


POLICY

	Policy:	USE OF TOWN VEHICLES		
	Department:	Office of the CAO		
	Division:	Corporate	By-Law No.:	2015-124
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1. POLICY STATEMENT

- 1.1. 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 is to ensure that all Town employees are aware of their responsibilities in the use and safe-guarding of Town vehicles and associated equipment.
- 2.2. This policy will also outline how vehicles are assigned, who can drive a Town vehicle, and the responsibilities and obligations of operating a Town vehicle.

3. SCOPE

- 3.1. This policy applies to all and any Town employee who uses or is required to use a Town-owned or supplied vehicle.
- 3.2. This policy shall be reviewed every five years at a minimum or sooner, at the discretion of the CAO.

4. DEFINITIONS

- 4.1. **Accident** – Refers to an accident 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. **Chief Administrative Officer (CAO)** is the Chief Administrative Officer for the Corporation of the Town of Amherstburg, which includes the roles and responsibilities as laid out in Section 229 of the *Municipal Act, 2001*.
- 4.3. **Clerk** is the Municipal Clerk for the Corporation of the Town of Amherstburg, which includes the roles and responsibilities as laid out in Section 228 of the *Municipal Act, 2001*.
- 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. **Director** is the person responsible for direction and operational control of a division as defined on the Town’s organizational structure.
- 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. **Manager** reports directly to a Director (or the CAO in some instances) and who is responsible for a department within a division of the Corporation, as defined on the Town’s organizational structure.
- 4.8. **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.
- 4.9. **Town** is the Corporation of the Town of Amherstburg.
- 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.

5. **INTERPRETATIONS**

- 5.1. Any reference to 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. Vehicles should contain only those items for which the vehicle is designed.
- 6.1.7. Employees are required to keep assigned vehicles clean.
- 6.1.8. Employees shall report any vehicle malfunction or damage to their immediate supervisor at their first opportunity.
- 6.1.9. All employees must wear seatbelts during the operation of the vehicle, regardless of whether the employee is the driver or a passenger.
- 6.1.10. Employees will not, under any circumstances, operate Town vehicles under the influence of alcohol, illegal drugs, or prescription drugs/medication which may interfere with effective and safe operation.
 - 6.1.10.1. 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.
- 6.1.11. Employees are responsible to ensure that any and all materials or equipment being transported in their vehicle is secure at all times.
- 6.1.12. 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.
- 6.1.13. Employees are to ensure they take every precaution to avoid a collision while operating a Town vehicle.
- 6.1.14. Employees shall not idle their vehicles while conducting Town business.
- 6.1.15. Employees will be personally responsible for any and all traffic/parking violations or other fines incurred during their use of a Town vehicle.

- 6.1.16. 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.
- 6.1.17. 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.
- 6.1.18. Smoking is prohibited in all Town vehicles.
- 6.1.19. No modifications are permitted to a Town vehicle by the operating employee.
- 6.1.20. Employees shall be duly instructed on the effective and appropriate operation of Town vehicles prior to use.
- 6.1.21. 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. **Safety**

- 6.2.1. Employees driving Town vehicles must maintain safe and legal operation of the vehicle, and within the guidelines of the *Highway Traffic Act, 1990* at all times.
- 6.2.2. Employees driving Town vehicles must not engage in "road rage" activities, stunt driving, or aggressive driving.
- 6.2.3. Employees are responsible for conducting the appropriate vehicle Circle Checks prior to operating any Town vehicle, as required.
- 6.2.4. 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.
- 6.2.5. 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. **Distracted Driving**

- 6.3.1. Any and all employees who are operating a Town vehicle must not talk, text, type, dial, browse, or email using a hand-held cell phone or other hand-held communications and entertainment devices.
 - 6.3.1.1. Approved hand-held communications devices may be used, if deemed necessary by the employee's supervisor.
- 6.3.2. Employees are not permitted to eat while operating a Town vehicle.

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

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

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

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

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

6.5.1.1. Working conditions (i.e. off road driving, construction sites, etc.).

6.5.1.2. Bona-fide job requirements and responsibilities.

6.5.1.3. Requirement of a vehicle for frequent emergency availability.

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

6.5.2. Employees are grouped according to the requirements for use of a Town vehicle.

6.5.3. Each group is identified and includes, but is not limited to, the positions listed in this section:

6.5.3.1. Group 1

a. These employees must maintain continuous access (24-hour use) to a municipal vehicle.

b. These employees may take the vehicle home overnight, with the exception of vacation periods or illness.

c. Amherstburg Fire Department:

i. Fire Chief

ii. Deputy Fire Chief

iii. Assistant Deputy Fire Chief

d. Amherstburg Police Services:

i. Police Chief

ii. Deputy Chief

- e. Engineering and Public Works:
 - i. Manager of Environmental Services
 - ii. Manager of Public Works
 - iii. On Call employees in Engineering and Public Works, as applicable.

6.5.3.2. Group 2

- a. These employees have access to a municipal vehicle during working hours and the vehicle remains at a Town facility at the end of the workday.
- b. Building and Planning
 - i. Chief Building Official
- c. Parks and Facilities
 - i. Manager of Parks and Naturalized Areas
 - ii. Manager of Municipal Facilities

6.5.3.3. Group 3

- a. These employees have occasional access to a Town vehicle or is granted access upon request.
 - i. Any employee may request use of a Town vehicle from time to time for a specific Town use, including overnight use if required (i.e. attendance at out of Town conference and/or training).

6.5.4. Assignment of a Town vehicle may be revoked if the position and/or employee no longer meets the criteria described in Section 6.4.2.

6.6. **24-Hour Use of Town Vehicle**

6.6.1. Except for vehicles specifically assigned under Section 6.4.2, vehicles are not to be taken home without the permission of the immediate supervisor.

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

6.6.1.2. 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.
- 6.6.2. 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.
- 6.6.3. Vehicles are not, under any circumstances, to be used for personal matters.
 - 6.6.3.1. 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.

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

- 6.7.1. Marked Town vehicles, where available, may be used for business purposes where the employee must travel for work-related purposes.
- 6.7.2. Any employee, who wishes to utilize a Town vehicle for Town business will contact the Manager of Special Projects who, in coordination with Town departments having fleet vehicles, assigns an available Town vehicle for the time period required.
- 6.7.3. 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.
 - 6.7.3.1. 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.
- 6.7.4. 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.

6.8. **Accidents**

- 6.8.1. 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:
 - 6.8.1.1. Accidents resulting in injury or death.
 - 6.8.1.2. Accidents involving suspected criminal activity, including failure to remain, impaired driving and/or stolen vehicles.
 - 6.8.1.3. Accidents causing damage to public property or motor vehicles.
 - 6.8.1.4. Accidents involving hazardous materials and/or conditions.
 - 6.8.1.5. Accidents occurring in Community Safety Zones.
 - 6.8.1.6. Accidents involving unlicensed/uninsured/suspended drivers
 - 6.8.1.7. Disturbances between involved persons
 - 6.8.1.8. A vehicle damaged in an accident to the point that it is not drivable.
 - 6.8.1.9. Major traffic congestion as a result of the collision.
 - 6.8.1.10. Person who demands police attendance at the scene.
 - 6.8.1.11. Reason to believe a driving offence has been committed against federal, provincial or municipal legislation where charges may be appropriate.
- 6.8.2. All employees and others involved in an accident shall obtain appropriate medical attention.
- 6.8.3. All employees must also report the accident to their immediate supervisor at their earliest opportunity.
- 6.8.4. All employees must request that involved parties and property remain at the scene of the accident until the accident investigation is completed, if applicable.
- 6.8.5. All employees must refrain from making statements regarding the accident with anyone other than the investigating officer, municipal officials, or municipal insurance company representatives.
 - 6.8.5.1. Where and if statements are to be made, they are to be confined only to factual observations.

6.9. Change in Employee Driver's License Status

- 6.9.1. 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.
 - 6.9.1.1. A copy of that license must be provided to the Clerk.
- 6.9.2. 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:
 - 6.9.2.1. Impaired Driving Conviction.
 - 6.9.2.2. Failure or refusal to provide a breath sample.
 - 6.9.2.3. 90 day Administrative Driver's License suspension.
 - 6.9.2.4. Criminal Code conviction other than Impaired Driving.
 - 6.9.2.5. Highway Traffic Act conviction.
 - 6.9.2.6. Demerit point suspension.
 - 6.9.2.7. Medical downgrade.
 - 6.9.2.8. Any and all convictions and/or suspensions in regards to operating a motor vehicle.
- 6.9.3. An employee must report in writing to their immediate supervisor upon learning of any change in their driver's license status.
- 6.9.4.
 - 6.9.4.1. The report will explain the nature of the change in the driver's license status.
- 6.9.5. Failure to report any changes in the status of a driver's license will result in disciplinary action up to, and including, dismissal.
- 6.9.6. 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.
- 6.9.7. 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.

6.10. **Parking of Town Vehicles**

- 6.10.1. 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.
- 6.10.2. Vehicles are to be locked when not in use.
- 6.10.3. Keys must not be left unattended in Town vehicles.

6.11. **Fuelling of Town Vehicles**

- 6.11.1. Employees who use a Town vehicle are responsible for ensuring that the vehicle has an adequate supply of fuel.
- 6.11.2. Employees are to fuel Town vehicles at the Town's fuel site(s) whenever possible.
 - 6.11.2.1. Employees may obtain fuel at alternate locations if the required travel does not permit the refuelling at a Town facility.
 - 6.11.2.2. 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.
- 6.11.3. Coloured fuel is available for off road equipment only.
 - 6.11.3.1. 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. **ROLES AND RESPONSIBILITIES**

7.1. **Chief Administrative Officer** has the authority and responsibility to:

- 7.1.1. Support this policy and ensure compliance and adherence by Town departments.
- 7.1.2. Assign Town vehicles to employee positions based on specific criteria described in this policy, or through approved job descriptions.
- 7.1.3. Review mileage and related financial information provided by the Finance Department annually, and determine continued eligibility for vehicles assigned to a specific position.

7.2. **The Procurement and Policy Administrator** has the authority and responsibility to:

- 7.2.1. Coordinate the occasional use of Town vehicles for Town-related business for occasional drivers, upon request.

7.3. **Directors** and **Managers** have the authority and responsibility to:

- 7.3.1. Provide and communicate applicable policy, procedure and protocol pertaining to the use of Town vehicles and equipment to employees.
- 7.3.2. Ensure that employees receive appropriate training in the safe use of vehicles and equipment where required.
- 7.3.3. Regularly monitor use of Town vehicles to ensure proper and safe usage.
- 7.3.4. Issue discipline for misuse of a Town vehicle or for violations of the rules, regulations or conditions of its use.
- 7.3.5. Advise Town staff of the appropriate contacts in the event of an accident.
- 7.3.6. Complete and submit to Human Resources and the Town Clerk, all accident/incident reports within 48 hours.
- 7.3.7. Contact the Fleet Manager for service in the event of a vehicle /equipment failure.

7.4. **Fleet Manager** has the authority and responsibility to:

- 7.4.1. Monitor the usage and the rotation of vehicles to maximize vehicle life.
- 7.4.2. Maintain and repair town vehicles a timely, effective, and fiscally responsible manner including consideration for alternative service delivery.

7.5. **Employees** have the authority and responsibility to:

- 7.5.1. Abide by all required 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.
- 7.5.2. Employees driving Town vehicles must possess and maintain an appropriate driver's license for the class of vehicle being operated.

7.6. **Human Resources** has the authority and responsibility to:

- 7.6.1. Maintain copies of valid driver's licenses of current Town employees who duties require the use/potential use of a Town vehicle.
- 7.6.2. Obtain a copy of a valid driver's licenses of prospective drivers for the purpose of completing a Drivers Abstract Report.

7.7. **Municipal Clerk** has the authority and responsibility to:

- 7.7.1. Ensure that all vehicles and equipment used in the undertaking of Town business activity are appropriately insured.
- 7.7.2. Investigate and assess all vehicle accidents/incidents as necessary.
- 7.7.3. Facilitate communication with insurance companies in case of injury and/or property damage and obtain appropriate recoveries.
- 7.7.4. Respond to staff inquiries as they pertain to insurance coverage of Town owned/leased vehicles and equipment.
- 7.7.5. Obtain liability slips from the Town's insurance company for all Town owned/leased vehicles and equipment.
- 7.7.6. Review situations where passage is requested for passengers who are non-employees and provide decisions that are within the best interests of the Town.
- 7.7.7. Complete bi-annual Drivers Abstract searches on all active Town drivers to ensure the validity of driver's licenses.

7.8. **Financial Services** has the authority and responsibility to:

- 7.8.1. Calculate taxable benefits and mileage reimbursements based on information received from employees.
- 7.8.2. Annually review the mileage reimbursement of employees and report the amount annually to the CAO.