

Description: VEHICLE POLICY		Policy Number: 62-28	
	WINNEBAGO COUNTY		Revision Date: 11/8/18
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I. PURPOSE

The purpose of this policy is to establish administrative procedures to be used by Elected Officials and employees in the use of County owned or leased vehicles. This policy ensures that public funds are used properly in the use of vehicles. The County requires safe operation and use of any motor vehicle owned or leased. All drivers are required to hold a valid drivers' license within the proper classification and shall follow all County rules, policies and procedures as well as all federal, state, and local laws when driving on County business. Internal Revenue Service (IRS) Fringe Benefit rules may apply in certain cases for Elected Officials and employees issued a County owned or leased vehicle. This policy incorporates IRS Fringe Benefit Rules found in both the "Taxable Fringe Benefit Guide for Federal, State, and Local Governments" and Publication 15-B "Employer's Tax Guide to Fringe Benefits". Both publications can be found at www.irs.gov and are periodically updated by the IRS. According to the IRS, if the County provides a vehicle that is used by an Elected Official or employee exclusively for business purposes and substantiation requirements are met, there are no tax consequences or reporting required. If an employee is allowed to take a vehicle home and commuting mileage occurs, the fringe benefit must be taxed. This policy addresses all circumstances.

II. SCOPE

This policy applies to employees that regularly or occasionally drive a County owned or leased vehicle.

III. STATEMENT OF POLICY

The operation of County owned or leased vehicles is indispensable in conducting County business. The manner in which each vehicle is handled directly affects the performance of each County department. Vehicular collisions are potentially the most costly losses that the County can incur when the summation of property damage, bodily injury, fatalities, and liability suits are considered. The cost can mount to proportions that will adversely affect every department in its efforts to accomplish its mission and maintain good public relations. Proper procedures must be followed for the County to comply with Internal Revenue Service Taxable Fringe Benefit rules when issuing a vehicle to County employees.

All County owned vehicles shall be titled to the County of Winnebago with NO department name attached as the County carries the excess auto insurance not departments. The County's Purchasing Department is the holder of all original titles for County owned vehicles. The County Administrator and Director of Purchasing are the authorized signing agents for County

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owned vehicle titles. All County owned vehicles shall bear Municipal license plates except those specifically indicated for undercover law enforcement activities.

IV. Definition of Undercover Law Enforcement Activities or Operations

According to the Undercover and Sensitive Operations Unit, Attorney General’s Guidelines on FBI Undercover Operations, undercover activities means any investigation activity involving the use of an assumed name or cover identity by an employee of the FBI or another Federal, state or local law enforcement organization. Undercover operations mean an investigation involving a series of related undercover activities over a period by an undercover employee. A series of related undercover activities generally consists of more than three separate contacts by an undercover employee with the individual(s) under investigation. However, undercover activities involving sensitive or fiscal circumstances constitute an undercover operation regardless of the number of contacts involved.

Definition of Law Enforcement Officer:

A law enforcement officer is a person employed on a full-time basis by a unit of government. An officer is responsible for the prevention and/or investigation of crime involving injury to persons or property, who is authorized by law to carry firearms, execute search warrants, and make arrests and who regularly carries firearms (except when it is not possible to do so because of requirements of undercover work).

Definition of On-Call/Emergency Assignment:

Employees are considered on-call or emergency assignment if they are required to perform their duties beyond normal working hours in order to ensure a quick response to emergency or after-hours calls for service.

Definition of County Business:

County business means activities that an employee is assigned, required, or directed to perform including education or training activities. An activity does not become County business merely because a department permits an employee to do it, even if the County pays the employee’s expenses. The County must require the employee to attend the education or training activity for the employee to be eligible to use a County owned or leased vehicle.

Definition of Direct Travel:

Direct travel means the shortest, most reasonable, or ordinary route to the destination required to perform County business. Direct travel includes travel to sites near the direct route of destination for eating, lodging, or other personal needs that must be met when performing County business.

Definition of Personal Use:

Personal use of County vehicles is strictly prohibited, other than commuting to and from work, and de minimis usage while performing official business. Personal use is taxable unless it is considered a qualified non-personal use.

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Definition of Prohibited Activities:

Prohibited activities are activities in direct violation of State of Illinois laws or written County polices. Examples of prohibited activities are consuming alcohol, using or dealing in illicit drugs, soliciting prostitution, using County vehicle for any prohibited purpose, or engaging in any crimes against people or property.

V. Utilization Of County Vehicles

Elected Officials and Department Heads are encouraged to analyze options to determine the least costly transportation method. It is in the County’s best interest to minimize commuting expenses by only assigning vehicles to individuals when it is the cheapest option, as when annual business miles are at least 70% of the vehicles total annual miles.

Elected Officials and Department Heads are responsible for annually requiring employees to complete the County Owned Vehicle Use Authorization form for employees under their control and provide it to the County Administrator by August 1 of each year.

The following criteria shall be followed to utilize County owned vehicles:

- 1) All employees are required to submit a County Owned Vehicle Use Authorization Form (Exhibit A) annually to utilize a County owned vehicle on a regular or occasional basis.
- 2) All County vehicles, including those of Elected Officials and their employees, are required to utilize maintenance programs directed by the County Purchasing Department. Highway Department vehicles will be maintained at the Springfield Avenue facility.
- 3) An employee must have a home residence within 30 miles of their home department. Any employee living over the 30 miles limit must have this exception approved by both the Elected Official and Department Head and the County Administrator. Miles are determined by using Google mapping.

Charge for Personal Use of Vehicles: Authorized use of County owned vehicles by employees is for bona-fide County business purposes and only when in the best interest of conducting County business. Authorizations for the use of County owned or leased vehicles are required annually or more frequently, if necessary, (i.e., seasonal assignment) by the County Administrator as part of the annual budget process or as needed. **Personal use of County vehicles is strictly prohibited, other than commuting to and from work, and de minimus usage while performing official business.**

Any violation of this section may subject the employee to disciplinary action under existing personnel disciplinary procedure. As defined by the current provisions and guidelines of the IRS, employees provided with County vehicles for authorized commuting purposes due to their job positions may incur additional taxable income, calculated by using the IRS Commuting

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Rules. Other fringe benefit valuation methods may apply on a limited basis, which will be determined and implemented by County Administration.

For commuting miles, employees are required to submit a sworn detailed mileage report to their respective departmental payroll administration each payroll period by using the procedures established by County Administration for payroll reporting.

IRS Safe Harbor Substantiation Rule: The safe harbor rule relieves employees of the requirement to keep detailed records in two (2) situations.

Employees using County owned or leased vehicles are **not** required to keep detailed records of vehicle use if all of the tests below are met:

- a) For vehicles, **not** used for personal purposes:
 - The vehicle is owned or leased by the employer and is provided to the employee for use in the employer’s business.
 - When not in use, the vehicle is kept on the employer’s premises.
 - No employee using the vehicle lives at the employer’s business premises.
 - The employer has a written policy prohibiting personal use, except for de minimis use (such as driving to lunch while out of office on business or stopping at a store located on the way home)
 - The employer reasonably believes the vehicle is not used for any personal use (other than de minimis).
- b) For vehicles **not** used for personal purposes other than commuting:
 - The vehicle is owned or leased by the employer and is provided for use in the employer’s business.
 - For bona fide non-compensatory reasons, the employer requires the employee to commute to and/or from work in the vehicle.
 - The employer has established a written policy prohibiting the use other than commuting and de minimis use.
 - Where the employee is not a control employee, and the employer reasonably believes that, except for commuting and de minimis use no individual uses the vehicle for personal purposes. The employer accounts for the commuting use by including the commuting value in the employee’s wages.

All Elected Officials and Department Heads, and employees who are issued a County owned vehicle are subject to the provisions of tax law and shall be required to adhere to all administrative procedures. The County Administration shall establish the necessary administrative procedures to ensure countywide compliance with applicable tax law.

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All Elected Officials and Department Heads, and employees who are issued a County owned vehicle are subject to the provisions of this tax law and shall be required to adhere to all administrative procedures. The County Administration shall establish the necessary administrative procedures to ensure countywide compliance with applicable tax law.

Eligible tax exceptions for County government are:

- 1) Clearly marked police vehicle if:
 - a. The employee must always be on call.
 - b. The employee must be required by the employer to use the vehicle for commuting.
 - c. The employer must prohibit personal use (other than for commuting) for travel outside of the officer's jurisdiction.
 - d. It is readily apparent, by words or painted insignia, that the vehicle is a public safety vehicle. A marking on a license plate is not a clear marking for this purpose.
- 2) Unmarked law enforcement vehicles are qualified non-personal use vehicles only if the following apply:
 - a. The employer must officially authorize personal use.
 - b. Personal use must be incidental to use for law enforcement purposes; i.e., no vacation or recreational use.
 - c. The employer must be a governmental unit responsible for preventing or investigating crime.
 - d. The vehicle must be used by a full-time law enforcement officer; i.e., officer authorized to carry firearms, execute warrants, and make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work.
- 3) Specialized utility repair trucks that qualify as a qualified non-personal use vehicle, which are designed to carry tools, equipment, etc.; has a permanent interior construction, including shelves and racks; and the County requires the employee to commute for emergency call-outs to restore or maintain utility services (i.e., gas, water, sewer).
- 4) Vans and pickup trucks do not qualify for the exemption unless specifically modified to allow minimal personal use, and must be designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
 - a. Vans must have a seat for the driver only (or the driver and one other person) and either of the following items:
 - i. Permanent shelving that fills most of the cargo area; or
 - ii. Open cargo area that always carries materials or equipment used in the department's business function.
 - b. Pickup trucks must either be equipped with at least one for the following items:
 - i. A hydraulic lift gate;

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- ii. Permanent tanks or drums; or
 - iii. Permanent sideboards or panels that raise the sides of the truck bed.
- 5) A passenger bus with a capacity of at least 20 passengers used for its specific purpose.

VI. REQUIREMENTS FOR DRIVING COUNTY OWNED OR LEASED VEHICLE

County employees must be mindful that while driving they are representatives of the County. Their conduct in adhering to the rules of safety and courtesy on the road is a reflection on the entire County. Employees are responsible for the care and conservation of County owned or leased vehicles and shall report accidents, breakdowns, and/or malfunctions promptly so that necessary repairs can be made.

- 1) Elected Officials and Department Heads must annually submit to the County Administrator a County Owned Vehicle Use Authorization (Exhibit A) for each employee. For new employees a copy of their drivers' license is required to be provided.
- 2) All County employees must record their commuter value as payroll code in the County's timekeeping system during each bi-weekly payroll period in order to have the proper fringe benefit value added to their payroll information. It is the responsibility of the department to ensure the time card documenting commuter value is approved by employee and manager. If employee is unable to approve their time in the timekeeping system the department is responsible for maintaining all paper documentation showing approval of commuter miles for seven (7) years.
- 3) The County's excess vehicle liability insurance company requires employees who regularly or occasionally drive a County owned or leased vehicle to submit the following information annually. Human Resources requests the required updated information each September.
 - Employee name
 - Driver's license number and state of issuance
 - Date of birth
 - Date of hire
 - Driver's license issue date and expiration date
 - CDL license if required as a condition of employment
 - Photocopy of employee's driver's license (after the original photocopy, photocopy only required for license renewed during the past year)
 - Photocopy of employees proof of insurance coverage minimums as required by the State of Illinois when employee driving their personally owned vehicle on County business

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Operating a County owned or leased vehicle is prohibited without possessing a valid driver's license within the proper classification and carrying such license on driver's person. Any employee whose operator license is revoked, suspended, or restricted in any way by the issuing state shall notify their supervisor immediately. If an employee fails to notify his/her department of a suspension, revocation, or restrictions in writing, he/she shall be subject to disciplinary action up to and including discharge.

ELECTED OFFICIALS AND DEPARTMENT HEADS SHALL:

- 1) Submit County Owned Vehicle Use Authorization Form (Exhibit A) to the County Administrator annually and as circumstances change or as new drivers are added.
- 2) Establish firm internal vehicle use requirements, policy, and procedure for employees to adhere to including frequent internal compliance checks.
- 3) Supervise periodic inspection of vehicles for signs of abuse, unreported damage, and cleanliness.
- 4) Review each vehicle collision and/or reported unsafe driving report(s) with the employee and his/her supervisor to emphasize management's commitment to safe driving practices.
- 5) Establish a firm procedure regarding disciplinary actions that will be taken against employees who show a repeated disregard for good driving practices. Such procedures shall be applied consistently.
- 6) Support the County's defensive driver program to promote safe driving.
- 7) Ensure their employees follow County, State, and Federal safety rules and regulations to avoid vehicle accident or incidents.

EMPLOYEES shall:

- 1) Follow defensive driving practices that are established for the protection of themselves, their fellow employees, and the citizens of the County and the State of Illinois.
- 2) Not drive when under the influence of alcohol or drugs as identified by State of Illinois law. Any such use shall be considered a violation of work rules and may be the grounds for disciplinary action up to and including discharge.
- 3) Not transport alcoholic beverages (whether opened or unopened, narcotics, firearms or other explosive materials unless designed as part of the employee's job responsibilities.
- 4) Shall notify Elected Official or Department Head should their drivers' license is revoked, suspended, or restricted in any way by the issuing state.
- 5) Be personally responsible for the cost of all traffic citations and parking tickets.
- 6) Be responsible for enforcing seat belt usage by all occupants at all times.
- 7) Not park in front of or in parking areas associated with taverns or liquor stores

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unless on official County business. Restaurants serving liquor are not included in this prohibition.

- 8) Not use vehicles for vacations, transporting family members, car-pooling, or for personal gain, such as delivering goods or services, or operating private pools where the riders pay the driver.
- 9) Not affix signs, stickers, antennas, trailer hitches, bike racks, ski racks, etc. to County owned or leased vehicles. Towing or hauling loads for personal reasons are not permitted.
- 10) Not jump-start other vehicles except in emergencies, and then only to start another County owned or leased vehicle.
- 11) Upon leaving the vehicle unattended, remove the keys, close all windows, and lock all doors.
- 12) Not park overnight on the street when possible and ensure the vehicle is secured.
- 13) Not smoke in County owned or leased vehicles. State law prohibits smoking in any government owned or leased vehicle.
- 14) Not operate vehicle outside the County unless on official County business as assigned and approved.
- 15) Only transport County employees related to official County business.
- 16) Operate County owned or leased vehicle in a manner that ensures maximum fuel savings including compliance with the following fuel saving tips:
 - a. Eliminate unnecessary trips
 - b. Plan all travel routes in advance
 - c. Remove excess weight in vehicle
 - d. Operate vehicle at the speed limit
 - e. Avoid unnecessary idling of vehicle
 - f. Develop and maintain proper driving habits, i.e., do not over accelerate, avoid constant braking, and maintain properly inflated tires
 - g. Take vehicles for schedule maintenance
- 17) Immediately report all accidents, theft, and/or damage to County vehicles to Risk Management.
- 18) Contact local law enforcement to report all accidents and/or damage to County vehicles.

UTILIZATION OF COUNTY VEHICLES

Permanent assignment of vehicles is not desired and shall only be allowed as follows:

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Department Heads and Elected Officials will be responsible for recommending which vehicles under their department's control may be driven home on a regular basis. This recommendation must be presented to the Chairman of the County Board for his written approval and then approved by the County Board prior to the start of every new fiscal year.

VII. VEHICLE INVENTORY

The County Purchasing Department, the County Sheriff and the Highway Department are responsible for submitting vehicle update reports to Risk Management/Human Resources quarterly or as requested. The report shall include the department vehicle number, make, model, and year of the vehicle, vehicle VIN number, vehicle functions, acquisition cost, license plate number, and any other vehicle activities such as purchases, transfers, totals, sold at auction, or donations. The report shall further include all equipment that could be used on roadways, for emergency purposes, or for public safety such as snowmobiles, motorcycles, trailers, tractors, generators, etc.

VIII. VEHICLE MAINTAINANCE

The County Purchasing Department shall develop a preventative maintenance program and provide scheduled maintenance as recommended by the vehicle manufacturer. The County Sheriff and Highway Department shall service and maintain their vehicles and equipment. Employees are responsible for scheduling service and maintenance of County owned or leased vehicles. In addition to complying with the preventative maintenance schedule employees are responsible for performing periodic safety checks of all vehicles and equipment and reporting any mechanical problem immediately upon detection to the appropriate vehicle manager.

Employee should contact his/her department or Purchasing Department if a major breakdown occurs on the road, i.e., blown engine or transmission failure, for assistance and repair instructions. Local tow service is provided by A to Z Towing. A to Z Towing is to be instructed to tow vehicle to the original department location, Highway Department or to the appropriate repair facility. If a breakdown occurs outside of the County after business hours, on holidays or weekends contact a reputable local towing company and have the vehicle towed to a secured facility. Employee shall inform their home department or Purchasing Department the next business day so arrangements can be made to move the vehicle to begin repairs.

IX. REPORTING VEHICLE ACCIDENT OR INCIDENT

All County owned or leased vehicles are required to have an insurance card. Contact Human Resources for replacement insurance cards. Employees are required to report immediately all vehicle accidents or vehicle incidents to their Department Head, Human Resources and the

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County Administrator. Submit all reports to Human Resources and the County Administrator within 24 hours.

X. PROCEDURE FOR REPORTING VEHICLE ACCIDENT OR INCIDENT

- 1) Stop immediately and take steps to prevent another accident at the scene.
- 2) Life Safety Takes Priority. Obtain emergency medical care at the closest medical facility.
 - a. In the event of personal injury, workers’ compensation forms are to be completed and submitted as required by the Workers’ Compensation Policy
 - b. Workers’ compensations forms must be filed timely to obtain medical care
- 3) Contact local law enforcement. All property damage and/or personal injury accident or incident shall be investigated by law enforcement. A police report is required regardless of severity of accident or incident.
 - a. Obtain as much information about the accident as possible, (i.e., name and addresses of witnesses, license number of vehicles involved, etc.)
 - b. Do not discuss the accident or give statement to anyone at the scene other than law enforcement
 - c. If possible, take photos of the damaged vehicle/property and submit them with the incident report. Do not take video of the accident scene as this is against the law.
- 4) Do not discuss fault, liability, or responsibility for the accident.
- 5) Do not agree to pay for anything or say that the County will take care of the cost or damage
- 6) Do not sign any papers.
- 7) Timely
reporting of all vehicle accidents or incidents is mandatory. Contact Supervisor and Human Resources while at the scene, if possible.
- 8) Should an accident or incident occur outside of regular business hours leave a voice mail message for Human Resources at 815-319-4285.
- 9) Submit all vehicle accident or incident reports to Risk Management within 24 hours of occurrence.
- 10) Refer all questions regarding insurance to Human Resources.
- 11) Contact Purchasing Department (815-319-4380) to arrange for vehicle repair estimates.
- 12) County Sheriff and Highway Departments arrange for own towing and repair estimates.

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XI. USE OF HAND-HELD ELECTRONIC DEVICES WHILE DRIVING

For the purpose of this policy, “hand-held electronic devices” includes but is not limited to, cell phones, computers, PDAs, and any other communication device.

Distractions significantly affect the focus needed to operate a motor vehicle safely. According to the Insurance Institute for Highway Safety, distracted driving including the use of cell phones, PDAs, and other wireless mobile devices while driving makes the driver four times more likely to be involved in an injury causing accident.

Employees are prohibited from using cell phones or PDAs for work-related or personal matters while driving a County owned or leased vehicle whether the device belongs to the employee or issued by the County. If you must make a work-related call while driving, you must wait until you can pull over and stop in a safe and legal location before placing your call. If you receive a work-related call while driving, you must ask the caller to wait while you pull over and stop in a safe, legal location. If you are unable to pull over safely, you must inform the caller that you will have to call them back while not driving.

Employees may use hands-free equipment to make or answer calls while driving without violating this policy. County expects employees to keep these calls brief. If, because of weather, traffic conditions, or any other reason, the employee is unable to concentrate fully on the road, the employee must either end the conversation or pull over and stop in a safe, legal location.

The only exception to the above policy is an emergency called for situations such as a fire, traffic, accident, road hazard, weather, or medical emergency. In such cases, the communications should be as short as reasonably necessary to communicate the nature of the emergency, location, etc.

Employees are prohibited from using text messaging, e-mail or any similar form of electronic communications while operating a County owned or leased vehicle.

XII. DISCIPLINARY ACTION

Immediate and positive corrective action is required for violations of policy directly associated with saving lives, preventing injuries, or eliminating expensive lawsuits. Disciplinary action shall be taken when any person causes injury to himself or others, or destroys or damages equipment by willfully violating work rules, disregarding traffic regulations or demonstrating an attitude of indifference or defiance.

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Elected Officials and Department Heads shall have latitude in determining the extent of disciplinary action to be taken within their departments; however, a continuation of this latitude is dependent upon the adequacy of action taken. A County employee involved in a preventable collision or demonstrating questionable driving capabilities shall be reassigned to non-driving tasks.

Disciplinary action resulting from safety violations shall be monitored closely by Elected Officials and Department Heads and in cases where little or no action is taken, those Elected Officials and Department Heads responsible shall be required to justify their lack of action upon request from the County Administrator. The County Administrator reserves the right to supersede Elected Officials' and Department Heads' disciplinary action if he deems the response is inadequate for the offense.

Any employee who deliberately and/or willfully violates and/or circumvents the County Owned or Leased Vehicle Use Policy shall be subject to loss of County vehicle privileges and be subject to other applicable disciplinary action up to and including discharge.

XIII. POLICY REVIEW

County Administration and Human Resources shall review the County Owned or Lease Vehicle Use policy as needed, and is subject to change at any time. The policy is located on the County's internet site-Employee Resource Center under forms/manuals/policies. Elected Officials and Department Heads are encouraged to review this policy with their staff annually.

EXHIBITS

Exhibit A: County Owned Vehicle Use Authorization Form

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Respectfully Submitted,
OPERATIONS & ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

GARY JURY, CHAIRMAN

JEAN CROSBY

ANGIE GORAL

JOE HOFFMAN

KEITH McDONALD

ELI NICOLOSI

DOROTHY REDD

GARY JURY, CHAIRMAN

JEAN CROSBY

ANGIE GORAL

JOE HOFFMAN

KEITH McDONALD

ELI NICOLOSI

DOROTHY REDD

The above and foregoing Resolution was adopted by the County Board of the County of Winnebago,
Illinois this ____ day of _____ 2018.

ATTESTED BY:

FRANK HANEY
CHAIRMAN OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

TIANA MCCALL
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS