

POLK COUNTY

DRIVER/VEHICLE POLICY HANDBOOK

Article I. General Guidelines

Polk County, "the County", owns and operates vehicles necessary for the execution of County business, most of which are special purpose vehicles such as trucks, vans, road equipment, and law enforcement-related automobiles. All vehicles operated in the course of Polk County business shall be covered by this policy, regardless of whether the vehicle is purchased, leased, awarded by grant funds, or legally seized and/or forfeited to County (or subdivision of County) by County law enforcement agency by the appropriate judicial body.

The Commissioners Court is the County's principal governing body, and it exercises jurisdiction over all County business, as is conferred by the Texas Constitution and statutes. The Commissioners Court is charged with the legislative power of budget making, as well as the authority to set the compensation and all other allowances for County and precinct officers and employees who are paid from county funds. The Commissioners Court has authorized the standard mileage rate for business travel set by the Internal Revenue Service for mileage reimbursement for county employees. Vehicle allowances shall be reviewed annually by the Commissioners Court during the budgetary process and set at the beginning of each fiscal year. The Commissioners Court is also responsible for enforcement of the state and federal statutes pertaining to employee compensation and the defense of any and all liability claims that may be asserted against the county.

The Texas Constitution prohibits granting public property for an individual's personal use. Accordingly, the Commissioners Court may allocate vehicles only to accomplish a legitimate public purpose, and it must do so in a manner that ensures that such vehicles are subject to controls that ensure the public purpose is accomplished and the public's investment is protected. All County officials and their employees are bound by the constitutional requirement that County property be used for a public purpose.

The County Auditor is statutorily obliged to see to the strict enforcement of the law governing county finances. Accordingly, the Auditor has statutory authority to adopt and enforce regulations to ensure that county vehicles are used in a manner that accomplishes legitimate public purposes. The County Auditor has a statutory right to access and examine County officials' records concerning County property and to require that each person who has responsibility for County property provide statements to the Auditor regarding their use of such property. Further, the County Auditor is authorized to adopt and enforce regulations necessary for the speedy and proper collecting, checking, and accounting of county funds.

Chapter A. Purpose

Sec. 1. Increase efficiency in operation of County business.

In order to increase the efficiency in County governmental operations, the Polk County Commissioners Court has adopted a policy which will maximize the County's vehicle resources and minimize expenditures.

Sec. 2. Establish standardized use policies for county-owned vehicles.

The purpose of this policy is to establish guidelines in the lawful use of County-owned vehicles, the designation of vehicle allowances, and authorized mileage reimbursement.

Sec. 3. Allocate resources equitably

Resources will be allocated in a manner consistent with the most efficient and conservative budgetary principles taking into account responsible and necessary use as well as maintenance history of vehicles assigned to county offices and departments.

Sec. 4. Utilize best practices to insure safety

Best practices in performance and use of County-owned vehicles will increase awareness and mandate practices to maximize the safety and protection of County employees, citizens, and property.

Chapter B. Property Management

Sec. 1. Definitions

a. County-Owned Vehicle

County-owned vehicle means any vehicle operated in the course of Polk County business and owned and maintained by Polk County, regardless of whether the vehicle is purchased, leased, awarded by grant funds, or legally seized and/or forfeited to County (or subdivision of County) by County law enforcement agency by the appropriate judicial body.

b. Home Storage

Home storage means employees who use a county-owned vehicle to commute to and from home to work duty and are permitted to store the vehicles at their home during times the employee is off duty. At no time shall a county-owned vehicle be used for any personal use.

c. Remote Storage

Remote storage means off-duty parking of vehicles at locations other than the base work site, usually at another county facility or governmental agency location.

d. Worksite storage

Worksite storage means off-duty parking of vehicles at the base worksite locations or nearest safe and secure county facility.

e. Employee

In this Policy, employee means any elected official, department head, agent, contracted employee, employee, or other person authorized by the Commissioners Court to operate or utilize a County-owned vehicle.

Sec. 2. Operation

a. Marking

County-owned vehicles will be clearly marked with the county seal or name, department name and vehicle number assigned by the County. However, by specific commissioner's court approval, specified offices and departments may be authorized to use or omit certain markings on vehicles as designated.

b. Improper use

If an employee fails to utilize the vehicle in the manner specified by this policy, the County Judge or the County Auditor may request action by the employee's supervisor, department head or elected official to ensure proper use of the vehicle. Continued improper use by an employee will result in disciplinary action, up to and including termination. Continued improper use by an elected official will result in the vehicle being removed from that office's inventory.

c. Use of vehicles without emergency gear as police vehicles

To avoid undue risk to public safety and liability to the county, vehicles that are not equipped by the county with emergency equipment (visual and audible warnings) shall not be used as police vehicles, even if the driver is a qualified peace officer, except in the following conditions:

- (1) For calls or situations in which there is a reasonable belief that human life is clearly in danger, and that operation of the vehicle in an emergency mode will in a material way, help curtail the danger;
- (2) When specified occasions for emergency operation has been authorized by a supervisor; **and**

(3) When safe operation of the vehicle in emergency mode is possible.

d. Consumption or transport of alcoholic beverages and/or smoking/vaping

Consumption or transport of any alcoholic beverages and/or smoking/vaping is prohibited in a county-owned vehicle. The necessary and documented transport of an alcoholic beverage by a law enforcement officer in the official course and scope of their official duties is an allowable exception to this section.

e. Personal liability

The County may pursue civil damages against individuals for any damage or injury resulting from the operation of county-owned vehicles outside the policy limitations prescribed in this policy and specifically Chapter B.2. of this Policy.

f. Emergency lights or sirens

Unless prior approval is obtained by the commissioner's court, no equipment such as, but not limited to, emergency lights or sirens shall be attached to any county vehicle.

g. Labels, emblems, logos, symbols, flags or other similar items

Unless specifically approved or ordered by the commissioner's court, no label, emblem, logo, symbol, flag, bumper sticker, or any other object or article shall be placed on any county-owned vehicle. Marking of county vehicles shall be like and uniform in each department and precinct as provided by law.

h. Personal use

Except for reasonable travel to and from meals during shifts or duty times, county-owned vehicles shall not be used for any personal use.

- (1) **Prohibited uses include, but are not limited to the following:**
- (a) personal errands (i.e. going to the store or dry cleaners, etc. or any other non-county use) unless directly on the most efficient route to or from work,
 - (b) travel to and from an afterhours non-county job without prior approval by the Elected Official responsible for the vehicle,
 - (c) transporting spouses/children, other employees or individuals for non-county activities at any time
 - (d) transporting any individuals for any reason not related to authorized employee's County duties,
 - (e) transporting animals other official law enforcement K-9 or service animals for ADA purposes necessary for authorized employee's County duties.

- (2) All employees assigned a County-owned vehicle shall submit a "POLK COUNTY ISSUED VEHICLE AGREEMENT" form, which is Attachment "A" immediately upon issuance of a county vehicle.
- (3) All employees assigned a County-owned vehicle for home storage shall file **annually** one of the appropriate Commuting in County Vehicles Form, found in Attachment "C". These must be submitted to the County Treasurer prior to January 31 of each calendar year for the immediately preceding tax year. *
- (4) All employees assigned a County-owned vehicle for home storage shall file **monthly** the appropriate Employee Use Statement, found in Attachment "D". These must be submitted to Human Resources on their first workday of each month for the prior month. *

*Employees assigned a Qualified nonpersonal use vehicle are not subject to taxable compensation for use of a county vehicle, and therefore the forms in items (3) and (4) above are not required. Refer to IRS Publication 15-B (Exhibit C), section "Qualified Nonpersonal Use Vehicles."

i. Safe operation

All vehicles must be operated for the public purpose intended, in a safe manner, and in observance of the policies of this section, all traffic laws and courtesies of the road.

j. GPS vehicle tracking policy for county vehicles

All county-issued vehicles may be equipped with a GPS tracking system. The County Auditor will have unrestricted, delayed access to the GPS system and any of its data. As with any other authorized equipment for county vehicles, the GPS system shall be installed and maintained by a mechanic designated by the Commissioners Court. The initial and future cost of GPS monitoring will be paid from the County Budget general funds or department funds as decided by the Commissioner's Court. Additional department funding will be addressed on a case by case basis.

All employees who drive County-issued vehicles are expected to comply with all governmental statutes and regulations to the operation of motor vehicles, as well as Polk County vehicle policies. GPS tracking devices will enable the County to monitor employee compliance and provides a measure of security for employees so that supervisors can locate them in an emergency.

GPS units in County vehicles will monitor:

- Speed of travel
- Time of arrival

- Time vehicle is spent idling
- Location of the vehicle at every stop
- Route History
- Vehicle mileage

Driving habits and patterns, and usage shall be reviewed monthly by the department.

- (1) **Device Tampering** – The Maintenance Department is responsible for installing GPS Tracking units in County vehicles. GPS Tracking units may also be installed by a vendor approved by the Commissioners Court. Any tampering or attempts to remove or disable the GPS equipment is prohibited. Any such actions will be subject to disciplinary action, up to and including termination.
- (2) **Unauthorized Use** – County-issued vehicles are to be used for conducting County business only within Polk County limits. Leaving Polk County without prior permission will be subject to disciplinary action, up to and including termination.
- (3) **Responsibility Assignments:**
 - Employees – Employees are responsible for compliance with all of the provisions of this policy when using County-issued vehicles to conduct County business. For the purpose of this policy, the actual operator of each vehicle shall be the responsible employee.
 - Supervisors – It is the responsibility of supervisors to ensure the requirements of this policy are understood by all employees under their management. In the event of a violation of this policy, it is the responsibility of the appropriate supervisor to consult with Human Resources and then administer any disciplinary action deemed necessary, up to and including termination. It is also the responsibility of the supervisors to ensure that their employees' driving habits, patterns and usage are reviewed monthly.
 - Elected Officials – Any public information requests submitted for records pertaining to GPS tracking shall be responded to by the elected official over the office that the vehicle is assigned to. The County Judge or their designee will respond to all requests pertaining to county departments under the Commissioners Court.

Sec. 3. Maintenance and Storage

a. Servicing and maintenance

County-owned vehicles are to be serviced and maintained pursuant to County policies.

- (1) Vehicles **not** under a lease-maintenance program are maintained by the County Maintenance Office. To schedule service, complete the Vehicle Repair Request Form available on the County Maintenance website.
- (2) Vehicles that are on the lease-maintenance program need to be dropped off at an approved service provider for routine maintenance, which can be found at <https://www.efleets.com/en/locations> - Must have a sign-in to access.

b. Required equipment

All vehicles are required to carry the following in the vehicle at all times:

- (1) Certificate of auto insurance;
- (2) Two copies of auto, equipment and/or property accident reporting forms; **and**
- (3) Mileage log.

c. Employee liability

All county employees who operate county-owned vehicles are encouraged to maintain in effect a personal auto insurance policy, and file it with Human Resources at the beginning of each calendar year. All county employees who operate county-owned vehicles are required to maintain a current valid Texas driver license with the appropriate authorizations to operate the County equipment to which they are or may be assigned and are required to file a copy with the Human Resources Office at the beginning of each calendar year. They are also encouraged to obtain an endorsement on their personal auto insurance policy to provide liability coverage while operating County vehicles.

Employees found to have willfully and/or maliciously violated the County's policies and/or procedures for use and/or care of a County vehicle may be held personally liable by the County for any financial damages.

d. Vehicle Storage

County-owned vehicles shall be regulated and stored in accordance with Section 3 of this Policy. All vehicles shall be stored at a designated worksite location unless the elected official whose office was assigned the vehicle has specifically approved home storage or remote storage for such vehicle.

- (1) All remote or home storage vehicle assignments must be approved for each individual employee and vehicle by the elected official and submitted to the County Auditor using the appropriate form in

Attachment "B". The department head and County Judge will sign off on vehicle assignments issued by department heads.

- (2) No department head may make an offer of or otherwise approve the remote or home storage outside of Polk County of a vehicle to a prospective or current employee without the prior approval of the County Judge.
- (3) All home or remote storage vehicles shall be reassigned automatically to the general pool of each department when the incumbent who currently is assigned the vehicle leaves or otherwise terminates from his present job or position. No vehicle shall be reassigned as a home storage or remote storage vehicle outside Polk County without the express written consent of the County Judge or the elected official whose office was assigned the vehicle.
- (4) Typically, employees who are subject to 24/7 recall to duty, are not on a scheduled vacation or leave, who reside in Polk County, and whose vehicles require special equipment will be eligible to be considered for assignment of a remote or home storage vehicle.
- (5) Employees who reside within 60 miles of Polk County may be approved for assignment of a home storage vehicle.

e. Special requirements for remote or home storage vehicles

- (1) Employees that are authorized remote or home storage shall maintain a daily mileage log where the employee/driver will log in at the start and end of each day the starting and ending mileage and location. Start odometer upon arrival to work site and end odometer/location prior to heading home or to remote storage location.
- (2) At the end of each month the mileage log will be turned in to the employee's supervisor who shall review the log for any inconsistencies and if none are found sign and date the log. If a discrepancy is noted the supervisor shall document the finding on the mileage log and address it with the employee. The employee's supervisor shall provide a copy of the mileage log to the County Auditor's office. Mileage logs shall be retained for a minimum of two years.
- (3) The County Sheriff and District Attorney may provide the County Auditor with a written statement certifying that the GPS tracking information or mileage log for a particular vehicle contains information, the public disclosure of which would interfere with the detection, investigation or prosecution of crime, endanger informants, or threaten the safety of law enforcement officers. The County Auditor may accept such a written certification from the Sheriff or District Attorney in lieu of the mileage log for that vehicle

during the times addressed by the Official's certification. The GPS tracking information for vehicles subject to the Sheriff's and District Attorney's certification shall be treated as confidential. The Sheriff or District Attorney, as appropriate, shall be immediately notified of any public information request for such information, so that they may be afforded the opportunity to request an Attorney General determination that such information is exempt from public disclosure pursuant Tex. Gov't Code § 552.108.

f. Car allowance in lieu of a county vehicle

- (1) At the discretion and approval of Commissioners Court, employees may be eligible for a car allowance in lieu of use of a County vehicle or mileage reimbursement payments.
- (2) The car allowance will be set at an amount to cover the employee's cost of business travel. The car allowance provided to similar positions shall be considered.

g. Reporting of accidents.

Any vehicle accidents involving either bodily injury or property damage, regardless of how minor they may appear to be, shall be reported immediately to the appropriate persons by the county driver. See Chapter E for more information.

Any employee involved in a vehicle accident while driving a county-owned vehicle must immediately report for a toxicology screening upon leaving the scene of the accident.

h. Approval of purchase or assignment of equipment.

The purchase or assignment of all equipment must be within a budget appropriation item or approved transfer.

i. Use of vendors for installation, DE installation and maintenance.

Equipment installation and maintenance of all visual and audible warning devices/systems on county vehicles are to be accomplished utilizing a County Mechanic or a vendor selected by the county.

j. Adding audible and visual emergency equipment.

Departments which elect to add audible and visual emergency equipment to their respective vehicles shall adopt and submit their pursuit/emergency response policy to the Commissioner's Court for approval prior to equipment installation.

k. Emergency equipment on employees' privately-owned vehicles.

A county employee, including those employed for a law enforcement purpose, shall not equip their privately-owned vehicles with emergency equipment as defined under Tex. Trans. Code §547.702 unless authorized to do so by Commissioner's Court under this policy. This restriction specifically excludes within its purview any volunteer firefighters authorized to so equip their privately-owned vehicles pursuant to Tex. Trans. Code §547.702 (d). Nothing in this policy shall be interpreted as authorizing a privately-owned vehicle being used as an "authorized emergency vehicle" as defined by Tex. Trans. Code §541.201(1).

Prior to an employee installing or utilizing emergency equipment on his/her privately-owned vehicles, the employee must first receive approval for such use by their elected official or department head. The elected official or department head shall then submit a request for approval for such use to Commissioner's Court. The submission for said approval will clearly set forth the public and official purpose to be served by the proposed use. The employee will also be required to provide a certificate of insurance with the same coverage's required for a county vendor clearly showing the intended use as a "police vehicle" as defined by Tex. Trans. Code §541.201 (13-a). The County will be named as an additional insured. The employee will maintain the required insurance coverage and may be required from time to time to provide additional insurance certificates evidencing the required coverage upon request by the County Auditor.

Any vehicle so equipped after passage of this policy shall cease operation and use unless and until approved under this policy.

l. Out of county usage.

County-owned vehicles may not be taken across the county lines except for official County business or for commuting to/from previously approved out-of-county home storage. In the event that a county vehicle must be driven outside Polk County for official duty, it shall be the responsibility of the employee and the department head to receive permission first from the Elected Official responsible for the vehicle (the County Judge for all departments that report to Commissioners Court).

Sec. 4 Safe Operation

Every official or employee of the County that operates County or personal equipment/vehicles on behalf of the County shall be instructed in the safe and proper operation of it before the equipment is operated. The responsibility for the instruction of operators rests with the elected official or department head.

Sec. 5 Maintenance

a. Policy and purpose of subdivision.

The policy and purpose of this subdivision is to:

- (1) Standardize and promulgate the procedures for maintaining vehicles assigned to a county employee and establish records of such.
- (2) Specify the driver's responsibilities and penalties for failure to comply with the guidelines of this subdivision.

b. Preventive maintenance program; driver responsibilities.

- (1) The basis for prolonging the life of a vehicle is a good preventive maintenance program. The driver is responsible for:
 - (a) Daily inspections;
 - (b) Maintain vehicle cleanliness;
 - (c) Keeping track of mileage daily; and
 - (d) Determining when the vehicle is due for the next scheduled preventive maintenance procedure.
- (2) Each vehicle operator shall keep a book with a monthly mileage log. The monthly mileage log must be filled out, signed, and sent to the auditor on the employee's first work day of each month for the prior month.
- (3) Each vehicle shall contain a preventive maintenance schedule for the driver and maintenance mechanic to use as a reference to fulfill the preventive maintenance requirements on the vehicle.

c. Discipline policies.

- (1) If an employee is negligent in taking care of his or her vehicle, the County Auditor will issue a written notice to the employee's department head or elected official, with a copy to the employee.
- (2) If an employee is found negligent for the second time, a second written notice will be issued to the employee's department head or elected official, with a copy of the notice being forwarded to the County Judge and the employee.
- (3) If an employee is found negligent for the third time, the County Auditor will contact the County Judge to pursue corrective action, which may include removing the vehicle from the employee's possession (but not removing the vehicle from inventory of an elected office), and the assessment of damages and/or additional maintenance costs to the employee.
- (4) The county sheriff's department may also use its own disciplinary policies, inasmuch as the policies of the sheriff's department exceed these disciplinary policies.

- (5) Maintenance policies and schedules will be applied to all county-owned vehicles.

Sec. 6 Equipment.

- (a) Generally.
 - (1) Repairs of all equipment will be channeled through the designated county automotive service shop.
 - (2) When possible, the department should call the shop before bringing equipment in for service.
 - (3) Vehicles should be delivered to the shop by the responsible department.
- (b) Extensive vehicle repairs.

When the scope of repairs is over \$500.00 the department shall obtain three estimates, recommend the lowest and best bid and submit them to the Purchasing / Procurement Coordinator with a requisition request.
- (c) The Purchasing / Procurement Coordinator will issue a requisition number if funds are available and in accordance with Polk County Policy.
- (d) The delivery and pickup of equipment for work will be the responsibility of the requesting department.
- (e) Once the work is completed, the department will thoroughly inspect the vehicle to ensure proper repairs were made according to requisition instructions. The requesting department will then issue a record of material received to the Auditor so that payment can be made, and departmental charges levied.

Sec. 7 Tire repair or replacement.

- (a) All flat tire repairs and front-end alignment will be done by an authorized contractor.

Except in an emergency, the individual requiring service must first obtain a requisition and authorization prior to contacting the vendor. Service will not be paid for by the County without this approval.
- (b) Once approval is obtained, the department should proceed to the vendor or location for repair or replacement.
- (c) The department is responsible for reporting the vehicle number and mileage to the vendor and ensuring that the number and mileage appear on the invoice.
- (d) A copy of the invoice and requisition shall be submitted to the County Auditor for payment.

Sec. 8 Scheduling preventive maintenance.

- (a) Each vehicle should have a preventive maintenance schedule indicating the mileage the vehicle should reach before being scheduled for preventive maintenance (i.e., oil change, lubrication, etc.)
- (b-1) **Vehicles maintained by Polk County** - When the mileage has been reached or is within 5 days of being reached, the driver should complete the Vehicle Repair Request Form on the County Maintenance Department's website and follow up with a phone call to schedule a convenient time to have the vehicle serviced.
- (b-2) **Vehicles maintained by Enterprise Fleet Management** - When the mileage has been reached or is within 5 days of being reached, the driver should schedule with an approved vendor, found at efleets.com/en/locations.html to schedule a convenient time to have the vehicle serviced.
- (b) Should the driver not schedule this vehicle service within a reasonable period of time (i.e., 500 miles of stated service mileage) a notice will be given to the driver and a copy sent to the supervisor. Repeated offenses will be considered equipment abuse and reported to the department head and Commissioner's Court. Damages and costs for repair of abuse will result in charges to the employee.

Sec. 9 Fueling vehicles.

- (a) Drivers are responsible for maintaining adequate fuel levels in their vehicles.
- (b) Drivers should refuel at the Polk County Maintenance Department whenever possible.
- (c) Authorized County Fleet Fuel Purchasing Cards ("Fuel Cards") issued by the County should be used for all fuel purchases for County-owned vehicles when refueling at the Maintenance Department is unreasonable. Fuel Cards may NOT be used to purchase fuel for any vehicle not owned by the County under any conditions.
- (d) The elected official or department head must submit the mileage reports for their office/department to the County Auditor by the 5th workday of each month for the previous month.
(Willful failure to submit this report may result in the assessment of fuel charges to the employee.)
- (e) The County Purchasing / Procurement Coordinator will coordinate distribution of Fuel Cards, replacement of lost cards and assignment of new Cards.
- (f) If a Fuel Card is lost or stolen, it is the driver's responsibility to notify the Purchasing / Procurement Coordinator as soon as possible, and no later than the next business day.

- (g) Failure to use a Fuel Card according to these procedures without prior approval of the Purchasing / Procurement Coordinator will subject the driver to reprimand and/or disciplinary action by his supervisor, department head, or elected official. In the event an employee has been issued a Fuel Card and has had it recalled for improper use, or failure to comply with these regulations, fuel purchased by employee through another method will not be reimbursed.

Chapter C. Vehicle Replacement

The county vehicle replacement policy covers all motor vehicles categorized as light to medium duty, and up to one ton rated capacity, i.e., sedans, trucks and vans. All specialized pieces of equipment will be evaluated on an "as needed" basis.

Sec. 1 Evaluation of requests; recommendations.

- (a) The Commissioner's Court will evaluate all vehicle replacement requests based on mileage, age, maintenance records and cost efficiency.
- (b) Vehicles that meet the following criteria may be considered for replacement by the Commissioner's Court:
 - (1) Excessive mileage, age, or operational issues;
 - (2) Ten years old;
 - (3) Maintenance records; and/or
 - (4) Drivers history and cost efficiency.
- (c) In order for the County to effectively replace motor vehicles based upon mileage, age and operational issues, the following maintenance schedule will be used:
 - (1) All vehicles will be evaluated each year. It is the department head or elected official's responsibility to submit a report of each vehicle in their inventory each year to the County Judge with their annual budget request, whether requesting a new vehicle or not;
 - (2) Average monthly mileage will be derived from mileage reports;
 - (3) Calculations will be made from average monthly mileage to forecast the estimated odometer through the next fiscal year or 18 months; and
 - (4) Recommendations for replacement will be made for vehicles meeting above-referenced criteria, subject to budget considerations for the upcoming budget year.

Chapter D. COMMERCIAL DRIVER'S LICENSE

Sec. 1 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Class A means any combination of vehicles with a gross combination weight rating of 26,001 pounds or more, provided that the gross vehicle weight rating of the vehicle or vehicles towed exceeds 10,000 pounds.

Class B means any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, any one of those vehicles towing a vehicle that does not exceed 10,000 pounds gross vehicle weight rating, and any vehicle designed to transport 24 passengers or more, including the driver.

Class C means any single vehicle, or a combination of vehicles, that does not conform to the description of class A or B that is:

- (a) Designed to transport 16 to 23 passengers including the driver; or
- (b) Used in the transportation of hazardous materials that requires the vehicle to be placarded.

Sec. 2 Proper licensing required.

- (a) All operators of the county-owned vehicles must possess the proper license issued by the state for the vehicle they operate.
- (b) All the county employees who are authorized to operate privately-owned vehicles on county business must possess the proper license issued by the state for the vehicle they operate.

Sec. 3 Elected Officials and Department Responsibility.

- (a) County department heads and elected officials are responsible for verifying that each employee possesses a valid and proper driver's license at the time of employment or at initiation of work with the department or office. County department heads and elected officials are also responsible for periodically verifying that employees' proper licenses are maintained.
- (b) All positions will be reviewed and classified as requiring either a class A, B and/or C license. Each job posting will include the required commercial driver's license for each position, as defined by the equipment operated.
- (c) The departments shall update position descriptions to include commercial driver's license (CDL) requirement.
- (d) Failure to possess and maintain valid and proper licenses may result in reassignment of duties and position compensation and/or disciplinary action up to and including termination.

- (e) All vehicle operators must possess the proper license prior to issuance or reissuance of the Fuel Card in accordance with the new commercial driver's license (CDL) regulation.

Chapter E. VEHICLE ACCIDENTS AND CITATIONS

Reporting generally.

Any vehicle accident involving either bodily injury or property damage regardless of how minor it may appear to be shall be reported immediately by the county driver.

a. Driver responsibility.

The following steps comprise the responsibilities of a driver who has an accident:

- (1) Determine if anyone has sustained serious bodily injury requiring immediate medical attentions. If so, immediately CALL 911.
- (2) If no serious injuries, contact dispatch who will notify the appropriate areas of any emergency services that may be required.
- (3) Request the other driver remain at the accident scene until investigation of the accident is completed.
- (4) The driver is responsible for determining if any injury is involved, and if the vehicles and/or equipment are operable. These vehicles and/or equipment should be moved from the flow of traffic to reduce traffic congestion and prevent further harm to persons, vehicles and equipment. Drivers and witnesses should not leave the scene until the law enforcement representatives have arrived and conducted their investigation, unless conditions and/or circumstances prevent their remaining at the scene. The driver of the county vehicle may leave the scene temporarily to use a nearby telephone to report the accident if no other means of reporting, such as radio or cellular phone, is available.
- (5) Take the auto, equipment, property accident report form (exhibit A) and obtain all information from the other driver that is requested on the accident report to ensure it is included in the final detailed report.
- (6) Do not make any statements concerning liability or fault to the other driver or witnesses.
- (7) Advise the other driver that the vehicle is a county-owned vehicle, and give the other driver the employee's name, county employment address, county employment telephone number, and information from driver insurance card.
- (8) Cooperate fully and as requested by official investigating officer or authorities.

- (9) Complete the accident report form (exhibit A) in detail and deliver it to the Department head and County Auditor no later than 10:00 a.m. of the next regular working day.
- (10) Complete the workers compensation packet (exhibit B) in detail and deliver it to the department head and Human Resources Office before 72 hours have passed.

b. Supervisor's responsibility.

- (1) Upon notification of an accident involving a county vehicle or equipment, the County Auditor's office should be telephoned, to advise them of the accident and to determine if it is desirable that personnel be dispatched to the accident scene to investigate the accident and/or to obtain photographs.
- (2) Photographs should be taken if possible, so that the photographs may be attached to the auto, equipment, property accident report and forwarded to the County Auditor's office.
- (3) The supervisor or department head will send the employee to the appropriate law enforcement office to give a sworn statement that provides all facts and necessary information.
- (4) Upon return to the department or office, an auto, equipment, property accident report form (exhibit A) must be filled out by the employee and submitted within 24 hours to the County Auditor.
- (5) If the county employee is unable to complete the auto, equipment, property accident report form within 24 hours, it shall be the responsibility of the supervisor or department head to complete and forward the report to the County Auditor within this same time frame.
- (6) A copy of the investigative officer's report should be obtained and submitted as soon as possible.
- (7) Ensure the workers compensation packet is completed and submitted to Human Resources before 72 hours have passed.

c. Witness to accident.

- (1) Accidents occurring on county property or near or within sight of county equipment or construction shall be reported by witnessing employees.
- (2) A witnessing employee shall complete an auto, equipment, property accident report form indicating the location of the accident, witnesses, damages, etc.
- (3) The report shall be submitted to the County Auditor's office.

d. Traffic and Parking citations

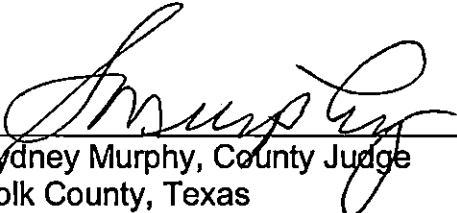
County officials and employees shall be personally responsible for any traffic and parking citations issued to the official or employee at any time. The cost of any fines or fees will be assessed against the employee.

FAILURE TO COMPLY WITH THIS POLICY MAY RESULT IN FUEL PURCHASING PRIVILEGES BEING SUSPENDED. PRIVILEGES MAY BE REINSTATED AFTER COMPLIANCE AND WRITTEN REQUEST SUBMITTED TO THE EMPLOYEE'S DEPARTMENT HEAD OR ELECTED OFICIAL AND THE COUNTY AUDITOR. FUEL AND/OR MAINTENANCE CHARGES INCURRED DURING THE TIME OF SUSPENSION ARE NOT REIMBURSEABLE UNDER THIS POLICY.

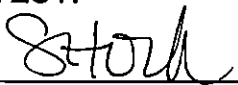
Chapter F. EFFECTIVE DATE

This Polk County Driver/Vehicle Policy Handbook shall be effective and enforceable from and after **January 23, 2024**.

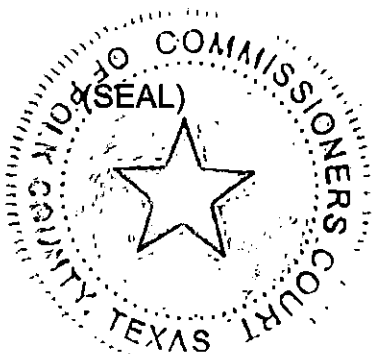
**Adopted by the Polk County Commissioners Court
in a Regular Session duly posted and held on January 23, 2024**



Sydney Murphy, County Judge
Polk County, Texas

ATTEST:


Schelana Hock, County Clerk



ATTACHMENT "A"

POLK COUNTY ISSUED VEHICLE AGREEMENT

As an employee of Polk County, I, the undersigned employee, recognize and understand that County-issued vehicles are provided for use in support of the business operations of this County and are to be used for legitimate business purposes only. I further understand that the equipment belongs to Polk County and is to be used in an effective, efficient, ethical and lawful manner and in compliance with the Polk County Driver-Vehicle Policy.

I am aware that the County reserves the right to review, audit and inspect the County issued vehicle maintenance records and mileage logs at any time, with or without notice.

I understand that I am responsible for good care and maintenance of my assigned vehicle and may be required to pay for any damage done to the vehicle and/or added equipment due to my negligence.

I am aware that my assigned vehicle may be reassigned or withdrawn at any time, with or without notice, at the discretion of my supervisor.

I understand that I will surrender my County issued vehicle upon termination of employment (voluntary or involuntary termination, including retirement). At that point, I am aware no further use of my vehicle is authorized.

I certify and acknowledge that I have read and understand Polk County's Driver-Vehicle Policy and will comply with the terms and conditions stated therein.

Employee Signature

Date

Printed Name

Title or Position

Vehicle Unit Number Assigned

ATTACHMENT "B"

**Polk County Elected Official
Remote or Home Storage Vehicle Assignment Form**

Elected Office: _____

Vehicle Make / Model / VIN: _____

I, _____, certify that _____ (employee)
has been assigned this vehicle and is permitted to (check one):

_____ Store the vehicle at home (address): _____

_____ Store the vehicle remotely (address): _____

Initial the following statements.

_____ The assignment of a remote or home storage vehicle was approved to carry out the proper operation of my office's constitutional or statutory duties.

_____ I retain control over the vehicle in a manner that will ensure that my office's constitutional or statutory duties will be performed.

_____ The county receives a public benefit as a result of the remote or home storage.

_____ It is my responsibility to notify the County Auditor in the event there are any changes to the above information.

Elected Official

Date

Polk County Auditor

Date

**Polk County Department
Remote or Home Storage Vehicle Assignment Form**

Department: _____

Vehicle Make / Model / VIN: _____

I, _____, certify that _____ (employee)
has been assigned this vehicle and is permitted to (check one):

_____ Store the vehicle at home (address): _____

_____ Store the vehicle remotely (address): _____

Initial the following statements.

_____ The assignment of a remote or home storage vehicle was approved to carry out the proper operation of my department's duties, as authorized by the Commissioners Court.

_____ I retain control over the vehicle in a manner that will ensure that my department's duties will be performed.

_____ The county receives a public benefit as a result of the remote or home storage.

_____ It is my responsibility to notify the County Judge and County Auditor in the event there are any changes to the above information.

Department Head

Date

Polk County Judge

Date

Polk County Auditor

Date

ATTACHMENT "C"

NOTIFICATION TO EMPLOYEES OF ELECTION TO USE SPECIAL COMMUTING VALUATION RULE FOR COMMUTING IN COUNTY VEHICLES

Date: _____

(This date should be prior to January 31, 2024, for the 2023 tax year or within 30 days of providing the vehicle to the employee.)

For the tax year and subsequent tax years (unless notice of another election is provided to employees), the special commuting valuation rule will value your personal commuting in a County-owned vehicle. This special rule allows each one-way commute to be valued at \$1.50 for inclusion in your gross income. To use this rule, substantiation is required by the Internal Revenue Service (IRS) to show the following:

1. Commuting from home to work or from work to home is the only permissible personal use of the vehicle. It is against the policies of this office for you to use your County vehicle for any other purpose except for de minimis personal use as defined in the IRS code and the regulations issued thereto. This notice hereby constitutes the written policy of this office to that effect.

2. You are required to commute in the assigned vehicle for the following non-compensatory reason:

(A reason should be stated, such as to safely store the vehicle to prevent vandalism or to enable direct response to emergencies)

3. You do not use the vehicle for any personal use other than commuting. A statement will be required (*monthly – see Attachment C*) stating that the County vehicle has not been driven for any personal use other than commuting or a de minimis personal use as referenced above, the number of commutes per reporting period, the mileage for each commute, and the total number of vehicle miles.

4. The IRS must be satisfied that the vehicle is used for County business. This should be substantiated by showing that the total miles driven for commuting is less than 50 percent of the miles the vehicle is in use during each reporting period. If the total miles driven for commuting is more than 50 percent of the miles the vehicle is in use during a reporting period, the employee must use the Annual Lease Value Method (Attachments D & E).

Persons other than the driver who commute in the vehicle should file the necessary reporting document showing the total number of commutes and any additional mileage in the commute not included in the drivers' route home. Each commute shall be valued at \$1.50 in the nondriving employee's gross income. Failure to comply with substantiation requirements can result in disallowing the special valuation rule and including the fair market value of the vehicle use in the employee's gross income with deductions only for the portions that the employee can substantiate as business use.

**NOTIFICATION TO EMPLOYEES
USING ANNUAL LEASE VALUE METHOD FOR COMMUTING IN
COUNTY VEHICLES**

Date: _____

(This date should be prior to January 31, 2024, for the 2023 tax year or within 30 days of providing the vehicle to the employee.)

For the tax year and subsequent tax years (unless notice of another election is provided to employees), the Annual Lease Value Method will value your personal commuting in a County-owned vehicle. This is required for any employee that uses their county vehicle to commute to from home if less than 50% of total miles driven are for county-business purposes.

1. Commuting from home to work or from work to home is the only permissible personal use of the vehicle. It is against the policies of this office for you to use your County vehicle for any other purpose except for de minimis personal use as defined in the IRS code and the regulations issued thereto. This notice hereby constitutes the written policy of this office to that effect.

2. You are required to commute in the assigned vehicle for the following non-compensatory reason:

(A reason should be stated, such as to safely store the vehicle to prevent vandalism or to enable direct response to emergencies)

3. You do not use the vehicle for any personal use other than commuting. A statement will be required (*monthly – see Attachment E*) stating that the County vehicle has not been driven for any personal use other than commuting or a de minimis personal use as referenced above, the number of commutes per reporting period, the mileage for each commute, and the total number of vehicle miles.

Persons other than the driver who commute in the vehicle should file the necessary reporting document showing the total number of commutes and any additional mileage in the commute not included in the drivers' route home. Each commute shall be valued at \$1.50 in the nondriving employee's gross income. Failure to comply with substantiation requirements can result in disallowing the special valuation rule and including the fair market value of the vehicle use in the employee's gross income with deductions only for the portions that the employee can substantiate as business use.

ATTACHMENT "D"

COMMUTING VALUE RULE EMPLOYEE USE STATEMENT
For Use with the Commuting Valuation Rule

Month/Year reporting period: _____

Number of one-way commutes using a County-owned vehicle: _____

For drivers, number of miles in each one-way commute: _____

For persons commuting other than the driver, the additional mileage required based on your commuting in the vehicle: _____

For drivers, the total number of miles driven in the County vehicle during the reporting period: _____

I hereby certify that I have not used a County-owned vehicle for any personal purpose other than commuting or a de minimis use and that the above statement is accurate.

Employee's Signature

Date

Computation:

Number of one-way commutes: _____ x \$1.50 = _____

Taxable benefit: _____

COMMUTING VALUE RULE EMPLOYEE USE STATEMENT
For Use with the Annual Lease Value Method

Month/Year reporting period: _____

Annual Vehicle Lease Amount (based on Annual Lease Value Table): _____

For drivers, number of miles in each one-way commute: _____

For persons commuting other than the driver, the additional mileage required based on your commuting in the vehicle: _____

For drivers, the total number of miles driven in the County vehicle during the reporting period: _____

I hereby certify that I have not used a County-owned vehicle for any personal purpose other than commuting or a de minimis use and that the above statement is accurate.

Employee's Signature

Date

Computation:

Annual Lease Value _____ x Percentage of Personal Miles Driven = _____

Taxable benefit: _____