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POLICY

SUBJECT:	State Vehicles – Driver's Guidelines			
NUMBER:	MGT-616-13			
APPLICABLE TO:	All DJS employees			
	APPROVED:	/signature on original/		

APPROVED: /signature on original/ Sam Abed, Secretary DATE: 8/21/13

#### I. <u>POLICY</u>

All DJS employees shall use and maintain state vehicles in compliance with departmental and state policy, including the DBM *Policies and Procedures for Drivers of State Vehicles and Policies and Procedures for Vehicle Fleet Management*, as well as all state regulations and laws.

#### II. <u>AUTHORITY</u>

- A. Md. Code, Human Services Article, §9-203
- B. Md. Code, State Finance and Procurement Article, §3-503
- C. Md. Code, Transportation Article, §21-1124.1
- D. DBM Policies and Procedures for Drivers of State Vehicles, July 2010
- E. DBM Policies and Procedures for Vehicle Fleet Management, July 2010
- F. Executive Order 01.01.2009.08 Be a Driving Force for Safety Program
- G. DBM Hands-free Cell Phone Use Policy, October 1, 2009

#### III. <u>DIRECTIVES/POLICIES RESCINDED</u>

A. DJS State Vehicle Fleet policy, 01.01.18

#### IV. FAILURE TO COMPLY

Failure to comply with the Secretary's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

#### V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed.

#### VI. <u>REVISION HISTORY</u>

DESCRIPTION OF REVISION	DATE OF
	REVISION
New policy issued to ensure compliance with state policies,	
regulations and statutes. New procedures for Pool Vehicle	
Coordinators and use of state vehicles. Revised prohibition	
against using a handheld cell-phone in a state vehicle. New	
requirement to report moving violation or must appear	
citation.	June 10, 2013
Revised procedures added.	May 2017
Added vehicle inspection program to comply with DBM	July 17, 2017
policy – see Section E.	



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## PROCEDURES

# SUBJECT:State Vehicle – Driver's Guidelines and DutiesNUMBER:MGT-616-13APPLICABLE TO:All DJS employees

APPROVED: _	/signature on original/
	Lynette Holmes, Deputy Secretary
DATE:	7/13/17

#### I. <u>PURPOSE</u>

The purpose of these procedures is to ensure that state vehicles are assigned, used and maintained by Department of Juvenile Services (DJS) employees in compliance with departmental and state policies as well as any state regulations or statutes.

#### II. <u>DEFINITIONS</u>

*Driver* means an eligible state employee who operates state vehicles. The privilege to drive is contingent upon continued compliance with departmental policy.

*Fleet Management Administrator (FMA)* means the person designated by the Secretary of the Department to administer Department of Budget and Management (DBM) policies concerning the use and care of all state vehicles used within the Department.

*Pool Vehicle* means any state vehicle, which is not assigned to an individual. This term also includes a state vehicle used by teams or groups of state workers traveling on state business to/from the same job site, other than employees' permanent duty location.

*Pool Vehicle Coordinators* (PVC) means an employee responsible for coordinating the use of pool vehicles assigned to units or teams within the Department.

*State Vehicle (Vehicle)* means any motor vehicle titled or leased to the state of Maryland and assigned to an employee in accordance with the DBM assignment criteria.

#### III. **PROCEDURES**

#### A. ASSIGNMENT OF VEHICLES

The assignment of vehicles is based on several criteria including, but not limited to, the availability of a vehicle, the employee's need for a vehicle, and the priority of other requests.

#### 1. Pool Vehicles

- a. General The Deputy Secretary for Support Services or designee will assign pool vehicles to each Region. Vehicles will be reassigned if they do not accumulate 10,000 miles of official use each year. New pool vehicles will be assigned based on total accumulated average miles on vehicles assigned to a specific pool (area, facility, etc.).
- b. Assignment Requests for vehicles should be made to the FMA at <u>Djs.fleetmanagement@maryland.gov</u>.
- c. Exceptions Requests for an available pool vehicle can be made to one of the departmental Pool Vehicle Coordinators (PVC) located in every Region or at HQ. The request should be submitted to the PVC or if requesting an OIG pool vehicle, the request can be entered into the Vehicle Reservation Log where the vehicle is located. Requests should be made in advance to ensure the availability of a vehicle. Requests can be made to any Regional Director or any Pool Vehicle Coordinator.

#### 2. Individually Assigned Vehicles

- a. General The Deputy Secretary for Support Services will assign a vehicle to persons who have primary emergency or Duty Officer
  Response duties. Persons requiring these vehicles will normally be on twenty-four hour call throughout the year.
- b. Assignment Requests for vehicles should be made to <u>Djs.fleetmanagement@maryland.gov</u>. Vehicles are assigned to the following positions for emergency/response purposes:
  - (1) Secretary
  - (2) Deputy Secretaries
  - (3) Executive Directors
- c. Exceptions Exceptions may be granted to the individual assignment of vehicles by the Deputy Secretary of Support Services. All requests for exceptions shall be made in writing. The Deputy Secretary of Support Services shall approve all exceptions, track the exceptions, and review the exceptions each year. Persons requesting an exception must meet the following criteria:
  - Be approved by the Superintendent/ Regional Director/Central Office Manager and/or the appropriate Executive Director;
  - (2) Be on a twenty-four (24) hour on-call basis to respond to emergencies; and
  - (3) Have a critical need for immediate response to the emergency.

#### **B.** GENERAL RULES FOR DRIVERS OF STATE VEHICLES

- 1. All drivers shall adhere to the policies, procedures, rules and other instructions covering the use and operation of state vehicles issued by the DBM and DJS. All drivers shall review the DBM Policies and Procedures for Drivers of State Vehicles, July 2010 and sign the acknowledgment form (Appendices 1 and 2).
- 2. All drivers must have a valid government-issued driver's license. Drivers who have an out-of-state driver's license must submit a certified copy of their driving record annually.
- 3. Smoking is prohibited in any state vehicle.
- 4. State vehicles shall be driven only by state officials and authorized employees.
- 5. A driver shall not use state vehicles to conduct personal business, to transport members of the family, *e.g.*, transporting children to and from school, or for pleasure. Passengers in state automobile must be authorized persons on state business.
- 6. No person may drive or ride in a state vehicle unless properly restrained by the occupant restraint device. It shall be the driver's responsibility to ensure that the passengers use the available restraint devices.
- 7. Radar detection devices or any other device used to detect the presence of police radar may not be used or installed in a state vehicle.
- 8. A driver having a driver's license with six (6) points or more for moving violations may not operate a state vehicle.
- 9. A driver shall obey all traffic and parking laws. Posted speed limits are not to be exceeded, nor is the vehicle to be operated above safe driving speeds for road conditions. A driver who receives at least four red light or speeding camera citations, while driving a state vehicle, within a 12 month period may not drive a state vehicle. When the number of citations in a 12 month period is three (3) or fewer, a driver may resume operating a state vehicle upon the satisfactory completion of the Driver Improvement Program. The test can be found online at: http://www.dbm.maryland.gov/Pages/DriverImprovementProgram.aspx.
- 10. A driver is required to comply with all state and local laws regarding the use of mobile communications devices while driving. A driver of a vehicle that is in motion may not use their hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone. Drivers shall not send or receive calls or text messages while driving a vehicle. If a mobile communications device must be used by a driver while driving a state vehicle, a hands-free device must be used. The use of a hand-held mobile communications device without a hands-free device is permitted only to call 911 (see Appendix 3).
- 11. All violations, including citations, fines and penalties shall be the responsibility of the driver operating the vehicle. If a driver fails to pay a citation within 3 months of issuance, the supervisor shall suspend the employee's driver's privilege until the citation is paid. Failure by the driver to pay any violation shall result in progressive discipline.
- 12. An employee's driver's privilege shall be immediately suspended when a driver is charged with any motor vehicle violation while driving a state vehicle for

which a penalty of incarceration is possible. Motor vehicle citations for these violations will indicate that the violation is a "Must Appear" violation and that the driver must appear when notified by the court. The employee's driver's privileges shall remain suspended until the Department's Accident Review Board has reviewed the occurrence and a makes a decision regarding further action.

- 13. A driver charged with a moving violation or a "Must Appear" violation while driving a state vehicle shall notify the Fleet Manager immediately at <u>Djs.fleetmanagement@maryland.gov</u> and in no case later than the following business day. The Fleet Manager shall notify DBM in writing within 2 business days of receiving the notice of the charge. Failure of the driver to report the receipt of a moving violation timely may result in disciplinary action.
- 14. Drivers who have had their driving privilege suspended as a result of point accumulation, being charged with any offense for which a penalty of incarceration is possible while driving a state vehicle, or a determination by the Accident Review Board or DJS Secretary shall be reimbursed for use of a private vehicle at no more than one-half of the effective state reimbursement rate.
- 15. No state vehicle assignment may be changed without prior approval from the Director of General Services.
- 16. Persons who use state vehicles for commuting purposes shall pay the appropriate charges as defined by DBM. Payment shall be made through bi-weekly payroll deductions.
- Drivers shall complete the Driver Improvement Program test online each year. The test can be found online at: http://www.dbm.maryland.gov/Pages/DriverImprovementProgram.aspx.

#### C. USE OF VEHICLES

#### 1. General

- a. Whenever possible, drivers should plan their use of vehicles to coincide with other employee travel requirements so that vehicles are used efficiently and economically.
- b. Travel Logs shall be completed for every vehicle. Each driver shall complete the travel log, the *Monthly Mileage Report*, (See Appendix 5 or <u>http://intranet/Forms\_Updates/fleet\_management/vehicle-mileagelog.docx</u>) for each day the driver used the state vehicle. The travel log shall remain in the vehicle until the end of the month. The PVC shall forward the completed *Monthly Mileage Report* to Djs.fleetmanagement@maryland.gov by the 5th of every month.
- c. All DJS drivers, except Youth Center employees, shall fuel the state vehicle from the statewide Automated Fuel Dispensing and Management system.
  - (1) Youth Center drivers shall fuel state vehicles at the Youth Centers according to established local operating procedures.
  - (2) Upon the completion of a trip, a driver of a state vehicle who has a state fuel card shall leave the vehicle with at least a half a tank of gas for the next driver to use. Failure to do so shall

result in a letter of counseling for the first two occurrences. Any additional occurrences, within a twelve month rolling period, shall result in progressive discipline. State drivers who do not have state fuel cards shall be exempt from this requirement.

#### 2. **Picking up a vehicle**

- a. Vehicle keys can be obtained from the PVC, at the location where the vehicle is kept, or at a designated location and time specified by the PVC. If a vehicle is needed early in the morning (before 8:30 AM), arrangements for picking up the keys must be made by the afternoon prior to the reservation.
- b. The driver will be required to sign-out the vehicle's key(s).
- c. The driver should perform a walk around inspection of the vehicle prior to driving. At a minimum, the driver should also check: all gauges, brakes before driving, windshield wipers, lights, and horn. Any defect discovered during the inspection must be noted and immediately reported to the PVC.
- d. All drivers, except the Secretary of DJS, are required to enter their name, all destination(s) and miles traveled (i.e. ending mileage odometer reading) into the vehicle mileage log that is kept in each vehicle.
- e. The driver should verify that the following items are in the vehicle's glove compartment or in the vehicle's binder prior to driving:
  - (1) Vehicle Mileage Log;
  - (2) Vehicle Registration Card;
  - (3) Fuel Card(s);
  - (4) EZ Pass;
  - (5) State of Maryland Certification of Self-Insurance;
  - (6) Vehicle Owner's Manual; and
  - (7) General Guidelines When Involved in an Accident.
- f. Any defect discovered while driving the vehicle must be noted and reported to the PVC upon return of the vehicle. Upon identifying any defects that could cause further damage to the vehicle, render it unsafe, or present a hazard, the driver shall stop the vehicle and report the defect immediately to the PVC. The vehicle shall not be driven until necessary repairs are completed.

#### 3. **Returning a vehicle**

- a. The pool vehicle and key(s) should be returned to the location from which the vehicle was received, or at a location and time specified by the PVC. If the vehicle is returned after 5:00 PM, arrangements for returning the keys must be made prior to the close of business.
- b. The driver is responsible for securing and inspecting the vehicle after operation.
- c. Upon the completion of a trip, a driver of a state vehicle, who has a state fuel card, shall leave the vehicle with at least a half a tank of gas for the next driver to use. Failure to do so shall result in a letter of counseling

for the first two occurrences. Any additional occurrences, within a twelve month rolling period, shall result in progressive discipline. State drivers who do not have state fuel cards shall be exempt from this requirement.

d. The driver shall clean the vehicle after every use. The driver shall not leave food or drink containers or other refuse in vehicle. The driver may use his/her discretion on washing the exterior of the vehicle.

#### D. CARE AND ADMINISTRATION OF VEHICLES

The Driver shall

1

- a. Maintain all state vehicles so that they may be operated safely at all times, are reasonably clean (interior and exterior) and mechanically serviceable;
- b. Take every precaution to ensure the safety of the vehicle and its contents. The driver shall lock the vehicle and take the keys, except in those instances when a commercial parking garage or service vendor requires that keys be left with the vehicle; and
- c. Be personally responsible for any operated vehicles. Should damage to a state vehicle result through misuse or gross negligence, the driver may be required to make restitution to the state.
- 2. The PVC of the DJS unit or the employee to which the vehicle is assigned shall:
  - a. Ensure that all preventative maintenance is performed on schedule and State vehicles are to be properly maintained in accordance with state laws and manufacturer's specifications;
  - b. Submit a completed, signed Vehicle Inspection Report (See Appendix 6, and DJS intranet Forms) by the 5<sup>th</sup> of each month to <u>Djs.fleetmanagement@maryland.gov;</u>
  - c. Notify the Director of General Services of any vehicle problems; and
  - d. Provide any other requested fleet management information to the Director of General Services.

#### DI. VEHICLE INSPECTION PROGRAM

- 1. DJS shall have an in-house inspection program for State vehicles to assure that vehicles are clean, properly equipped, maintained and in good repair.
- 2. The FMA is designated to implement the program and shall ensure that:
  - a. Each vehicle be inspected annually and a copy of the Vehicle Inspection Report form (Appendix 6) will be completed;
  - b. Vehicle inspection forms are maintained at Headquarters and available for audit; and
  - c. Repairs are made to correct safety conditions immediately and all unsatisfactory conditions no later than seven (7) days after identifying the condition; the vehicle is not used until such repairs are made; and all repairs are documented on the inspection sheet.

#### F. ACCIDENTS AND ACCIDENT REVIEW

- 1. **A driver shall report all accidents.** If an accident occurs, regardless of fault, a driver shall:
  - a. Abide by the Accident Guidelines following a vehicle accident. (See Appendix 1, p. 13 for guidelines); a copy of the Accident Guidelines will be kept in Vehicle Mileage Binder;
  - b. Make every effort to have a police officer respond to the accident scene and request a formal report from the officer; (Failure to follow this procedure must be fully explained in writing and submitted to FMA);
    - c. Notify the FMA within twenty-four (24) hours even if another vehicle is not involved or there are no apparent injuries or damages;
    - d. Complete the Motor Vehicle Accident Investigation Guide FS-1 (see Appendix 4 and the intranet under Forms/Fleet Management) and send to the FMA within 24 hours; and
    - e. Report the accident to the fleet service vendor immediately; contact information for the vendor can be found in the Vehicle Log Binder.
- 2. All accidents shall be reviewed by the DJS Accident Review Board in compliance with the DJS Accident Review Board Policy.

#### IV. <u>RESPONSIBILITY</u>

Facility Administrators and Regional Directors are responsible for implementation and compliance with this procedure.

#### V. <u>INTERPRETATION</u>

The Deputy Secretary for Operations shall be responsible for interpreting and granting any exceptions to these procedures.

- VI. <u>LOCAL OPERATING PROCEDURES REQUIRED</u> Yes
- VII. DIRECTIVES/POLICIES REFERENCED

No policies referenced.

#### VIII. <u>APPENDICES</u>

- DBM Policies and Procedures for Drivers of State Vehicles, July 2010; http://dbm.maryland.gov/Documents/FleetManagementServices/drivers\_manual.p df
- 2. DBM policy acknowledgement form
- 3. DBM Hands-free Cell Phone Use Policy; http://www.dbm.maryland.gov/Documents/DriverImprovementProgram/ HandsFreeCellPhoneUsePolicy.pdf
- 4. Motor Vehicle Accident Investigation Guide FS-1
- 5. Monthly Mileage Report
- 6. Vehicle Inspection Report
- DBM policies and Procedures for Vehicle Fleet Management; http://dbm.maryland.gov/Documents/FleetManagementServices/fleet\_mgmt\_manu al.pdf



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### **DJS POLICY AND STANDARD OPERATING PROCEDURES** Statement of Receipt and Acknowledgment of Review

SUBJECT: State Vehicle – Driver's Guidelines NUMBER: MGT-616-13 APPLICABLE TO: All DJS employees REVISION DATE: 7/13/17

I have received and reviewed a copy (electronic or paper) of the above titled policy.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINT FULL NAME

DATE

WORK LOCATION

#### SEND THE ORIGINAL, SIGNED COPY TO VERNELL JAMES IN THE DJS OFFICE OF HUMAN RESOURCES FOR PLACMENT IN YOUR PERSONNEL FILE.

Appendix 2

#### POLICIES AND PROCEDURES FOR DRIVERS OF STATE VEHICLES

#### TO: ALL DRIVERS OF STATE VEHICLES

Drivers are required to read the Policies and Procedures for Drivers of State Vehicles and sign this Acknowledgement Statement at the bottom of the page. The signed statement must be retained by the Agency Fleet Manager.

Only drivers who have signed this Acknowledgement Statement may operate state vehicles.

#### ACKNOWLEDGEMENT

The undersigned certifies he/she has read the Policies and Procedures for Drivers of State Vehicles.

I am aware that a violation of these rules would be cause for disciplinary action.

SIGNED:
NAME:
AGENCY:
CLASSIFICATION:
DATE:
(Please print or type all information)

#### GENERAL GUIDELINES WHEN INVOLVED IN AN ACCIDENT

- 1. Stop as near to the scene as is safely practical; avoid blocking traffic and otherwise minimize potential danger to others.
- 2. If necessary, notify appropriate emergency medical and/or fire rescue personnel.
- **3.** Make every effort to have a police officer respond to the accident scene. The officer must be requested to make a formal report. Failure to follow this procedure must be fully explained in writing (Attach to AUTO LOSS REPORT).
- **4.** Provide identification to involved parties.
- **5.** Protect State property.
- 6. Cooperate with police and emergency medical personnel.
- 7. <u>DO NOT</u> admit negligence or fault or offer settlements.
- 8. Obtain names and addresses of witnesses and all involved parties.
- 9. Record the license plate numbers of all involved vehicles.
- **10.** Obtain driver's license and insurance information from other involved parties.
- **11.** Notify appropriate Agency representative as soon as possible.
- **12.** Accidents involving evacuation by emergency medical personnel shall be reported immediately by telephone to the Insurance Division of the State Treasurer's Office at 410-260-7684.
- **13.** The State Agency should advise the claimant/attorney to contact the Insurance Division of the State Treasurer's Office with questions.
- **14.** The Insurance Division personnel will instruct the claimant/attorney as to the proper procedure for filing a formal notice of claim.

MAKE NO OTHER COMMENTS. VOLUNTEER NO INFORMATION.

**15.** Forward a copy of any correspondence received relative to a claim to the Insurance Division of the State Treasurer's Office at 80 Calvert Street, Room 400, Annapolis, MD 21401.

#### **Section C**

#### INSTRUCTIONS FOR COMPLETING MOTOR VEHICLE ACCIDENT INVESTIGATION GUIDE (FS-1)

A Motor Vehicle Accident Investigation Guide (FS-1) is completed each time an AUTO LOSS REPORT form is completed and submitted to the Insurance Coordinator. The driver completes the first page of the form. The second page is then completed and reviewed by the supervisor and subsequently by the agency Accident Review Board with the appropriate comments entered into the spaces provided. **PLEASE DO NOT DELAY THE SUBMISSION OF THE AUTO LOSS REPORT FORM PENDING COMPLETION OF THE FS-1.** 

The Motor Vehicle Accident Investigation Guide (FS-1 is attached) **must be completed by the driver within 48 hours of the incident** and reviewed by the driver's supervisor for accuracy and completeness within 72 hours.

Upon completion of the driver's section, the supervisor reviews this information and completes the "Accident Review by Supervisor" section of the FS-1. For interpretations of preventable accidents, please refer to the Accident Definitions located in Section G of this Appendix. After the completion of the driver's section and the supervisor's section the FS-1 is forwarded to your agency's Insurance Coordinator and Accident Review Board for processing.

#### MOTOR VEHICLE ACCIDENT INVESTIGATION GUIDE (FORM FS-1)

THIS SECTION TO BE COMPLETED BY DRIVER

1. State Agency/Department:		2. Agency Budget Cod	e:		
3. Driver's Name:		4. Unit/Section:			
5. Classification:		6. Date & Time of Accident:			
7. Location of Accident:		8. Driver's License #:			
9. Conditions (Please circle al	that apply):				
Daylight Dawn Dusk Dark (street lights on) Dark (street lights off) Dark (no street lights) 10. Accident Investigation Inform a. State Police b. Local Police b. Local Police b. Were citations issued to: (1) State Driver (2) Other Driver	()Yes () ()Yes ()	Unknown ) No ) No	ect Specify:		
11. Was State driver/passenger	injured?()) ())	Yes () No Yes () No			
Diagram: Below					

13. Insurance Information for Other Vehicle: Company: \_\_\_\_\_ Policy #: \_\_\_\_\_\_ State Vehicle Tag # of other vehicle: \_\_\_\_\_

#### Appendix 5

		Vehi	icle Mileage Log	I		
Month/Year: License Tag:				Assigned Driver's Name:		
		Year/Make/Model:	Be	eginni	ning Odometer:	
	Daily Travel Activity	1	Commute M	liles	Ending	
Date	(Must Include All Dest	inations)			Odometer	Driver's Name
	mute Miles for Month:					
ssigned	Driver's Signature:					

#### Appendix 6

#### **VEHICLE INSPECTION REPORT**

		AGENCY		
INSPECTION:				
Date of Inspection:	N	/lileage:	Inspected By	/:
YearMa	ike & Model:	Body	v Style:	_
Driver:				
(First) (Middle)		(Last)		
LAST SERVICE: Oil:		Lube:	Tu	ne-Up:
	te) (date)		te)	
Mileage:	Mileage:	Mileage:		_
Indicate:	SATISFACTORY	/ "S"	UNSAT	TISFACTORY
Tire Wear: R.F	L.F	R.R	L.R	_ Spare:
Glass: Windows:	Mirro	ors:		
Lights: Front Rear	Signal			
Exterior: Scratches	Paint Conditi	on Der	nts	
Interior: Cleanliness Accident Package: _			Mileage	Forms
IS OWNER MANUAL FO	LLOWED ON GEI	NERAL VEHICL	E MAINTENAN	JCE?:
ASSIGNED DRIVER'S R	EMARKS:			
Steerage:I	Brakes:Acc	eleration:		Other:
TO BE MONITORED BY	INSPECTOR:			
	sfactory item mus	t be corrected w	ithin 7 days.	
v	r contracts are to		v	not available.

**III.** <u>All accidents are to be investigated by police and required reports submitted.</u>

Failure to maintain Inspection Reports or to use State contracts and warranties may result in loss of State vehicle assignment.