

**CITY OF BEAUMONT
POLICIES AND PROCEDURES MANUAL**

Policy Number: 3.8

Subject: Safety/Safe Driving

Effective Date: March 13, 2012

Approved by: Kyle Hayes | 05/01/2021
City Manager | Date

Chris Catalina | 05/01/2021
Personnel Director/Date

I. PURPOSE

The purpose of this policy is to:

- A. Ensure that each employee understands that safety is a shared responsibility between the City and the employee.
- B. Establish guidelines which management and the employees can follow to ensure that a safe, healthy work environment is maintained.
- C. Reduce the liability exposure of the City which may result from negligent operation of vehicles and equipment.
- D. Ensure the safety of drivers as well as the public by stressing accident prevention and safe driving techniques.
- E. Ensure that all employees understand that safety is an integral and inseparable part of all work functions and activities. As such, no task or job is so important or necessary that **safety** should be compromised.
- F. Establish that in carrying out the duties and responsibilities of the City, management's highest priorities include our employees' lives and safety.

II. DEFINITIONS

- A. City Driver - Any employee of the City of Beaumont operating a City vehicle or motorized equipment.
- B. Motor Vehicle Accident - Any incident that results in injury or property damage that can be attributed to the motion of a vehicle or equipment or its load.
- C. Serious Traffic Violations - a violation involving the operation of a commercial motor vehicle that leads to a conviction for one of the following offenses:

1. excessive speeding, involving a single charge of driving 15 miles per hour or more above the posted speed limit,
2. reckless driving, as defined by state or local law,
3. a violation of a state or local law related to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, arising in connection with a fatal accident,
4. improper or erratic traffic lane change following the vehicle ahead too closely,
5. or a violation of Sections 522.011, 522.042, 522.015 of the Texas Transportation Code.

III. RULES/PROCEDURES

- A. City drivers must possess a valid driver's license and proper certification for vehicle/equipment operation. CDL applicants/employees who have more than two serious traffic violations or any DUI/DWI's within three years prior to a license check are disqualified. City drivers and employees receiving an auto allowance will have their driver's license checked by the State that issued the license when hired and at least annually thereafter. (Attachment C & D)
- B. Employees who have jobs that require a CDL license will be subjected to information retention requirements pursuant to 49 CFR section 382.401 (b)(1), (i), (ii), & (iii).
 1. An individual may not have had an alcohol test with breath alcohol concentration of 0.04 or greater in the past two years.
 2. An individual may not have had a drug (controlled substance) test with a positive result in the past two years.
 3. An individual may not have refused a drug (controlled substance) test or alcohol test within the past two years.
- C. City drivers shall drive in accordance with their designated license, including restrictions and/or endorsements. These include the following:
 1. A **Class A CDL** driver's license permits a person to drive any combination of vehicles, in either Class B or C, with a gross combination weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles towed exceeds 10,000 pounds.
 2. A **Class B CDL** driver's license permits a person to drive any single vehicle with a gross vehicle weight rating of 26,001 pounds, or more; any one of those vehicles towing a vehicle that does not exceed 10,000 pounds gross

vehicle weight rating, and any vehicle designed to transport 24 passengers or more, including the driver; and a Class B license will be restricted to operating buses under 26,001 pounds GVWR if the skills test is taken in a bus with a GVWR of less than 26,001 pounds.

3. A **Class C CDL** driver's license permits a person to drive any single vehicle with a gross vehicle weight rating of less than 26,001 pounds and any one of those vehicles towing another vehicle with a gross vehicle weight rating that does not exceed 10,000 pounds if either vehicle is:
 - a. designed to transport sixteen to twenty-three passengers including the driver; or
 - b. used in the transportation of hazardous materials requiring the vehicle to be placarded under 49 CFR, Part 172, Subpart F.
 4. A **Class C** driver's license permits a person to drive the following vehicles, except a motorcycle or moped:
 - a. a single unit vehicle, or combination of vehicles, that is not a Class A or B; and
 - b. a single unit vehicle with a gross vehicle weight rating of less than 26,001 pounds, towing a trailer not to exceed 10,000 pounds gross vehicle weight rating or a farm trailer with a gross vehicle weight rating that does not exceed 20,000 pounds.
 5. Any license that includes in the designation an M, the M is for Motorcycle.
- D. City drivers and employees receiving an auto allowance shall have their designated license, including restrictions and/or endorsements on their person at all times while on duty at work.
- E. City vehicles are not to be used to transport alcoholic beverages except for purposes for City business.
- F. Employees are not to leave the keys in the ignition of an unattended vehicle.
- G. Whenever a city vehicle and / or equipment is left unattended, the transmission must be placed in park or neutral, windows closed, doors locked and the keys removed. Manual equipment must have the brake set.
- H. Employees involved in a hit and run accident or evading responsibility, leaving the scene of an accident, or failure to leave notice of an accident will be subject to disciplinary action up to and including termination.

IV. RESPONSIBILITIES

A. Safety Coordinator

Manage the day-to-day operations of this Safety/Safe Driving Policy, including monitoring and reporting safety statistics, visiting facilities, discussing safety issues/concerns with employees, submitting suggestions and submitting/discussing recommendations with management of each department/division.

B. Department Directors or Division Managers

1. Ensure that supervisors promote safe work habits at all times.
2. Ensure that all personnel are held accountable for maintaining a safe operation and monitor safety performance.
3. Make the final decision regarding any disciplinary action for an employee who is negligent in the operation of a vehicle or equipment which results in bodily injury or property damage to other employees or the public.
4. Assist in preplanning safety for all phases of the department or division and implement the Safety/Safe driving policy.
5. Ensure that the supervisors are instructed in this Safety/Safe Driving Policy.
6. Ensure that each new employee is properly trained and attends a safety orientation program.
7. Review supervisor's or foremen's accident investigation reports, and take corrective action as necessary.
8. Enforce employee adherence to this Safety/Safe Driving Policy and assess the driver's performance periodically and apply appropriate disciplinary measures when necessary.
9. Ensure that safety meetings are held on a regular basis.
10. Enforce and communicate the established standards of performance for vehicle operations and maintenance to ensure continuity, safety, consistency, and clarity so drivers are aware of and understand their responsibilities.
11. Seek the assistance of the Safety Coordinator as required.
12. Assure that selected vehicles and/or equipment have first aid kits and fire extinguishers.

C. Supervisors

1. Conduct monthly safety meetings to communicate and emphasize safety to all employees.
2. Communicate clearly to employees any violations of this policy and guidelines.
3. Investigate unsafe work practices and take action to eliminate or correct situations immediately.
4. Ensure employees are tested and certified on vehicles/equipment and certification records are updated.
5. Submit accident investigation reports for work-related injuries to the appropriate division manager and the Safety Coordinator.
6. Make recommendations to the Safety Coordinator regarding safety procedures or policies.
7. Ensure that employees complete daily inspections of equipment/vehicles.
8. Ensure equipment/vehicle problems identified on the inspection check list are corrected promptly.
9. Submit all Accident Investigation Report information to the Liability Administrator in the Legal Department and the Safety Coordinator.
10. Improve employee driving skills and safety awareness by having employees attend vehicle safety training and safety meetings/programs to enhance overall levels of expertise.
11. Ensure that City drivers have the appropriate designated license, including restrictions and/or endorsements.

D. Employees

1. Work safely at all times while also ensuring that co-workers are not exposed to hazardous or unsafe working conditions.
2. Utilize the protective equipment provided by the department/division to ensure the safe performance of job duties.
3. Report to your supervisor immediately any individual who endangers the lives or health of themselves or others.
4. Maintain the appropriate valid driver's license as required by your job description.

5. Drive only equipment/vehicles as certified or authorized by the department to operate.
6. Adhere to all motor vehicle laws as prescribed by the City and the State of Texas.
7. Complete routine inspections of vehicles/equipment on a daily basis as outlined by your division.
8. Report hazardous equipment/vehicles immediately to your supervisor.
9. All employees must report any changes in driving status, i.e., loss of license, suspended license, revoked license or cancellation of driving privileges to their supervisor immediately. Failure to report may result in disciplinary action, up to and including termination. (Attachment E & F)
10. All CDL drivers must notify their supervisor within 30 days upon conviction for any State or local serious traffic violation. Failure to report may result in disciplinary action, up to and including termination. (Attachment F)
11. Report immediately to your supervisor any accident or property damage that occurred while driving a City vehicle or operating City equipment.
12. Pay and be responsible for any fines resulting from citations received while on/off duty.
13. All employees are required to attend safety meetings that are held in their departments/divisions and are encouraged to share their suggestions concerning the safety/safe driving program which may result in a safer workplace for all employees.
14. Employees are to operate City vehicles/equipment in compliance with all federal, state and local rules, regulations and laws. Gross disregard of safe driving procedures is grounds for termination.
15. Equipment safety guards are not to be removed, except for adjustment, oiling, or repairs. Equipment should not be operated unless safety guards are in good condition, in working order, in place, and operative. Equipment is not to be operated while oiling, fueling, adjusting, or repairing.
16. Report any guard or safety device that is defective or not accomplishing its intended function.
17. Equipment and vehicles shall be left in a safe condition. Before leaving a job, the employee shall correct or arrange to give warnings of any conditions which might result in injury to fellow workers unfamiliar with existing conditions.

18. Know where first aid and firefighting equipment is located.
19. All City employees are expected to drive with safety as the first consideration. This includes driving safely while operating a cellular telephone. *(Also noted in 7.5 Cell Phone Policy)* Recommendations for safe handling of vehicle-based calling from the cellular telephone include the following:
 - a. When driving, have frequently called numbers preprogrammed into the device, or consider pulling off the road to dial (or ask a passenger to dial);
 - b. Do not use the cellular telephone at all if there are hazardous road or traffic conditions;
 - c. Avoid multiple tasks when driving, such as trying to take notes while you are using a cellular telephone.
 - d. Texting while driving is prohibited.
 - e. CDL drivers are not allowed to use their cell phones while driving.
20. Any employee that is using prescription medication that might limit or affect their ability to operate a City vehicle and/or City equipment must immediately report the use of the medication to their supervisor. A written recommendation from the employee's health care provider recommending the employee can safely operate a City vehicle and/or City equipment is required. Violation of this policy could result in disciplinary action up to and including termination.
21. Employees are not allowed to transport anyone in a City vehicle unless it is a requirement of their job.
22. Employees are not to allow other employees to ride on equipment unless the equipment is designed to safely carry additional passengers.
23. The use of a City vehicle and/or equipment for any purpose other than pertaining to the employee's job duties and responsibilities for the City is prohibited.
24. Employees are not to allow another employee or non-employee the use of a City vehicle and/or equipment without proper authorization.

V. VEHICLE ACCIDENT REPORTING

In the event of an accident involving a City vehicle, follow the guidelines listed below.

- A. Check for injuries to yourself, passengers, persons in the other vehicle, or pedestrians.
- B. Call the Police immediately and follow your department/division emergency procedures.
- C. Notify your supervisor or department director.
- D. Take care when making any statements or admission of guilt to anyone.
- E. Supervisors must submit a completed Employee Vehicle Accident Report form (Attachment A) with documentation to their Director with a copy to the Liability Administrator and the Safety Coordinator.

VI. ENFORCEMENT

Disciplinary action as established by this policy shall be enforced impartially among all employees. The enforcement of and adherence to these policies and procedures shall be the responsibility of each department director.

- A. Upon repeated violations of this policy, the department director may revoke an employee's driving privileges for a period of time as deemed necessary.
- B. The attached Chargeable Offense Guidelines (Attachment B) represents only an outline of some frequent driving infractions. As such, the list is not all inclusive and shall not prevent the City from imposing disciplinary action up to and including terminating any employee for an infraction not listed.
- C. Depending on the severity of the violation, nothing herein shall prevent the City from terminating the employee's employment without executing/implementing progressive disciplinary action.
- D. Violation of this policy may result in disciplinary action in addition to those outlined in the Chargeable Offense Guidelines (Attachment B).
- E. Any disciplinary action that results in an employee being terminated must be processed through Personnel before it is applied.
- F. Any exceptions to this policy must be approved by the City Manager.

EMPLOYEE VEHICULAR ACCIDENT REPORT

ACCIDENT LOCATION _____

DATE AND TIME OF ACCIDENT _____

EMPLOYEE/DEPARTMENT _____

A. EMPLOYEE'S CAR

REGISTERED OWNER/EMPLOYEE'S CAR			ADDRESS		PHONE	
DRIVER			ADDRESS		PHONE	
DAMAGE LOCATION			AMOUNT OF DAMAGE			
YEAR	MAKE	MODEL	BODY STYLE	LICENSE	UNIT NO.	STATE

B. OTHER CAR - VICTIM

REGISTERED OWNER/EMPLOYEE'S CAR			ADDRESS		PHONE	
DRIVER			ADDRESS		PHONE	
DAMAGE LOCATION			AMOUNT OF DAMAGE			
YEAR	MAKE	MODEL	BODY STYLE	LICENSE	UNIT NO.	STATE

C. INVESTIGATION

REPORTED TO (POLICE AGENCY)	REPORT CASE #	INVESTIGATING OFFICER
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D. WITNESS

WITNESS NAME	ADDRESS	PHONE
WITNESS NAME	ADDRESS	PHONE

E. LIABILITY INSURANCE - OTHER DRIVER

COMPANY	ADDRESS	PHONE
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E. RESPONSIBILITY

CITY DRIVER	OTHER DRIVER	UNDETERMINED
SUBMITTED BY:	NAME (PLEASE PRINT)	SIGNATURE
		DEPARTMENT

AFTER COMPLETION, FORWARD ORIGINAL WITH DOCUMENTS TO THE DIRECTOR, AND A COPY TO THE LIABILITY ADMINISTRATOR AND THE SAFETY COORDINATOR.

DRIVER/ EMPLOYEE'S DESCRIPTION OF ACCIDENT

SIGNATURE: _____ DATE: _____

WITNESS, SPOTTER OR FLAG PERSON DESCRIPTION OF ACCIDENT

SIGNATURE: _____ DATE: _____

WAS MOTOR VEHICLE OR MOTOR EQUIPMENT BEING OPERATED BY EMPLOYEE AT THE TIME OF THE ACCIDENT? Yes No

VERIFICATION

EMPLOYEE WAS: ON OFFICIAL BUSINESS NOT ON OFFICIAL BUSINESS

DEPARTMENT DIRECTOR SIGNATURE

DEPARTMENT

Chargeable Offense Guidelines
(Penalty code assignments may not be revised)

<u>Penalty Code</u>	<u>Disciplinary Actions</u>
A	Written Reprimand
B	1 Day Suspension
C	3 Day Suspension
D	5 Day Suspension
E	Probation for 6 Months
F	Termination

Improper maintenance of vehicles and/or equipment.....	A
Failure to inform management of hazardous vehicles or equipment.....	A
Failure of an employee who receives an auto allowance or who is required to drive and/or operate City equipment or a City vehicle to have their designated license, including restrictions and/or endorsements on their person at all times while on duty at work.....	A
Failure to wear your seat belt while operating City vehicles and/or equipment.....	B
Failure to properly utilize or secure equipment or vehicles.....	B
Driving/operating unauthorized vehicles/equipment.....B progressive to.....	F
Failure to report vehicle/equipment damage by end of work day/shift.....	B
Failure to immediately report an accident to a supervisor.....	C
Driving with an inappropriate class of license.....	C
Driving with a suspended or revoked license.....	D
Failure to report a revoked, suspended driver’s license, or cancellation of driving privileges to your supervisor.....	D
If the employee reports to their supervisor or a driver’s license check reveals that an employee’s driver’s license is revoked, suspended, or there is a cancellation of driving privileges and the employee is unable to obtain a clear license within 21 calendar days.....	F
Reckless driving which results in a fatality while on duty.....	F
Gross disregard of safe driving procedures or motor vehicle laws as prescribed by the City and the State of Texas.....	F
Failure to complete routine inspections of vehicles/equipment on a daily basis as outlined by your division. This includes rental and leased equipment. First offense.....A progressive to.....	F
CDL drivers who fail to report a serious traffic violation within 30 days of conviction.....	D

ATTACHMENT B CONTINUED

- CDL driver’s failure to report a DWI/DUI citation received while on/off duty..... F
- CDL Drivers receiving a DWI/DUI citation off the job..... E
- If a CDL driver is convicted of a DWI/DUI off the job..... F
- CDL driver’s license check reveals more than two serious traffic violations or a conviction of a DWI/DUI..... F
- CDL drivers reckless driving which results in a fatality while on or off/duty..... F
- CDL drivers driving a CMV when, as a result of prior violations committed driving a CMV, the drivers CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV... F
- CDL drivers using a cell phone while driving.....C progressive to..... F
- Employees driving while under the influence of alcohol/drugs while on duty will be handled in accordance with City Policy 3.3-Drug Free Work Place.

The following disciplinary guideline is to be considered in the event of an accident involving a city vehicle or equipment damage or damage to private property with a total loss of:

\$0 to \$3,000.00	Oral reprimand up to three day suspension without pay
\$3,001.00 or greater	3 day suspension without pay up to termination
All preventable backing accidents	1 day suspension without pay

The examples cited above are not all inclusive and as such are not limited to those listed above.

**CONDITIONS OF EMPLOYMENT FOR VEHICLE DRIVERS
AND DRIVERS REQUIRING CDL LICENSE**

As a condition of employment and as part of the employment process, the City of Beaumont Personnel Department will conduct a mandatory license check on all applicants or employees who are selected and/or hired in a position that requires driving a city vehicle and or operating city equipment. Each offer of employment shall be conditional upon applicant/employee meeting the standard(s) listed below:

STANDARDS

1. The applicant/employee's driving record for the preceding three years will be checked with the State Agency that issued the drivers license. Any applicant/employee who has more than two serious traffic violations or have been convicted of a DUI/DWI within three years prior to the license check will not be considered for a position that requires driving a vehicle for the City of Beaumont.

and/or

2. In accordance with the guidelines listed below, the City of Beaumont Personnel department will contact prior employers of those applicants or employees hired to drive a City vehicle or equipment that requires a CDL license. The City shall request from the Texas Department of Public Safety Motor Carrier Bureau the release of CDL holders reported positive alcohol or controlled substance test results.

Applicants or employees who apply for jobs that require a CDL license are subjected to information retention requirements pursuant to 49 CFR section 382.401(b)(1), (i), (ii), & (iii).

- A. An individual may not have had an alcohol test with breath alcohol concentration of 0.04 or greater in the past two years.
- B. An individual may not have had a drug (controlled substance) test with a positive result in the past two years.
- C. An individual may not have refused a drug (controlled substance) test or alcohol test within the past two years.

Have you operated a motor vehicle or equipment as a CDL Operator in the past two (2) years? Yes No

ACKNOWLEDGMENT OF CONDITIONS OF EMPLOYMENT

I acknowledge reading this form and accept these conditions of employment with the City of Beaumont. I understand that failure to meet the standard(s) above will disqualify me and will subject me to termination if driving is an essential function of the job. I further understand that, if employed, I am or will be an employee-at-will who may be terminated for any or no reason at all.

I acknowledge that, I have violations, do not have any violations, based on Standards number 1 and number 2 above that would disqualify me from further employment consideration.

Printed Name

Signature

Date

CONDITIONS OF EMPLOYMENT FOR VEHICLE DRIVERS

As a condition of employment and as part of the employment process, the City of Beaumont Personnel Department will conduct a mandatory license check on all applicants or employees who are selected and/or hired in a position that requires driving a city vehicle and or operating city equipment or who will receive an auto allowance. Each offer of employment shall be conditional upon applicant/employee meeting the standard(s) listed below:

STANDARDS

The applicant/employee's driving record for the preceding three years will be checked with the State Agency that issued the drivers license. Any applicant/employee who has a revoked, suspended, or cancellation of driving privileges will not be considered for a position that requires driving a vehicle for the City of Beaumont.

ACKNOWLEDGMENT OF CONDITIONS OF EMPLOYMENT

I acknowledge reading this form and accept these conditions of employment with the City of Beaumont. I understand that failure to meet the standard(s) above will disqualify me and will subject me to termination if driving is an essential function of the job. I further understand that, if employed, I am or will be an employee-at-will who may be terminated for any or no reason at all.

Printed Name

Signature

Date

NON CDL DRIVERS NOTIFICATION to EMPLOYER
DRIVING STATUS CHANGE

Report any changes in driving status, (i.e.: loss of license, suspended license, revoked license) to your supervisor. Failure to report may result in disciplinary action, up to and including termination (applicable to those employees driving City vehicles or operating City equipment and all employees who receive an auto allowance).

Employee Name

Employee's License Number

Date of Citation

Details about the offense, including any resulting suspension, revocation, or cancellation of driving privileges:

Location of Offense:

I certify that the above information is correct to the best of my knowledge and that failure to report any changes in driving status (i.e.: loss of license, suspended license, revoked license) to your supervisor immediately will lead to disciplinary action which may include termination.

Signature of Employee

Signature of Witness

Date Received

This original must be placed in the employee's personnel file and a copy given to the employee.

**CDL DRIVERS NOTIFICATION to EMPLOYER
DRIVING STATUS CHANGE**

Report any changes in driving status, (i.e.: loss of license, suspended license, revoked license or any citation received for a DWI/DUI) to your supervisor. Failure to report may result in disciplinary action, up to and including termination.

Employee Name

Employee's License Number

Date of Citation

Details about the offense, including any resulting suspension, revocation, or cancellation of driving privileges:

Indication of whether the violation happened in a CMV,

Location of Offense:

I certify that the above information is correct to the best of my knowledge and that failure to report any changes in driving status (i.e.: loss of license, suspended license, revoked license) to your supervisor immediately will lead to disciplinary action which may include termination.

Signature of Employee

Signature of Witness

Date Received

This original must be placed in the employee's personnel file and a copy given to the employee.