


POLICY

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|  | Policy: | Use of Town Vehicle | | |
| | Department: | Office of the Chief Administrative Officer | | |
| | Division: | Clerks Division | By-Law No: | N/A |
| | Administered by: | Clerk | Approval Date: | November 13, 2023 |
| | Replaces: | Use of Town Vehicle Policy – December 18, 2020 | | |
| | Attachment(s): | N/A | | |

1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to ensuring the effective and efficient use of the Town of Amherstburg fleet services through the delivery of safe, reliable, economical and environmentally sound transportation.

2. PURPOSE

- 2.1. This policy outlines how vehicles are assigned, those permitted to drive a Town vehicle, and the responsibilities and obligations of operating a Town vehicle.
- 2.2. This policy ensures compliance with the Smoke Free Ontario Act, 2017 enacted as part of Bill 174, Cannabis, Smoke Free Ontario and Road Safety Statute Law Act, 2017.
- 2.3. This policy ensures that all Town employees are aware of their responsibilities in the use and safeguarding of Town vehicles and associated equipment as outlined in the Highway Traffic Act.

3. SCOPE

- 3.1. This policy applies to any and all Town employee who uses or is required to use a Town-owned or supplied vehicle.
 - 3.1.1. This policy is not applicable to emergency response vehicles when engaged in emergency response operations.
- 3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. DEFINITIONS

- 4.1. **Accident** refers to a mishap whereby a Town-owned vehicle/equipment has come into contact with another vehicle/equipment, person, or object regardless of damage or injury, or accident with or without contact that results in injury to a person, property, vehicle or equipment.
- 4.2. **Mobile/Wireless device** for the purposes of this policy, refers to devices that use two-way radio-spectrum frequencies to communicate within the public telephone system or other public telecommunication systems, including, but not limited to, cellular telephones, portable radios, pagers, smart phones, tablets and other wireless devices.

- 4.3. **Coloured Fuel** is a fuel to which a specific type and quantity of red dye has been added in accordance with the Fuel Tax Act and regulations.
- 4.4. **Dedicated Vehicle** refers to a vehicle that has been assigned to a department or division on an annual basis, or as determined through the budgetary process.
- 4.5. **Electronic Cigarette** (or E-cigarette) is a handheld electronic device that simulates the feeling of smoking. It works by heating a liquid to generate an aerosol, commonly called a "vapor," that the user inhales.
- 4.6. **Licensed Motor Vehicle** refers to any motor vehicle to which a number plate is attached as required under the Highway Traffic Act, 1990.
- 4.7. **Shared Vehicle** refers to any Town vehicle that is, at the time of the request, not being utilized by a Town department or staff and can be requested for use on occasion by employees conducting town business.
- 4.8. **Substances** in this policy refer to alcohol, cannabis, depressants, hallucinogens, inhalants opiates and stimulants.
- 4.9. **Substance Abuse** for the purpose of this policy refers to the use of alcohol and other drugs or substances, including cannabis, illegal substances or prescribed and over the counter medications that may impair performance, safety at work or the ability to drive safely.
- 4.10. **Town Vehicle** refers to any licensed or unlicensed automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Town of Amherstburg.
- 4.11. **Vaping** refers to inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

Other common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. **INTERPRETATIONS**

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

6. **GENERAL CONDITIONS**

6.1. **Use of Town Vehicle**

- 6.1.1. Under no circumstances shall Town vehicles be used for personal matters.
- 6.1.2. Vehicles are to be used only for Town business during working hours or for periods where the vehicle is assigned for use.

- 6.1.3. Employees operating Town vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
- 6.1.4. Vehicles are not permitted outside the limits of the Town of Amherstburg without prior authorization from the employee's immediate supervisor.
- 6.1.5. Vehicles shall not be used for the transportation of any persons other than Town of Amherstburg employees or person engaged in Town of Amherstburg business, without prior authorization from the Municipal Clerk.
 - 6.1.5.1. Passage in a Town vehicle by non-employees may be granted in exceptional or emergency situations.
 - a. These situations shall be reviewed beforehand and approved in advance by the Municipal Clerk, wherever possible.
- 6.1.6. Employees are required to keep assigned vehicles clean and contain only those items for which the vehicle is designed.
- 6.1.7. Employees shall report any vehicle malfunction or damage to their immediate supervisor at their first opportunity.
- 6.1.8. All employees must wear seatbelts during the operation of the vehicle, regardless of whether the employee is the driver or a passenger.
- 6.1.9. Employees will not, under any circumstances, operate Town vehicles under the influence of cannabis, alcohol, illegal drugs, or prescription drugs/medication which may interfere with effective and safe operation of the vehicle.
 - 6.1.9.1. If an employee has been prescribed drugs/medication by a medical professional and that employee's roles and duties involve the operating of a Town vehicle, the employee must notify their immediate supervisor to ensure proper accommodations are made.
- 6.1.10. Employees are responsible to ensure that any and all materials or equipment being transported in their vehicle is secure at all times.
- 6.1.11. Employees are responsible for removing ice and snow build up prior to vehicle use to ensure the safety of other motorists and the general public.
- 6.1.12. Employees are to ensure they take every precaution to avoid a collision while operating a Town vehicle.
- 6.1.13. Employees will be personally responsible for any and all traffic/parking violations or other fines incurred during their use of a Town vehicle.
- 6.1.14. If the suspension of an employee's driver license occurs while driving a Town vehicle, and if the Town's vehicle is impounded or towed, any and all costs incurred to obtain the release of the Town vehicle, as well as any and all legal costs, may be the responsibility of the employee.

- 6.1.15. Employees who are issued citations for any offence while using a Town vehicle must notify their supervisor within twenty-four (24) hours of the incident.
- 6.1.16. Employees will not be permitted to modify a Town vehicle in any respect.
- 6.1.17. Employees shall be duly instructed on the effective and appropriate operation of Town vehicles prior to use.
- 6.1.18. Employees driving Town vehicles represent the morals and values of the Corporation. Employees shall not conduct themselves in any manner that would jeopardize the reputation of the Town, while operating a Town vehicle.

6.2. **Environmental Sustainability**

- 6.2.1. In accordance with the town's by-laws and policies, idling of town vehicles and equipment is prohibited unless required for operational needs. Further, in the interests of promoting environmental sustainability, accessing drive-through restaurant's while using a town vehicle is discouraged. , It is further expected that town vehicles and equipment will be used in a fuel efficient and environmentally responsible manner.

6.3. **Safe Driving Techniques**

- 6.3.1. Drivers are expected to employ safe driving techniques at all times while operating Town vehicles, or while operating personally owned vehicles on Town business.
- 6.3.2. Examples of safe driving techniques include, but are not limited to:
 - 6.3.2.1. Maintaining a safe following distance between them and the vehicle in front of them, using the 3-6 second rule, depending on vehicle length.
 - 6.3.2.2. Checking blind spots and signaling in advance before changing lanes.
 - 6.3.2.3. Driving within the posted speed limit at all times.
 - 6.3.2.4. Operating the vehicle at speeds that are safe for the conditions, recognizing that, in some circumstances (e.g. rain or fog) this may be lower than the posted speed limit.
 - 6.3.2.5. Avoid risk-taking or engaging in "road rage" activities, stunt driving, or aggressive driving.
 - 6.3.2.6. Conducting the appropriate vehicle Circle Checks prior to operating any Town vehicle, as required.
 - 6.3.2.7. Employees shall not continue to use Town vehicles if the continued use of said vehicle could result in injury to the employee, other drivers, or result in further detriment to the vehicle.

- 6.3.2.8. Employees shall not bypass any implemented safety systems provided in a vehicle to protect the driver, or as required by law (i.e. seatbelts).
- 6.3.2.9. Employees driving Town vehicles must maintain safe and legal operation of the vehicle, as indicated in the guidelines of the Highway Traffic Act, at all times.

6.4. **Distractions**

6.4.1. **Use of Mobile Devices**

- 6.4.1.1. All employees who are operating a Town vehicle, or a personal vehicle on Town business, must not talk, text, type, dial, browse or email using a hand-held cell phone or other hand-held communications or entertainment devices in accordance with applicable legislative requirements.
- 6.4.1.2. Drivers are permitted to use hands-free communication devices such as a cell phone with an earpiece, headset or Bluetooth using voice dialing or while being plugged into a vehicle's sound system.
- 6.4.1.3. Employees are not permitted to eat while operating a Town vehicle or a personal vehicle on Town business.

6.4.2. **Global Positioning System (GPS)**

- 6.4.2.1. Global Positioning Systems may be used only if the device is properly secured to the dashboard or windshield and is programmed at the beginning of the trip before the driver leaves the parking area and updated as needed when the vehicle is stationary.

6.4.3. **The Smoke Free Ontario Act Prohibitions**

- 6.4.3.1. The Smoke-Free Ontario Act prohibits a person from doing the following in a motor vehicle:
 - a. Smoking tobacco or having lighted tobacco where another person less than 16 years old is present;
 - b. Using an electronic cigarette or having an activated electronic cigarette where another person who is less than 16 years old is present and;
 - c. Smoking medical cannabis, having lighted medical cannabis, using an electronic cigarette containing medical cannabis or having an activated electronic cigarette containing medical cannabis consuming a prescribed product or substance, in a prescribed manner, or having a prescribed product or substance.

6.5. **Assignment of a Town Vehicle to a Department**

- 6.5.1. Assignment of vehicles will be based upon the needs and requirements of the department and is subject to review through the budget process.

6.5.1.1. As part of budget process, departments shall rationalize their assigned vehicles for possible consolidation or elimination.

6.6. **Assignment of a Town Vehicle to a Position and/or a Specific Employee**

6.6.1. Vehicles assigned to a position and/or a specific employee will based on the following criteria:

6.6.1.1. Working conditions (i.e. off-road driving, constructions sites, etc.).

6.6.1.2. Bona-fide job requirements and responsibilities.

6.6.1.3. Requirement of a vehicle for frequent emergency availability.

6.6.1.4. Availability of emergency or other equipment contained in the vehicle.

6.6.1.5. Completion of requisite training/certification.

6.6.2. Assignment of a Town vehicle may be revoked.

6.7. **24-Hour Use of Town Vehicle**

6.7.1. Except where specifically required, vehicles are not to be taken home without the permission of the immediate supervisor.

6.7.1.1. Permission shall be granted for urgent/emergency circumstances.

6.7.1.2. Permission shall be granted if it is most practical for the vehicle to be taken home to accommodate the employee's required travel period.

a. This shall only be granted if this situation does not prohibit the Town from its usual standard of care due to lack of vehicle availability.

6.7.2. After an employee's working hours, vehicles shall only be used to respond to situations within the scope of the employee's duties, or for pre-approved Town-related business, and for no other purpose.

6.7.3. Vehicles are not, under any circumstances, to be used for personal matters.

6.7.3.1. The personal driving of a Town of Amherstburg vehicle for purposes not related to his/her employment is a taxable benefit for an employee.

a. This includes personal use during an employee's vacation, driving to conduct personal activities, and travel between home and work (even if the employee is directed to drive the vehicle home).

b. Travel from home to a point of call (such as responding to a call-in after hours) is not considered personal driving.

- c. The taxable benefit shall be calculated as outlined by the Canadian Revenue Agency (CRA) subject to amendment.

6.8. **Vehicles for Work-Related Business**

- 6.8.1. Marked Town vehicles, where available, may be used for business purposes where the employee must travel for work-related purposes.
- 6.8.2. Use of Town vehicles for out-of-town business travel shall be accommodated wherever possible to limit mileage reimbursements to staff using personal vehicles for Town-related use.
 - 6.8.2.1. Employees are to use personal vehicles for Town-related travel only where accommodation cannot be made for the use of a Town-owned vehicle, or where it has been deemed by the department Director as impractical.
- 6.8.3. Occasional use of a Town vehicle by an employee not regularly assigned the use of a Town vehicle will only be arranged if it does not disrupt the operations of the department in which the vehicle is acquired.

6.9. **Accidents**

- 6.9.1. Pursuant to the Highway Traffic Act, 1990, motor vehicle collisions meeting any one of the following criteria outlined below, must be reported to the appropriate police jurisdiction in which the accident has occurred:
 - 6.9.1.1. Accidents resulting in injury or death.
 - 6.9.1.2. Accidents involving suspected criminal activity, including failure to remain, impaired driving and/or stolen vehicles.
 - 6.9.1.3. Accidents causing damage to public property or motor vehicles.
 - 6.9.1.4. Accidents involving hazardous materials and/or conditions.
 - 6.9.1.5. Accidents occurring in Community Safety Zones.
 - 6.9.1.6. Accidents involving unlicensed/uninsured/suspended drivers.
 - 6.9.1.7. Disturbances between involved persons.
 - 6.9.1.8. A vehicle damaged in an accident to the point that it is not drivable.
 - 6.9.1.9. Major traffic congestion as a result of the collision.
 - 6.9.1.10. Person who demands police attendance at the scene.

6.9.1.11. Reason to believe a driving offence has been committed against federal, provincial or municipal legislation where charges may be appropriate.

- 6.9.2. All employees and others involved in an accident shall obtain appropriate medical attention.
- 6.9.3. All employees must also report the accident to their immediate supervisor at their earliest opportunity.
- 6.9.4. All employees must request that involved parties and property remain at the scene of the accident until the accident investigation is completed, if applicable.
- 6.9.5. All employees must refrain from making statements regarding the accident with anyone other than the investigating officer, municipal officials, or municipal insurance company representatives.

6.9.5.1. Where and if statements are to be made, they are to be confined only to factual observations.

6.10. **Change in Employee Driver's License Status**

- 6.10.1. All employees, including students and part time employees, who operate, or are required to operate one point or another, a Town vehicle, must have a valid Ontario Driver's License.
 - 6.10.1.1. A copy of that license must be provided to the Clerk.
- 6.10.2. An employee whose job description requires that they carry a valid driver's license must report any change in the status of their driver's license which results in the loss and/or suspension of the license required to do his/her job. This may include, but is not limited to, the following charges:
 - 6.10.2.1. Impaired Driving Conviction.
 - 6.10.2.2. Failure or refusal to provide a breath sample.
 - 6.10.2.3. 90-day Administrative Driver's License suspension.
 - 6.10.2.4. Criminal Code conviction other than Impaired Driving.
 - 6.10.2.5. Highway Traffic Act conviction.
 - 6.10.2.6. Demerit point suspension.
 - 6.10.2.7. Medical downgrade.
 - 6.10.2.8. Any and all convictions and/or suspensions in regards to operating a motor vehicle.
- 6.10.3. An employee must report in writing to their immediate supervisor upon learning of any change in their driver's license status.

6.10.3.1. The report will explain the nature of the change in the driver's license status.

6.10.4. Failure to report any changes in the status of a driver's license will result in disciplinary action up to, and including, dismissal.

6.10.5. The Town reserves the right to verify an employee's driver's license with the Ministry of Transportation, provided the employee is required to drive a Town vehicle as part of their job duties, as indicated on their job description.

6.10.6. The Town reserves the right to examine, at any time, the driving record of an employee whose job description requires that they drive a Town vehicle.

6.11. **Parking of Town Vehicles**

6.11.1. When an employee is finished with a Town vehicle, it must be returned to a safe and appropriate location on Municipal property, as assigned by the employee's supervisor.

6.11.2. Vehicles are to be locked when not in use.

6.11.3. Keys must not be left unattended in Town vehicles.

6.12. **Fuelling of Town Vehicles**

6.12.1. Employees who use a Town vehicle are responsible for ensuring that the vehicle has an adequate supply of fuel.

6.12.2. Employees are to fuel Town vehicles at the Town's fuel site(s) whenever possible.

6.12.2.1. Employees may obtain fuel at alternate locations if the required travel does not permit the refueling at a Town facility.

6.12.2.2. Employees who must obtain fuel at locations other than at a Town facility must keep all fuel slips/receipts and have them accompany any and all mileage claim forms.

6.12.3. Coloured fuel is available for off road equipment only.

6.12.3.1. The use of coloured fuel in a licensed motor vehicle is prohibited and the driver may be liable to penalties and fines under the Provincial Offences Act or the Fuel Tax Act.

7. **RESPONSIBILITIES**

7.1. **Council** has the authority and responsibility to:

7.1.1. Adopt the Use of Town Vehicle Policy.

- 7.2. The **Chief Administrative Officer** has the authority and responsibility to:
- 7.2.1. Ensure appropriate oversight is in place within respective areas of responsibility to ensure compliance with the policy.
 - 7.2.2. Assign Town vehicles to employee positions.
 - 7.2.3. Review mileage and related financial information annually, and determine continued eligibility for vehicles assigned to a specific position.
- 7.3. The **Manager of Human Resources** has the authority and responsibility to:
- 7.3.1. Obtain a copy of a valid driver's licenses of prospective drivers for the purpose of completing a Drivers Abstract Report and submit to the Clerk's office for retention.
 - 7.3.1.1. In instances of learning and testing, employees in training must be accompanied by an appropriately licensed individual and abide by all other requirements for that class of license as noted in the Highway Traffic Act and by the Ministry of Transportation.
- 7.4. **All Managers and Directors** have the authority and responsibility to:
- 7.4.1. Provide and communicate applicable policy, procedure and protocol pertaining to the use of Town vehicles and equipment to employees.
 - 7.4.2. Ensure that employees receive appropriate training in the safe use of vehicles and equipment where required.
 - 7.4.3. Regularly monitor use of Town vehicles to ensure proper and safe usage.
 - 7.4.4. Issue discipline for misuse of a Town vehicle or for violations of the rules, regulations or conditions of its use.
 - 7.4.5. Advise Town staff of the appropriate contacts in the event of an accident.
 - 7.4.6. Complete and submit to Human Resources and the Clerk, all accident/incident reports within 48 hours.
 - 7.4.7. Contact the Manager of Roads and Fleet for service in the event of a vehicle/equipment failure.
- 7.5. The **Manager of Roads and Fleet** has the authority and responsibility to:
- 7.5.1. Ensure policy is followed and where clarification is required, provide to ensure policy compliance.
 - 7.5.2. Monitor the usage and the rotation of vehicles to maximize vehicle life.
 - 7.5.3. Maintain and repair town vehicles a timely, effective, and fiscally responsible manner including consideration for alternative service delivery.
- 7.6. The **Clerk** has the authority and responsibility to:
- 7.6.1. Ensure that all vehicles and equipment used in the undertaking of Town business activity are appropriately insured.
 - 7.6.2. Investigate and assess all vehicle accidents/incidents as necessary.
 - 7.6.3. Facilitate communication with insurance companies in case of injury and/or property damage and obtain appropriate recoveries.
 - 7.6.4. Respond to staff inquires as they pertain to insurance coverage of Town owned/leased vehicles and equipment.
 - 7.6.5. Obtain liability slips from the Town's insurance company for all Town owned/leased vehicles and equipment.
 - 7.6.6. Review situations where passage is requested for passengers who are non-employees and provide decisions that are within the best interests of the Town.
 - 7.6.7. Maintain copies of valid driver's licenses of current Town employees whose duties require the use/potential use of a Town vehicle.

- 7.6.8. Complete Drivers Abstract searches, as appropriate, for the verification of employee driver records.
- 7.7. The **Treasurer** has the authority and responsibility to:
 - 7.7.1. Calculate taxable benefits and mileage reimbursements based on information received from employees.
 - 7.7.2. Annually review the mileage reimbursement of employees and report the amount annually to the CAO.
- 7.8. **Staff** have the authority and responsibility to:
 - 7.8.1. Ensure their understanding and compliance with the policy and seek clarification where needed to follow the policy expectations.
 - 7.8.2. Comply with legislation in relation to the Highway Traffic Act, 1990, Commercial Vehicle Operator's Registration (CVOR) regulations, federal and provincial Income Tax Act's and related Town of Amherstburg by-laws, policies and procedures as they relate to the use of Town vehicles.
 - 7.8.3. Employees driving Town vehicles must possess and maintain an appropriate driver's license for the class of vehicle being operated.

LEGISLATIVE REFERENCES

- 7.9. Smoke Free Ontario Act
- 7.10. Highway Traffic Act
- 7.11. Provincial Offences Act
- 7.12. Fuel Tax Act