



OREGON PARKS & RECREATION
DEPARTMENT

POLICY STATEMENT

NUMBER OP 40-01 Replaces OP 40-1 & 40-2 dated 10/19/92	PAGE 1 OF 4
EFFECTIVE DATE August 23, 2000	
APPROVED	AUTHORITY Department of Administrative Services Administrative Rules 125-155-000 through 125-155-900
SUBJECT Vehicle Use	
DISTRIBUTION All Personnel	

PURPOSE: Motor vehicle collisions rank as the top cause of workplace death and injury. Driving safely is an OPRD expectation and value. The purpose of this policy is to establish a consistent process to limit liability exposures and to promote safe driving behaviors of OPRD employees and volunteers who use state vehicles for official state business.

This policy provides oversight for the direction and control of vehicles used in conducting state business. The Department of Administrative Services (DAS) Risk Management Division mandates comprehensive oversight of vehicle use rules.

POLICY: It is the policy of OPRD to promote safe driving behaviors. OPRD requires the safe operation and use of any motor vehicle while on official state business. All permanent, seasonal, park hosts and volunteers are to follow state rules and department policy and procedures on vehicle use.

Employees and volunteers must maintain valid driver licenses and safe driving records when driving is an essential part of their jobs. Employees who have an adverse driving record may lose their privilege to operate vehicles on state business. If driving is an essential function of a person's position and if suitable alternatives are not available, the person may no longer meet the essential functions of the position.

OPRD managers are responsible for the implementation, monitoring, and compliance with state statutes and administrative rules as they relate to OPRD employment and employees' driving privileges. This responsibility includes DMV driver history checks, license validation, insurance verification, and timely filing of reports.

DEFINITIONS:

Driving as an Essential Function -- Means driving is essential to the duty; driving cannot be reassigned; removal of the driving function would fundamentally change the job.

Hardship or Probationary Permits -- Issued by DMV to persons whose driving privileges have been suspended or revoked. These permits grant restricted or limited driving privileges, such as for occupational purposes.

Motor Vehicle -- Any vehicle, which is operated on state or federal highways. *Vehicles primarily operated in a park, such as lawn mowers, off-road vehicles, etc. will not be considered motor vehicles for the purpose of this policy.*

Official State Business -- Any activity conducted in accordance with Oregon statutes and administrative rules and is directed and controlled by OPRD for the purposes of advancing the department's mission. Official state business means any activity conducted by OPRD to advance the lawful policies and purposes of the department. State law requires a narrow interpretation of this item. Therefore, OPRD policies and purposes are only those that are official,

in writing, and within statutory authority. These may be written in statutes, orders, rules, policy manuals, procedural guidelines and position descriptions.

Private Vehicle on State Business -- A motor vehicle that is owned, rented, borrowed, leased, or otherwise lawfully in the possession and control of any person other than the state.

Vehicle Collision -- An event when an attended or unattended state vehicle causes damage to or receives damage from another vehicle or object.

Volunteer -- A person or legal entity appointed in writing by a state agency to perform specified functions on behalf of the state without financial remuneration.

GENERAL PROCEDURES:

I. Driver License History Checks

- A. Bi-annual Checks** -- The manager from each area, unit or division must designate an employee(s) to conduct bi-annual driver license history checks (every six months or more frequently as needed) of their employees and volunteers who operate vehicles as an essential function of their duties.
- B. Adverse Driving Record** -- When driving is an essential job function, a person who has an adverse driving record (as described in the table below) must have a training/coaching management plan and/or may not operate a state vehicle.

Offense	Within # of Months	Examples
Major Traffic Offense	24	Reckless Driving, DUII, Failure to Perform the Duties of a Driver, Criminal Driving While Suspended or Revoked, Fleeing or Attempting to Elude a Police Officer, etc.
Felony Revocation/Misdemeanor Driver License Suspension	24	
More than Three Traffic Violations	12	Failure to yield right of way, driving above posted speed, etc.
Careless Driving Conviction	12	
Class A Moving Violation	12	30 miles over posted speed and racing.
An at Fault Vehicle Collision	12	

- C. At Risk Drivers** -- Persons are considered to be an "at risk driver" if they are in one or more of the above categories.
- D. Authorization** -- Authorization to drive a state vehicle must be evaluated every six months.

II. Use of Personal Vehicles on State Business

- A. Personal Vehicles** -- Managers must approve employees' use of personal vehicles, when justified, to conduct official state business. This approval must be obtained in advance and must be in writing (see attached Form 2031). Reimbursement for private car mileage is allowed for official state travel over the **most common and direct route**. Travel expenses between the place of residence and official workstation is not reimbursable.
- B. Insurance** -- Personnel authorized to use a privately owned vehicle for state business **must demonstrate proof and carry** personal auto liability insurance.
- C. Private Vehicle Use Conditions** -- For personnel authorized to use a privately owned vehicle on official state business, the following conditions and/or state coverage apply:
 - 1. Uninsured Motorist Coverage** -- There is no coverage for uninsured motorists or personal injury protection, which includes medical payments. These coverages must be provided through the individual's personal insurance.
 - 2. Insurance Coverage** -- Workers compensation insurance is provided the same as if the individual is using a state-owned vehicle on official state business. Collision and comprehensive physical damage losses to the private vehicle are not covered by the state.
 - 3. Liability Coverage** -- Liability to other persons, including the individual's passengers, must be covered by the individual's personal auto policy. If losses exceed the individual's policy limits, the state will cover the excess liability under the terms of the state's liability policy (Risk Management Liability Policy Manual #125-7-201). Volunteers, acting within the scope of their duties, are covered under the Oregon Tort Claims Act (ORS 30.206 through 300) in the same manner and the same extent that state employees are covered.

III. Hardship/Probationary Permits

- A. Hardship Permit B** -- No employee having a hardship or probationary permit based on an adverse driving record may operate a state or private vehicle for state business without Risk Management Division and OPRD approval.
- B. Suspended/Revoked Licenses** -- Employees whose driving privileges have been suspended or revoked must notify their managers immediately. Managers must consult with the OPRD Personnel and Safety Services Division if an employee requests a letter in support of a hardship permit application.
- C. Drivers History** -- Personnel and Safety Services will review the employee's employment history, driver history for the past three years, and any record of Citizen's Complaints for the past three years. If the decision is to recommend a hardship permit, Personnel and Safety Services will work with the manager to develop a performance management plan to submit to the Risk Management Division. If Risk Management approves the plan, the employee's manager may then provide the letter in support of the employee's application to DMV for the permit. Risk Management will issue a certificate of insurance which provides the required insurance coverage for the employee to drive state vehicles under the restrictions of the permit.

IV. SAIFer Driver Training

- A. Required Training** -- All persons who drive as an essential function are required to participate in the SAIFer Driver Plus developmental training within 90 days of hiring and every three years thereafter. This training is available at no charge. Management units with 15 or more persons requiring training may schedule the training at their locations.

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- B. Training Coordination** -- The Personnel and Safety Services Division will coordinate training requirements.
 - C. Specialty Vehicle Training** – Persons who operate specialized or oversized vehicles, including trailers, must be trained on how to operate the specific type of equipment for its intended application. It is the immediate supervisor's responsibility to make arrangements for this training.

V. Vehicle Collision Reporting and Review

- A. Reporting** -- Persons involved in a vehicle collision while on state business, whether operating a state or private vehicle, must notify their supervisors immediately and advise them of the incident, including all injuries and property damages. The person involved in the incident must also complete an OPRD Incident Analysis Form. A DMV Traffic Accident and Insurance Report must be completed if damages exceed \$1,000, if another vehicle is involved, or if there are any injuries. (Personnel and Safety Services will notify Risk Management if deductible limits are met or a liability exposure exists.)
- B. Review** -- The Oregon Occupational Safety and Health Administration requires a review of all vehicle collisions. The appropriate manager will appoint an incident analysis team which will review vehicle collisions and submit a report to the Area Manager and Personnel and Safety Services. When damage exceeds \$500, the Safety Review Board will analyze the findings and make recommendations on system-wide best practices.

VI. Complaints

- A. Driving Complaints** -- Driving complaints will be forwarded to the direct reporting manager of the employee for review. The manager will review the complaint and provide a summary response to the Safety and Risk Manager. A copy will be forwarded to Risk Management Division.
- B. Complaint Review** -- The Safety Review Board will review the complaint and identify system break down and recommend solutions to relieve future exposures.

DATE: _____

TO: _____ (Supervisor)

FROM: _____ (Employee)

SUBJECT: Request for Approval to Use Own Car on State Business

I request approval to use my own car for the state business on _____,
for the purpose of _____

My reason(s) for using my own car is (are) _____
I am [] am not [] asking for mileage payment. Insurance terms remain the same whether or not mileage payment is required.

When I am using my own car on state business, it is my duty to carry auto liability insurance to protect myself. I affirm my insurance now provides all that is required by Oregon Law (ORS Chapter 806).

When using my own car on state business, my auto insurance applies first. In an accident, if the liability loss exceeds my own policy limits, the State's coverage will apply to the excess over my policy limits. Still, the State will not cover any liability I incur when I am not acting within the scope of my state employment or duties. Nor will it cover if my act or omission amounts to malfeasance in office or willful or wanton neglect of duty.

Coverage for physical damage, uninsured motorist, and personal injury protection is only provided for cars owned by the State. This means that the State will not pay the costs of any repairs to my car. Nor will it provide bodily injury coverage (other than workers' compensation which may have been provided me by my supervising agency) for me if I am in my car. It is up to me to carry liability, physical damage, uninsured motorist, and personal injury protection insurance on my car.

If I am involved in an auto accident while on state business, I will advise the Risk Management Division within 24 hours by calling 373-RISK.

Requested:

Approved:

Employee

Supervisor

Date

Date