

OREGON MILITARY DEPARTMENT	NUMBER: AGP-99.100.19
ADJUTANT GENERAL PERSONNEL	EFFECTIVE DATE: August 24, 2023
SUBJECT: Vehicle Access and Use	

APPLICABILITY: This policy applies to all state Oregon Military Department (OMD) agency employees, contractors, volunteers, and any person who may operate a vehicle while on official state business.

AUTHORITY/REFERENCE: Guidelines for conducting background checks on subject individuals pursuant to OARs 125-007-0200 through 125-007-0330, Oregon Accounting Manual 40.10.00, and OAR 125-155-0000 through 125-155-0900 (State Vehicle Use and Access). The State Vehicle Use and Access rules are written under the directions and authority of ORS 283.305 through ORS 283.395 and ORS 278.200 through ORS 278.215.

PURPOSE: To provide a consistent means of managing access to and use of agency/state vehicles operated by agency drivers while performing assigned tasks unique or routine to promote the agency mission. This policy outlines the guidelines for state agency employees, contractors, and volunteers who drive vehicles to accomplish official state business and oversight for the direction and control of vehicles that limits liability exposure. The policy aims to ensure the safe and responsible use of state vehicles, which is essential for the smooth functioning of government operations.

BACKGROUND: OMD is committed to ensuring that anyone operating a state vehicle on official state business is knowledgeable of laws, rules, policies, and procedures applicable to vehicle use and consistently applies state laws, rules, and the agency’s policies and procedures as they relate to vehicle access and use. OMD sets the expectation that employees are to be positive representatives of the agency whenever they operate a vehicle and will hold employees accountable for operating state vehicles safely.

This policy is established to protect various stakeholders, including drivers, passengers, communities, state-owned vehicles, and the state insurance fund while ensuring judicious use of agency resources. OMD will provide screening of current state employees, volunteers, and contractors to determine if they have an acceptable driving record for positions covered by these rules. The Department of Administrative Services (DAS) Risk Management Division mandates comprehensive oversight of vehicle use rules.

DEFINITIONS:

Acceptable Driver’s License: A regular, temporary, or commercial vehicle operator’s license that is (1) lawful, current, and valid, (2) issued by the state where employee resides, (3) the kind/class or endorsement as required by law for the kind of driving being performed. Oregon residents must possess a standard Class C license. This allows a person eighteen (18) years or older to operate vehicles under 26,000 pounds, recreational vehicles fire and emergency vehicles, and tow other vehicles and trailers with certain weight restrictions. (Drivers who are residents of another state must possess an equivalent license issued by their state of legal residence.) Class C Restricted licenses are NOT acceptable under the DAS Vehicle Rules. Other driver license restrictions may not

be acceptable depending on the agency driving needs such as those restricted to daylight hours only or those for operating a golf cart only.

Authorized Driver: A state employee, contractor, or volunteer who is approved by the agency to drive on official state business.

Day Use: Use of a vehicle during a normal shift conducting both routine and non-routine duties related to official state business. Travel between home and the driver's duty station during day use is prohibited.

Duty Station: The location the agency designates in writing as the one from which an employee normally carries out their duties.

Emergency Aid: Assistance provided at a roadside emergency (such as an obvious accident or breakdown) where an individual(s) is in danger. Hitchhikers or someone asking for a ride are not roadside emergencies.

Full Time Use: The driver is assigned a state vehicle virtually all day and every day for conducting official state business.

High-Risk Driver: Anyone who does not have a satisfactory driving record.

Official State Business: Any activity conducted according to OAR 125-155, and directed and controlled by the agency to advance the lawful policies and purposes of the agency.

Other Permitted Drivers: Drivers from other government entities (per ORS 174.116 and 174.117) or contractors who have an intergovernmental agreement or contract with DAS Fleet or a state agency and are not insured by the state's self-insurance coverage.

Overnight Use: Using a state vehicle to travel on official state business to a location that requires staying overnight.

Personal Use: Anything other than official state business.

State Vehicle: A motor vehicle licensed for highway use (1) owned, rented, borrowed, or leased by an agency solely for official state business, (2) commercially rented or leased by a duly authorized employee at state expense and used only for official state business. A vehicle owned by DAS and lawfully rented to a local government or other non-state entity is not a state vehicle during the period of the rental agreement.

Satisfactory Driving Record: Employees or any person who drives to perform essential job functions must have, and maintain, an acceptable driving record. Traffic offenses that may render a driving record unacceptable include, but are not limited to: A misdemeanor or felony traffic offense in the last 24 months (this includes reckless driving, driving under the influence of intoxicants, failing to perform the duties of a driver, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer and others); or a felony revocation of driving privileges or felony or misdemeanor driver license suspension within the last 24 months; or more than three Class B traffic violations in the last 12 months; or a Class A moving violation in the last 12 months. (Class A is the most serious level of violation, e.g., going 30 mph over the limit.)

GUIDANCE:

1. It is the policy of the OMD and a requirement of the Oregon Revised Statutes that state vehicles may be used only for official state business and may be operated only by authorized persons who meet the department's driving criteria. No person shall drive, operate, or use (or authorize or permit another person to drive, operate, or use) any state vehicle for any purpose other than for official state business. This applies to state-owned vehicles as well as rental vehicles while authorized for use on official state business or at state cost or risk. OMD requires the safe and legal operation and use of any motor vehicle while on official state business. State vehicle use, rules, and department policy and procedures are to be followed.
2. Minimum Driver Requirements (OAR 125-155-0200), DAS-EGS Risk Management (RM) has set the following as the minimum standards for authorizing state employees to drive a state vehicle on official state business. Employee drivers:
 - A. Are over the age of 18 years; and
 - B. Have a verified valid driver's license; and
 - C. Have a satisfactory driving record; and
 - D. Are under direction and control of the OMD; or
 - E. Are specifically authorized by state statute (ORS 283.305).
3. Authorizing and Verifying Driver Qualifications (OAR 125-155-0200 and 125-155-0300).
 - A. The Oregon Military Department requires all finalists for positions requiring operating a state vehicle with the contingency that employee meets established criteria for driving, must have a background screening by the Agency LEDS Representative, prior to the final job offer.
 - B. Review of Driver Criteria: Department program managers and supervisors determine the assignment of driving responsibilities as an essential function of a position and listed in the position description. Managers and supervisors of employees or job candidates who are assigned driving responsibilities as part of their duties must have the Agency LEDS Representative review the job candidate's driving record before the individual is hired. The Adjutant General Personnel office will complete a risk assessment of the employee's driving record and make a determination as to their approval to operate a vehicle for official state business.
 - C. Finalists offered a position within the agency contingent on background checks, who have lived outside of the State of Oregon for more than six months within the last three years will be required to provide a certified copy of their driving record to the Agency LEDS Representative for review during the background check. Any out-of-state applicants whose records would not be in Oregon's Department of Motor Vehicles system, will need to provide a driving history of the past three years.
 - D. When driving is an essential function of a position, an employee or job candidate with an unsatisfactory driving record will be reviewed by AGP. Consequences could range from requiring a driving development plan or discipline up to and including dismissal from state service (rescinded conditional job offer for job candidate) due to inability to perform essential job functions.
4. Monitoring Status of Driver Authority to Operate State Vehicle (OAR 125-155-0100 and 125-155-0300).

- A. Agency managers are responsible for the implementation, monitoring, and compliance with state statutes and administrative rules as they relate to OMD's employment and employee's driving privileges. This responsibility includes working cooperatively with the Adjutant General Personnel office to ensure DMV driver history checks, license validation, and timely notification of any traffic violations/citations are conducted in accordance with this policy.
- B. Persons using vehicles contrary to law; or, DAS Risk Management Administrative Rule; or, this policy, are acting outside the course and scope of their employment of assigned duties. Use of vehicles contrary to DAS Risk Management Administrative Rule includes:
 - 1. Prohibited use of state vehicle or private vehicle while on state business;
 - 2. Consuming drugs or alcohol before or while driving or riding in a vehicle while on official state business;
 - 3. Carrying prohibited passengers or materials;
 - 4. Allowing unauthorized persons to drive.
- 5. Hardship Permits issued by DMV for employees, contractors, and volunteers shall not allow an individual to drive either a state or private vehicle for official state business without the approval of the Adjutant General Personal office. If approval is granted, DAS Risk Management must be notified in order to obtain special insurance coverage. This would require OMD to submit a request to DAS Risk Management for special insurance coverage of an employee, contractor, or volunteer who has been determined to have an unsatisfactory driving record as defined in this policy.
- 6. Any persons who will be driving state owned vehicles, must complete a state vehicle use and access driving course. OMD employees should take the course titled, "DAS – Risk – Vehicle Use and Access" which can be found on Workday as listed under the Training and Education section of this policy.
- 7. Managers are responsible to ensure employees are oriented to department policies, rules, and expectations regarding vehicle use for official state business, including self-reporting and maintaining a satisfactory driving record. Managers are responsible to ensure employees complete the state vehicle use and access training as previously mentioned.
- 8. Drivers must ensure they abide by the following:
 - A. Driver conduct for driving vehicles used for official state business must be legal, courteous, and safe.
 - B. Drivers must obey the posted speed limits and observe all traffic safety rules.
 - C. Drivers shall use, and require, appropriate safety restraints to be worn by all occupants at all times.
 - D. Drivers shall not use or allow riders to use tobacco, conduct smoking or vaping in state-owned, rented, or leased vehicles.
 - E. The use of a wireless communication device with a hands-free device while operating a vehicle for official state business is acceptable.
- 9. Use of private vehicles for official state business must be approved by the individual's manager. The approval of the use of private vehicles, when justified, is to conduct official state business. This approval must be obtained in advance and must be in writing. Employees authorized to use a privately owned vehicle for official state business must demonstrate proof of insurance and carry personal auto liability. All drivers who are authorized to use a private vehicle for official state business must comply with this

policy, DAS Risk Management administrative rule 125-155 and all other governing laws, rules or policies.

10. State vehicles may be used to transport people only to the extent necessary to accomplish state business. No driver may give a ride in a state-owned vehicle to anyone except as permitted by this policy or DAS Risk Management administrative rule 125-155. Examples of authorized passengers include state employees and guests of government such as official visitors from any entity which the state has an interest, and OMD volunteers.
11. All drivers must report within three (3) business days to their immediate supervisor or the AGP Director any incident that occurs while they are driving any vehicle for official state business, including citations, vehicle accidents, or arrests. Drivers must report within three (3) business days ANY (including in personal vehicle) driving citations, conviction, arrests, or forfeiture of bail, for off-the- job traffic offenses, including the imposition of driving restrictions, receipt of notice of suspension, or revocation of driving license to their immediate supervisor or the AGP Director. Supervisors must report any of the above disclosures by employees to the AGP Director within one (1) business day. Upon request, drivers must present evidence that they meet the department's driver criteria. Upon notification of a driving incident AGP may conduct a DMV check.
12. Failure to comply with this policy or failure to report any traffic citation, conviction, or arrest within the required time period may result in a loss of driving privileges and may be considered grounds for disciplinary action up to and including dismissal from state service. Additionally, any person with a history of traffic offenses, vehicle collisions, or driving-related citizen complaints may have their driving privileges revoked.
13. Vehicle Use: Any use of state vehicles, except for official state business as described and permitted in this policy, is considered vehicle misuse and employee misconduct. Employees driving in a manner not in compliance with this policy or DAS Risk Management administrative rule 125-155 are personally liable for all driving costs and related risks.
14. During the time a private or rental vehicle that has been authorized for use on official state business is used contrary to the governing laws, rules, or policies, it will not be eligible for state mileage or rental cost reimbursement. The vehicle, driver, and passengers will not be covered by state insurance. During the time a state-owned vehicle is used contrary to the governing laws, rules or policies, the vehicle and use will be the personal liability of the driver. The driver will be personally liable for any damages to the vehicle or harm to any other parties or property. State indemnification or self-insurance will not apply.
15. A state vehicle may not be used by an employee for the private financial benefit of the employee, any relative, or member of their household.
16. At no time shall an employee drive under the influence of alcohol or transport alcohol in a state-owned vehicle. Staff must not transport opened or unopened alcoholic beverages in a state-owned or leased vehicle or in a personal vehicle on official state business unless required to do so for official state business and directed in writing by their supervisor. In such permissible cases, the alcoholic beverage must be locked in the trunk of the vehicle.
17. State employees are not allowed to consume marijuana, alcohol, or any illegal or intoxicating substance before or while operating a state vehicle whether as a driver or a rider/passenger.

18. Any exceptions to this policy or any exceptions that are permitted by DAS Risk Management administrative rule 125-155-510 and 520 must be approved by the AGP Director.

TRAINING AND EDUCATION:

The agency approved training can be found in the Workday HRIS by searching under the Workday Learning application for the title “DAS – Risk – Vehicle Use and Access” or going to this link:
[https://wd5.myworkday.com/oregon/email-universal/inst/17816\\$746/rel-task/2998\\$29489.html](https://wd5.myworkday.com/oregon/email-universal/inst/17816$746/rel-task/2998$29489.html).

INQUIRIES / QUESTIONS: Questions pertaining to this guidance may be directed to AGP at (503) 509-2152 or OMD_AGP@omd.oregon.gov.



Tracy Garcia
HR Director
Adjutant General State Personnel