

ADOPTED
METROPOLITAN COUNCIL

MAR 27 2002

Brian Mayers
COUNCIL ADMINISTRATOR / TREASURER

Bandram 123

RESOLUTION 41644

INTRODUCED 11-14-01

OTHER 11-28-01

P.H. 1-23-02

P.H. 2-27-02

P.H. 3-13-02

P.H. 3-27-02

P.H.

AMENDING AND RE-ENACTING AN "AUTO USAGE POLICY" FOR THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE SO AS TO CODIFY ALL EXISTING COUNCIL RESOLUTIONS INTO ONE AND TO ADD SPECIFIC LANGUAGE IN REFERENCE TO DRIVERS OF CITY-PARISH VEHICLES RECEIVING DWI'S WHILE DRIVING THEIR PERSONAL VEHICLES AND PROVIDING FOR RELATED MATTERS.

BE IT RESOLVED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Each department or agency head is responsible for the use and assignment of City-Parish vehicles in his/her respective department.

Section 2. Every City-Parish vehicle shall receive maintenance at the designated City-Parish facility at least every 5,000 miles, unless the maintenance manual requires service more often. The assigned driver of the City-Parish vehicle shall be responsible for this maintenance program.

Section 3. Each person driving a City-Parish vehicle shall make sure that the vehicle is in a safe operating condition. All care and control measures should be taken to ensure that a positive image of the City-Parish is presented at all times and that the highest operating efficiency is maintained.

Section 4. Employees driving a City-Parish vehicle shall furnish the department with proof of a valid drivers license upon receipt of a vehicle and at any other such time as he or she is requested to do so. Periodic checks of an employee's official driving record may be conducted at the discretion of the appointing authority. It is the intention of the Council that each department institute a driving record check procedure through cooperation with the Department of Human Resources and it is desired that such check be performed a minimum of one time per year.

Section 5. Flat tires shall be, as much as possible and within reason, be fixed by the driver of the City-Parish vehicle, when the vehicle is outside of East Baton Rouge Parish. Employees

will be held accountable for maintaining the proper fluid levels and tire air pressure in his/her City-Parish vehicle. All out of pocket costs shall be reimbursable from the City-Parish. Receipts are mandatory.

Section 6. Non City-Parish personnel are prohibited from driving a City-Parish vehicle, except under the following conditions: (1) An emergency condition, or (2) in the course of official business where authorized by the Metropolitan Council or the Mayor-President.

Section 7. Seat belts shall always be used in all City-Parish vehicles by all occupants. Doors shall be kept locked while the vehicle is parked. The interior of the vehicle shall be kept clean and orderly, and the exterior shall remain reasonably clean (cleaned at least twice a month).

Section 8. City-Parish personnel shall not drive or use a City-Parish vehicle on personal errands, except de minimis use as stated in the IRS guidelines and Resolution 24987 of the Metropolitan Council. All employees driving a City-Parish vehicle home must have the proper payroll deduction made in accordance with IRS guidelines. Police Units may be used for "off-duty" assignments related to police work as would relate to their normal police work.

Section 9. All City-Parish vehicles shall be marked with City-Parish decals and public plates in accordance with L.R.S. 49:121.

Section 10. The Auto Committee shall have the authority to provide that all City-Parish marked vehicles will have a bumper sticker and vehicle number that provides substantially the following: "If I operate this vehicle in an unsafe manner - Please call _____".

Section 11. Since the City-Parish is self-insured, non City-Parish personnel shall not be transported in a City-Parish vehicle, except in the City-Parish employees official performance of their duties or when authorized by the Auto Committee.

Section 12. Nothing shall be attached or tied onto the City-Parish vehicle which in any way will interfere with the normal movement of the vehicle, except when authorized by the Auto Committee (i.e. trailer hitches, luggage racks, etc.). No decals, other than those approved by the Auto Committee, shall be placed on the City-Parish vehicle.

Section 13. No City-Parish personnel shall purchase and/or transport any alcoholic beverages, illegal drugs or non-prescribed controlled substances in a City-Parish vehicle, unless required in the performance of their duties (e.g. Police Officer or Investigative personnel).

Section 14. (a) No City-Parish personnel shall operate a City-Parish vehicle while drinking alcohol or while under the influence of alcoholic beverages, illegal drugs or non-prescribed controlled substances, or with any detectable amount of an illegal drug or non-prescribed controlled substances in his or her system.

(b) Any City-Parish employee who commits any violations regarding controlled dangerous substances or alcohol shall be tested and disciplined in accordance with the City-Parish "Drug-Free Workforce" Ordinance.

Section 15. Any City-Parish personnel taking off for more than one week shall leave the City-Parish vehicle in the departments' use.

Section 16. This Council hereby sets a limit of 350 (excluding police and fire) City-Parish vehicles that may be driven home. Any increase in this number must be approved by the Metropolitan Council. The Mayor-President is given authority to adjust City-Parish vehicle "take homes" within the 350 limit.

Section 17. (a) An employee who commutes to his/her residence in a City-Parish owned or leased vehicle may do so, provided he/she does not live outside a 24.0 mile radius from the intersection of Tom Drive and Wooddale Boulevard.

(b) Notwithstanding Subsection (a), those employees who were driving to a residence outside the 24.0 mile radius on

November 27, 1991 may continue to do so.

(c) All employees who continue to drive outside the 24 mile radius pursuant to Subsection (b) must pay a mileage fee to the City-Parish for use of the City-Parish vehicle for those miles from the 24.0 mile radius to and from their residence.

(d) The mileage charge for use of a City-Parish owned or City-Parish leased vehicle shall be the City-Parish reimbursement rate for employees as established under Title 1, Section 301 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge.

(e) Proof of residence shall be established by providing a voter registration card and/or driver's license.

Section 18. The Inventory Control Division of Purchasing is hereby authorized and directed to establish policies and procedures to keep the list of City-Parish vehicles, drivers and other pertinent information updated. All computerized vehicle records shall be consistent in department number, vehicle number, and any other shared information. A yearly report on the City-Parish vehicles shall be provided the members of the Metropolitan Council. Special provisions shall apply to undercover police and fire units to be approved by the Auto Committee.

Section 19. (a) Any employee involved in any accident while operating a City-Parish vehicle that is ruled as a chargeable accident or a preventable accident, by the City-Parish Accident Review Committee, beginning 30 days after the adoption of this resolution, shall be charged with a violation of this resolution and shall be required to complete a driver safety improvement program. Each time the employee is involved in a chargeable or preventable accident, the employee must complete an additional program. This course must be completed on the employee's personal time and at the employee's expense. Proof of completion of the program must be submitted to the Auto Committee within 15 days of the ruling, as a condition of continued use of a City-Parish vehicle.

(b) All accidents involving City-Parish vehicles must be immediately reported from the scene to the proper law enforcement agency and the Baton Rouge Communications District. A complete written accident report must be filed with the employee's department within five (5) days of the accident. Failure to report the accident or to complete the written report shall be considered a violation of this resolution.

(c) Any City-Parish employee who is involved in an accident while operating a City-Parish vehicle shall be tested for controlled dangerous substances and alcohol in accordance with the City-Parish "Drug-Free Workforce" Ordinance.

Section 20. (a) Traffic, parking and speed laws, while operating City-Parish vehicles, shall be obeyed at all times and the driver of the vehicle shall pay any fine assessed for violation of same.

(b) If any employee who drives a City-Parish vehicle, or who receives an auto allowance, is convicted of a moving violation, regardless of whether it was committed on or off duty, beginning 30 days after the adoption of this ordinance, it shall be considered to be a violation of this resolution.

(c) If an employee commits three or more moving violations, except for those listed in subsection (d), within a twelve month period, beginning 30 days after adoption of this resolution, of which he/she is ultimately convicted, the employee must complete a driver safety improvement program. Each time the employee accumulates three new convictions for such violations within this period, the employee must complete an additional program. This course must be completed on the employee's personal time and at the employee's expense. Proof of completion of the program must be submitted to the Auto Committee within 15 days of the third conviction, as a condition of continued use of a City-Parish vehicle.

(d) If an employee commits one driving while intoxicated offense; one operation of a vehicle while under the influence of

alcohol or of a controlled dangerous substance offense; or one negligent vehicular injuring offense due to operation of a vehicle while under the influence of alcohol or of a controlled dangerous substance, beginning 30 days after adoption of this resolution, of which he/she is ultimately convicted, the employee must complete a driver safety improvement program. This course must be completed on the employee's personal time and at the employee's expense. Proof of completion of the program must be submitted to the Auto Committee within 15 days of the conviction, as a condition of continued use of a City-Parish vehicle.

Section 21. For purposes of this resolution, a "conviction" shall include any charges wherein a guilty plea or a "no contest" plea was entered, but the charges were subsequently dismissed pursuant to Louisiana Code of Criminal Procedure Article 892.1, 893 or 894; it is the fact of the conviction which is the relevant circumstance to be considered in determining whether the consequences of a conviction should be imposed.

Section 22. City-Parish employees driving City-Parish vehicles will be held responsible for the cost of damage and repair for the unauthorized use of the vehicle.

Section 23. (a) Any City-Parish employee that drives a City-Parish vehicle must notify the department or agency head, immediately, but in no event later than 4 hours, whichever occurs first, if on duty, or if off duty, within 72 hours or before reporting for work, whichever occurs first, if his/her driver's license is revoked or suspended; he/she is arrested or cited for driving a vehicle while intoxicated, or operating a vehicle while under the influence of alcohol, or of a controlled dangerous substance; or he/she is arrested or cited for negligent injury to another person, due to operation of a vehicle while under the influence of alcohol or of a controlled dangerous substance, beginning 30 days after adoption of this resolution.

(b) Notification must take place within 72 hours or before reporting for work, whichever occurs first, if an employee

is convicted of a moving violation, regardless of whether notification has previously taken place regarding the arrest or citation for the offense in accordance with the requirements of subsection (a), beginning 30 days after the adoption of this resolution.

(c) If the employee fails to timely report any of the foregoing occurrences, the employee must complete a driver safety improvement program. Each time the employee fails to timely report a new occurrence, the employee must complete an additional program. This course must be completed on the employee's personal time and at the employee's expense. As a condition of continued use of a City-Parish vehicle, proof of completion of the program must be submitted to the Auto Committee within 15 days of receipt of written notice by the employee from the Auto Committee that it has been determined that he/she has failed to timely report an occurrence.

Section 24. (a) any employee convicted of moving violations or preventable accident violations within a twelve (12) month period, while acting within the course and scope of his/her employment, on the first offense shall forfeit driving the vehicle home for seven (7) days; on the second offense shall forfeit driving the vehicle home for thirty (30) days; and on the third offense the person shall forfeit driving the vehicle home for one (1) year. Any person committing the third offense shall not be eligible for the City-Parish auto allowance. Appeal may be made to the Auto Committee.

(b) Any City-Parish employee receiving the \$400.00 per month automobile allowance from the City-Parish, who while acting within the course and scope of his/her employment, is found to have been involved in a preventable accident or is convicted of any moving violation within a twelve (12) month period, on the first finding or conviction, shall forfeit seven (7) calendar days auto allowance. The finding of said violation shall be made by the Auto Committee. On a second finding of the violation of this policy or

a conviction, the employee shall forfeit thirty (30) calendar days allowance; and on the third finding of violation or conviction the employee shall forfeit the auto allowance for a period of one (1) year from the date of the decision by the Auto Committee or from the date of conviction. Any employee found in violation of this policy shall not be eligible to drive a City-Parish vehicle home during the penalty period. Appeal may be made to the Auto Committee.

Section 25. Any violation of the provisions of this resolution, may subject the employee to disciplinary action which shall be in addition to any of the consequences stated herein.

Section 26. In order to facilitate this resolution, there is hereby created an Auto Committee composed of the Council Budget Officer (or designee), the Council Administrator/Treasurer (or designee), and two representatives of the Mayor-President, appointed by the Mayor-President to determine violations of this resolution and to rule on the penalties.

Section 27. A copy of this resolution shall be placed in all City-Parish vehicles. Each City-Parish employee must read and sign a statement that the employee has read and/or understands the provisions of this policy and that the employee agrees to abide by the provisions of the policy as a condition of employment, specifically acknowledging and agreeing that periodic checks may be made of the employee's official driving record at the discretion of the appointing authority.

Section 28. This resolution shall become effective thirty (30) days from the date of adoption.

Section 29. The provisions of this resolution are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this resolution, or the validity of its application to other persons or circumstances.

Section 30. All resolutions or parts of resolutions in conflict herewith are hereby repealed, specifically including, but not limited to, Resolution Nos. 31880, 32069, 33689, 36535 and 39561.