the Finance Department, with costs allocated appropriately.

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5. Billing information may be obtained from the Finance Department.
6. Any service minutes that are "included" in the monthly plan are property of YCH.
7. Employees in possession of a YCH-issued cell phone should use that cell phone for business reasons only. Exceptions may include emergency need to contact family members or friends in the event of work-related delays, out-of-town travel, or other unexpected incidents.

Distracted Driver Guidelines

According to the Department of Motor Vehicles, driver distractions contribute to one out of four accidents. The leading factors causing distracted driving accidents are cell phone use, eating, and attending to passengers. Drivers increase their risk of having an accident by 400% every time they use their cell phone while driving.

Distract Driving Definition: Diversion of the driver's attention from the task of operating a motor vehicle by activities, objects, or events inside or outside the vehicle, or by factors such as emotional stress or preoccupation. This includes, but is not limited to, the following:

1. Cell phone use
2. Use of technology (e.g. GPS systems, computers, audio/video equipment)
3. Eating, drinking, smoking
4. Grooming
5. Passengers
6. Reading
7. Impaired driving

Employees must adhere to all federal, state, and local rules and regulations regarding the use of cell phones, wireless devices, GPS systems, computers or any type of audio/video equipment while driving. Employees should check with their supervisor if they are not sure of the governing laws in their area.

Employees are asked to follow these guidelines for their safety, the safety of others, and to protect the liability of the agency when operating a motor vehicle:

1. *Cell Phone Use - All drivers must use a hands-free device (Vehicle code (VC) 23123)*

- A. Receiving Incoming Calls
 - 1) Let call go to voice mail and return call when parked, or
 - 2) Answer the call using a hands-free device and advise the caller to hold while you pull over to a safe location, place the vehicle in park and then respond to the caller, or
 - 3) Answer the call and inform the caller that you will return their call. Pull the vehicle over to a safe location, place the vehicle in park and then return the call.
- B. Making Outgoing Calls
 - 1) Calls will not be initiated without a hands-free device until the vehicle has been pulled over to a safe location; and the vehicle has been placed in park.
 - 2) If utilizing a hands-free device, please limit call time to as short as possible to reduce distractions while driving.
- C. Emergency Calls
 - 1) The law allows a driver to use a wireless phone to make emergency calls to a law enforcement agency, a medical provider, the fire department, or other emergency services agency. This may be allowed during times of disaster or other rare occurrence of an emergency.
- D. Citations
 - 1) Employees who receive citations for violating VC 23123 will be personally responsible for all fines.

2. *Use of Technology (GPS systems, computers, audio/visual equipment)*

- A. GPS Systems – Program the system while in a parked position, with vehicle placed in park. Do not program while driving under any circumstances.
- B. Computers – Do not use a computer while driving under any circumstances. If information is required, pull over to a safe location and place your vehicle in park.
- C. Audio Equipment – Prior to your departure, adjust controls, choose your CD/Tape selections and insert into player. Use normal stops to adjust controls. Do not browse your CD/Tape selections while driving.
- D. Video Equipment – Do not view any type of DVD equipment while driving.
- E. Two-Way Radio – The operator must use a hands free device when utilizing a two-way radio. Use extreme caution while operating any two-way radio. Keep call duration to a minimum. If extended conversation is required, place the caller on hold, pull over to a safe location then resume the conversation.

3. Eating, drinking, or smoking

- A. Smoking is prohibited in all YCH-owned and leased vehicles. (YCH Personnel Policy; Appendix B; B.3.o)
- B. Eating and/or drinking involve driving with one hand and juggling the food/beverage in the other. Plan ahead to allow time to eat and/or drink without driving. If eating or drinking is necessary, take advantage of normal stops to prepare. Don't over react if items spill; pull over to a safe location to clean up.

4. Grooming

- A. Avoid grooming while vehicle is in motion. This includes, but is not limited to, applying make up, shaving, and looking in the mirror.

5. Passengers

- A. While communicating with passengers, avoid disturbing/distracting conversations. Stay focused on defensive driving.

6. Reading

- A. Do not read while driving. If you need to review directions, instructions, etc., pull over to a safe location or do so at a normal stop.

7. Impaired Driving

- A. All employees must adhere to the YCH's Drug and Alcohol Policy. No employee who is on duty shall use, possess, or be under the influence of alcohol, illegal or unauthorized drugs, or other illegal mind-altering substances.
- B. Employees must advise their supervisor when taking prescription medications and/or non-prescription products that may contribute to the unsafe operation of a vehicle driven while on duty.

Employee Declaration

I have read and understand the Cellular Phone and Distracted Driver Policy, and agree to adhere to the rules outlined therein.

Print Name

Signature

Date

Print Name

Resource Administrator

Signature

Date