



Department of Human Resources
Investigation Report
Tracy Reed

Submitted by:

Yvonne Cowser Yancy

Commissioner of Human Resources

November 22, 2011

Executive Summary

Employee Investigation: Tracy Reed

The following is an executive summary of the DHR investigation into alleged misconduct by Tracy Reed. Mr. Reed began his employment with the City of Atlanta within Contract Compliance in March 8, 1999. He was most recently employed as a Contract Compliance Specialist Principal within the Office of Contract Compliance and reported to Mr. Hubert Owens

Issue:

On Tuesday, November 1, 2011 the Mayor asked that the Department of Human Resources begin a formal investigation into the allegation that Mr. Tracy Reed was driving a City vehicle without a valid driver's license. The three questions in this investigation are as follows:

1. Did Mr. Reed have appropriate authorization to operate a city-owned vehicle?
2. Did Mr. Reed have approval for overnight use of a City vehicle?
3. Did Mr. Reed operate a City owned vehicle without a valid driver's license?

Findings:

1. Mr. Reed did have appropriate authorization to operate a City owned vehicle per his manager and in line with current policies.
2. There is no record of a request or approval being provided to Mr. Reed to use a City vehicle overnight. Taking a vehicle home overnight is a direct violation of Section 20 of the Vehicle use Policy.
3. Mr. Reed violated Section 8 of the City Vehicle Use Policy by operating a City-Owned Vehicle without a valid driver's license and by not notifying his supervisor of his license suspension.

Remedy:

A review of past disciplinary actions finds that there is no case of an employee whose position **did not require** a driver's license, whose license was suspended, and subsequently inappropriately operating a City vehicle. In this specific instance Mr. Reed resigned during the investigation and as a result there is no discipline recommendation.

The issue of this investigation centers on the use of a City owned vehicle by one employee, however there are policy/process recommendations that will limit this activity in the future. The following is a summary of these policy/process recommendations.

1. Complete the on-going policy implementation requiring all employees who operate City vehicles to provide consent for review of their Motor Vehicle Record. (MVR)
2. Update current Vehicle Use Policy to reflect current operating needs and reissue to all employees who currently operate City vehicles or who may operate them in the future.
3. Require departments who maintain vehicles to operate in accordance with the Vehicle Use Policy and maintain logs currently used by Fleet Services. Departments should be audited bi-annually by Fleet Services.
4. Complete a City-wide review of all employees who are authorized to take vehicles home overnight to ensure compliance with the policy.
5. Complete a City-wide review of departments who are currently assigned vehicles to determine whether or not there continues to be a need for these vehicles.

Department of Human Resources
Employee Investigation: Tracy Reed

The following is a summary of the DHR investigation into alleged misconduct by Tracy Reed. The information below reflects information gathered via employee interviews and analysis of current City policies. Mr. Reed began his employment with the City of Atlanta within Contract Compliance in March 8, 1999. He was most recently employed as a Contract Compliance Specialist Principal within the Office of Contract Compliance and reported to Mr. Hubert Owens

Issue:

On Tuesday, November 1, 2011 the Mayor asked that the Department of Human Resources begin a formal investigation into the allegation that Mr. Tracy Reed was driving a City vehicle without a valid driver's license.

City Policy:

There are three policies that are germane to this investigation. They are listed below:

1. Article XII of the City Code entitled City-Owned or City-leased Motorized Equipment is the only reference in the Code that addresses the use of city-owned vehicles. Specifically Section 2-1712 (a) states:
 “No city employee who does not possess a valid driver's license shall drive a city vehicle.”
2. The City of Atlanta Vehicle use Policy, last revised September 4, 2008. Specifically Section 20 – Overnight Use (Take Home) of City Vehicles states:
 All authorizations to drive City of Atlanta vehicles home overnight on a regularly assigned basis shall be approved by the Mayor or designee in writing and serve as the basis for the creation of a master list of employees authorized to drive take home vehicles. This list shall contain the employee's full name and address, work location, position number and classification, city vehicle number, one-way mileage to the employee's home, miles driven for the previous reporting period and in the case of first responders, the number of emergency callbacks for the previous reporting period.
3. The City of Atlanta Vehicle use Policy, last revised September 4, 2008. Specifically Section 8 – Qualifications of Vehicle Operators states:
 Only permanent full time employees are eligible to operate vehicles owned or operated by the City of Atlanta. Any exceptions must be approved by the Chief Operating Officer or designee in writing.

All employees shall possess a valid State of Georgia Driver's license at all times during the operation of any vehicle owned or operated by the City of Atlanta. Employees required to operate or drive commercial motor vehicles during the scope of their employment shall also possess a valid Commercial Driver's license at all times during the operation of any commercial motor vehicle.

Any employee whose driver's license is revoked or suspended shall immediately discontinue the operation of any vehicle owned or operated by the City of Atlanta and immediately notify their supervisor within 24 hours of the occurrence.

Investigation Summary:

The three questions in this investigation are as follows:

1. Did Mr. Reed have appropriate authorization to operate a city-owned vehicle?
2. Did Mr. Reed have approval for overnight use of a City vehicle?
3. Did Mr. Reed operate a City owned vehicle without a valid driver's license?

Questions One: Mr. Reed's manager, Mr. Huber Owens confirmed that using a City owned vehicle is common practice for staff within his department in order to effectively perform their jobs. In the case of Mr. Reed, in his role as a Contract Compliance Specialist Principal, he often has to make business visits and inspections in order to fulfill his day to day duties as described in his position description and in Section 2 – 1455 of the Code.

The Department of Contract Compliance reports to the Executive Offices and has no vehicles currently assigned to the Department. As an employee needs a vehicle they may utilize the Department of Public Works Fleet Loaner Vehicle process or they may use one of the four vehicles assigned to Executive Offices which are maintained by the Department of Constituency Services.

In order to utilize a vehicle within the Department of Public Works Fleet Loaner pool an employee must complete a request form and it must be signed by a Department Head prior to a vehicle being assigned. There is no record of a Department of Public Works- Office of Fleet Services Loaner vehicle being requested or approved for use by Mr. Reed.

The Department of Constituency Services is managed by Commissioner Andrea Boone and reports to the Executive Offices. Per Fleet Services, there are four vehicles currently assigned to the Department of Constituency Services and these vehicles are intended for use by the Department or by other employees whose departments fall under the Office of the Mayor. Commissioner Boone confirmed that her staff and other employees within the Executive Offices use these vehicles to attend various community meetings as a part of constituency outreach and to conduct City business. The Department of Constituency Services does not maintain a vehicle log that provides detailed use for each vehicle. Commissioner Boone also confirmed that employees within other departments under the purview of the Executive Offices have the ability to utilize the vehicles assigned to her department; however a manager's authorization is not required. If a vehicle is available and the Department of Constituency Services is not currently utilizing the vehicle, the vehicle is provided for use. The expectation is that the employees using these vehicles have prior approval and will follow all City policies with regards to vehicle operation.

At the time in question, one employee within Commissioner Boone's department was responsible for the management of vehicle assignment: Mr. Estee Andrews. Mr. Andrews' responsibilities included fueling vehicles, ensuring they received the appropriate maintenance,

and keeping track of the actual vehicles themselves. In order to fuel a vehicle at a City fuel station you must be registered with the Department of Public Works Fleet. The three employees registered for this task within the Department of Constituency Services are Ms. Andrea Boone, Mr. Estee Andrews and Mr. Brandon Marshall. Mr. Andrews was involuntarily separated from employment on October 4, 2011. Mr. Desmond Brown has assumed Mr. Andrews vehicle management responsibilities since Mr. Andrews's departure.

At no time has a vehicle been requested or approved to be assigned directly to Mr. Reed. Commissioner Boone and Mr. Owens were aware that Mr. Reed would use a vehicle assigned to the Department of Constituency Services in the course of his day-to-day responsibilities.

Question Two: Neither Mr. Owens nor Commissioner Boone have any record of Mr. Reed requesting or receiving approval to take a City vehicle home overnight. Per Section 20 of the current Vehicle Use Policy in order to take a City vehicle home overnight the Mayor or his designee would have to approve this request in writing. There are fewer than 50 employees outside of Police, Fire and the Executive Offices approved to take home a vehicle overnight. No such request or written approval exists for Mr. Reed.

Question Three: A review of Mr. Reed's position description along with information provided by Mr. Owens makes it clear that while having a valid driver's license is not a pre-requisite for Mr. Reed to perform his role it can be helpful to perform the role.

Per the Municipal Court records Mr. Reed was issued a traffic citation numbered 4119427 on May 4, 2011 for driving with a suspended drivers license/cancelled for a social security number verification on May 31, 2005. A bench warrant for his arrest was issued October 31, 2011 due to Mr. Reed's failure to appear in court on October 6, 2011 to adjudicate the traffic citation issued on May 4, 2011.

Mr. Reed stated during his interview on November 3, 2011 that he first became aware on May 4, 2011 that his license was suspended. Per Mr. Reed, prior to this date he was not aware his license was not valid. Additionally, he acknowledged that he operated a city-owned vehicle knowingly without a valid license which is in direct violation of the Code and the City Vehicle Use Policy. While written record exists confirming Mr. Reed's acknowledgement of the current City Vehicle Use Policy Mr. Reed does not recall receiving the policy and he stated he was not aware of his obligation under the City Vehicle Use Policy to notify his immediate supervisor of his license suspension. Mr. Reed did not notify his immediate supervisor of his license suspension and continued to periodically operate a City-Owned vehicle without a valid driver's license.

When asked why he continued to knowingly operate a City vehicle without a valid driver's license he stated he needed to drive a vehicle as a normal course of business and he made a mistake to continue driving without a valid license to do so. Mr. Reed acknowledged that he used poor judgment in continuing to drive without a license and expressed great remorse at doing so. Additionally, Mr. Reed acknowledged that he had not made a request to take a City vehicle home overnight, nor had he received approval from his manager to do so.

Findings:

Question One: Does Mr. Reed have appropriate authorization to operate a city-owned vehicle? Mr. Reed did have appropriate authorization to operate a City owned vehicle per his manager and in line with current policies. While Mr. Reed was not directly assigned a City vehicle for use, as an employee within the Department of Contract Compliance he had the ability as a normal course of business to utilize one of the four vehicles assigned to the Department of Constituency Services or to use a vehicle via the Department of Public Works Fleet Loaner program. While Mr. Owens and Commissioner Boone were both aware that Mr. Reed utilized one of the vehicles assigned to the Department of Constituency Services for use by employees assigned to various departments under the purview of the Executive Offices, there is no written documentation of this fact.

Question Two: Did Mr. Reed have approval for overnight use of a City vehicle? There is no record of a request or approval being provided to Mr. Reed to use a City vehicle overnight. Mr. Reed violated Section 20 of the City Vehicle Use Policy by taking home a vehicle without authorization overnight.

Question Three: Did Mr. Reed operate a city-owned vehicle without a valid driver's license? Mr. Reed violated Section 8 of the City Vehicle Use Policy by operating a City-owned vehicle without a valid driver's license and by not notifying his supervisor of his license suspension.

Remedy:

It is important to note there is a parallel on-going investigation by the Department of Law – Compliance into this matter as it relates to the actual traffic stop on May 4, 2011 and the second traffic stop on October 28, 2011. The disciplinary recommendation below does not address this investigation's findings which could pose an additional remedy.

A review of the City of Atlanta's disciplinary history in similar cases yields very little past practice. A review of past disciplinary actions finds that there is no case of an employee whose position **did not require** a driver's license, whose license was suspended, and subsequently inappropriately operating a City vehicle. There is a limited history of this instance because if a driver's license was not required to perform a job there has been little if any verification that an employee's license was valid.

It is important to note if a license is required to perform a job, i.e. a Commercial Driver's License the City does check to ensure the CDL is valid.

In this specific instance Mr. Reed resigned during the investigation and as a result there is no discipline recommendation.

The issue of this investigation centers on the use of a City owned vehicle by one employee, however there are policy/process recommendations that will limit this activity in the future. The following is a summary of these policy/process recommendations.

Recommendation One: Unrelated to this investigation on September 7, 2011 the Chief Operating Officer issued a new policy requiring all employees who operate City vehicles to be required to take a defensive driving class. The expectation is that this policy will be in place by the end of FY 2012. In order to implement this new requirement all employees who operate a City owned vehicle would have to provide consent for the City to pull their Motor Vehicle Driving Record (MVR). If an employee does not provide this consent they will not be allowed to operate a City owned vehicle. Since implementing this policy if an employee's license is suspended or revoked they are no longer able to operate a City owned vehicle. The implementation of this policy will provide additional employer oversight/controls to ensure only licensed employees operate City vehicles. An employee's current MVR must be on file before an employee is allowed to drive a vehicle assigned to a department or through the Department of Public Works Office of Fleet Services Loaner pool.

Recommendation Two: The current Vehicle Use Policy was last updated September 4, 2008. The policy should be updated to reflect current operating needs and should be reissued to all employees who currently operate City vehicles or who may operate a vehicle in the future.

Recommendation Three: Departments that are assigned vehicles have not always maintained consistent records including authorization forms for employees who may temporarily use a City vehicle. Per the current Vehicle Use Policy, departments will be required to maintain these records going forward. Additionally, departments who are assigned vehicles should employ the same vehicle log process currently in use within the Office of Fleet Services. The Office of Fleet Services should audit this process bi-annually to ensure compliance.

Recommendation Four: There should be a City-wide review of the employees who are currently authorized for overnight use of a vehicle to ensure the list is current and the appropriate consent forms are complete and a MVR consent form is on file.

Recommendation Five: Lastly there should be a review of departments who are currently assigned vehicles to determine whether or not the department has a continued need for these vehicles or if the Department of Public Works - Office of Fleet Services Loaner pool would be more appropriate going forward. This review should take place annually.

Respectfully Submitted by: Yvonne Cowser Yancy, SPHR
Commissioner, Department of Human Resources
November 22, 2011

Attachments:

- Compliance Specialist Principal Position Description
- Code Section 2-1455
- Signed City of Atlanta Vehicle Use Acknowledgement Form
- City of Atlanta Overnight Vehicle Utilization Form
- City of Atlanta DPW Loaner Vehicle Request Form
- City of Atlanta DPW Loaner Car/Equipment Agreement
- COO Policy Announcement
- Draft Revision of City of Atlanta Vehicle Use Policy

CITY OF ATLANTA, GEORGIA CLASSIFICATION SPECIFICATION

Job Title: Contract Compliance Specialist Principal

Date: 1998

Purpose of Job

The purpose of this job is to assist in the overall implementation of the City of Atlanta's Equal Business Opportunity Ordinance, Equal Employment Opportunity Ordinance and First Source Jobs Ordinance. Assist in establishing EBO goals, reviewing EBO plans and bid proposals, developing policies and procedures, maintaining records, and preparing reports. Performs other related duties as required.

Essential Duties and Responsibilities

The following duties are normal for this job. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Administrative Duties:

- Supervises and evaluates assigned staff, handling employee concerns, directing work assignments, counseling and disciplining employees when necessary, and completing employee performance appraisals.
- Establishes EBO goals, and provides direction in monitoring of resultant contracts.
- Reviews bid proposals, EBO plans, and subordinate's certification and bid recommendations; prepares associated recommendations.
- Assists in the development and implementation of office management and business plans and budget
- Assists in the development and implementation of Contract Compliance policies and procedures.
- Researches and recommends on issues affecting Contract Compliance activities; i.e. bonding and surety.

Communication:

- Answers inquiries from the general public regarding the Office of Contract Compliance.
- Drafts correspondence to potential program participants concerning compliance/non-compliance with established goals.
- Processes Freedom of Information and Georgia Open Records Act requests.

Quality Assurance:

- Reviews EBO goals prepared by subordinate staff for user departments.
- Reviews Council Committee Agenda for relevance to Contract Compliance issues; prepares necessary documentation.

Productivity and Accountability:

- Designs and develops community outreach sessions to assess and enhance the performance of the office mission.

Record Keeping and Documentation:

- Compiles, maintains and reviews records concerning project participation levels and EBO goals set.
- Assists in the oversight, preparation, maintenance and publication of the MFBE Certification Register, certification files and associated recommendations.

Interpersonal Relations:

- Fosters good working relationships with Office of Contract Compliance staff, minority/female contractors, other Contract Compliance agencies and the general public in an effort to further the goals and objectives of the City's EBO, EEO and First Source programs.
- Works closely with other City Departments to ensure complete coordination and compliance with City Ordinances, policies and procedures.

Marginal Job Functions

- Performs other related duties as required.

Knowledge of Job

Considerable knowledge of the policies, procedures, and activities of the Office of Contract Compliance as they pertain to the performance of duties relating to this position. Comprehensive knowledge of the regulations and imperatives set in the City's EBO and EEO ordinances. Ability to read and understand federal, state and local laws and court decisions impacting affirmative action and related topics. Ability to compile, organize, prepare and maintain an assortment of records, reports and information in an effective manner and according to departmental and/or governmental regulations. Ability to communicate effectively with supervisors, and other staff members. Ability to use independent judgment in routine and non-routine situations. Mathematical ability to handle required calculations. Ability to utilize and understand computer applications and techniques as necessary in the completion of daily assignments. Ability to plan, organize and prioritize daily assignments and work activities. Ability to comprehend and apply regulations and procedures of the department. Ability to manage responsibilities requiring constant attention to detail and tight deadlines. Has working knowledge of the City's EEO, EBO and First Source Jobs programs. Has knowledge of contracting construction, and Department procedures and methods as required in the performance of duties.

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in Business/Public Administration or related field; and five years experience in an F/MBE program or similar environment; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

**(ADA) MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED
TO PERFORM ESSENTIAL JOB FUNCTIONS**

PHYSICAL REQUIREMENTS: Must be physically able to operate a variety of job related machines and office equipment. Must be able to move or carry related objects or materials. Physical demand requirements are at levels of those for active work.

DATA CONCEPTION: Requires the ability to compare and/or judge the readily observable functional, technical, structural, compositional or identifiable characteristics (whether similar to or divergent from obvious standards) of data, people, or things.

INTERPERSONAL COMMUNICATION: Requires the ability to communicate with people to convey or exchange professional information.

LANGUAGE ABILITY: May require the ability to read a variety of professional, technical, legal and administrative documentation, directions, instructions, methods and procedures. May be required to produce reports with proper format, punctuation, spelling and grammar, using all parts of speech. Requires the ability to communicate with and before others using correct English.

INTELLIGENCE: Requires the ability to learn and understand subject matter principles and techniques; to make independent judgments in absence of supervision within the scope of respective job duties and tasks; to acquire and be able to expound on knowledge of topics related to primary occupation.

NUMERICAL APTITUDE: May require the ability to utilize mathematical formulas; add and subtract; multiply and divide totals; determine percentages; determine time and weight; and interpret same as may be appropriate.

FORM/SPATIAL APTITUDE: Requires the ability to inspect items for proper length, width, and shape.

MOTOR COORDINATION: Requires the ability to utilize job related equipment in the course of accomplishing job duties and tasks associated with respective primary duties.

COLOR DISCRIMINATION: May require the ability to differentiate colors and shades of color.

INTERPERSONAL TEMPERAMENT: Requires the ability to interact with people (i.e. staff, supervisors, general public and elected officials) beyond giving and receiving instructions. Must be adaptable to perform under stress when confronted with an emergency.

Sec. 2-1455. - Outreach and assistance to subcontractors by the office of contract compliance.

To ensure that opportunities to participate on city contracts are available to the widest feasible universe of interested, available and qualified businesses, the office of contract compliance shall develop and implement a written comprehensive outreach program aimed at increasing business participation in the city's contracting and procurement process. This program may include, without limitation, any or all of the following:

- (1) The office of contract compliance may disseminate at community events, trade shows, and other appropriate business functions, and publish at regular intervals, in print and in electronic media (including publications or electronic media targeted to MFBEs and small businesses) information describing the equal business opportunity program, the small business opportunity program, and the functions of the office of contract compliance. In addition, the office of contract compliance may disseminate information in print and/or electronic form, may provide individualized counseling, and/or may conduct seminars regarding the certification process.
- (2) The office of contract compliance may establish a procedure to engage in continuous recruitment and outreach efforts directed at business assistance organizations to increase the pool of businesses available to do business with the city. The office of contract compliance may identify suppliers through business development organizations and participation at various trade shows, supplier diversity groups and work with various national and local supplier development counsels and organizations.
- (3) The office of contract compliance may disseminate at community events, trade shows, and other appropriate business functions, and publish at regular intervals, in print and in electronic media information identifying ongoing contracting opportunities with the city, and providing contact information by which businesses may obtain additional information from the office of contract compliance. OCC will provide this information in languages other than English, where appropriate. To the extent feasible, the office of contract compliance may enter into arrangements to share data regarding upcoming city projects, and subcontracting opportunities on the projects, with other businesses and agencies or jurisdictions in the Atlanta Region.
- (4) The office of contract compliance may assist businesses in submitting bids for contracts by disseminating information in print or electronic form, by providing individualized counseling, and/or by conducting seminars regarding the process for submitting a bid on a city project. The office of contract compliance may sponsor "How to do business with the City of Atlanta" seminars and invite a wide array of businesses.
- (5) The office of contract compliance may actively encourage businesses to attend the pre-bid conferences, providing face-to-face and one-on-one meeting opportunities with employees of the city within the divisions and departments that are involved with the contracting and procurement process. OCC may establish and implement training and awareness programs with the employees of the city's user departments to educate them with regard to increasing utilization of a wide array of businesses.
- (6) The office of contract compliance may provide information and advice to the department of procurement regarding the effectiveness of current bidding procedures in facilitating bidding on contracts by the widest feasible universe of interested businesses. This information may include suggestions regarding how to arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate the participation of all interested businesses. In this regard, the office of contract compliance may provide and encourage feedback from contractors and subcontractors regarding every aspect of the city's procurement process and may establish a system to allow for anonymous comments to be sent through the mail.
- (7) The office of contract compliance may create workshops for businesses located within the city on how to compete in the private sector, including advice on marketing, soliciting, and preparing a bid. OCC may establish a program which will incorporate business and entrepreneurial training and assistance mentoring, matchmaking, individual consulting and regular training workshops and seminars. To accomplish the same, OCC may reach out to and collaborate with regional higher educational institutions.
- (8) The office of contract compliance may develop communications and other written materials that are meant to encourage and provide information to contractors to increase their utilization of subcontractors.

In addition, OCC may sponsor networking events that allow businesses to meet each other and that create an opportunity for contractors to discuss with subcontractors upcoming needs.

(9)

The office of contract compliance may develop a resource directory to be provided to interested businesses, with information regarding assistance in bonding and financing, financial management, accounting, construction management and technical assistance.

(10)

The office of contract compliance may establish policies to prohibit discrimination in the provision of credit or bonding regarding City of Atlanta contracts.

(11)

The OCC may work with existing service providers in the Atlanta Region: a) Develop a technical assistance program to prepare small businesses to compete for specific contracts; b) Implement and monitor a supportive services program to develop and improve immediate and long term business management, record keeping and financial and accounting capability for businesses; c) Develop and provide services to help businesses improve their long term development, increase their opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve self sufficiency; d) Establish a program to assist new, start-up or emerging businesses; and e) Assist businesses in developing their capability to utilize emerging technology and conduct business through electronic media.

(12)

The office of contract compliance may create and maintain records on all subcontractor participation on city projects. The office may perform investigations regarding the actual utilization of subcontractors during the term of the contract as compared with the anticipated use of subcontractors at the time of bid submittal. Subcontractors shall report the amount of work they anticipate performing on the contract and will report the actual work performed and the amount billed. The office of contract compliance will allow subcontractors to confirm the status of their subcontracts and the payments received thereunder.

(13)

The office of contract compliance may continue to develop its website to provide general information on doing business with the city, on the bid process, on how to get certified, to provide a calendar of events, bid lists, bid status reports, to post solicitation notices, and to provide downloadable forms and other appropriate information, in addition, contractors that have been awarded city contracts may be posted on the website to allow businesses to target their marketing efforts to contractors that have worked or are working with the city,

(14)

The office of contract compliance shall establish a mechanism by which a business can file an administrative complaint with the city if it believes a prime contractor or the city is discriminating in the award of contracts or subcontracts.

(15)

The office of contract compliance is authorized to develop and implement such other and further outreach activities and programs as the director may from time to time recommend. From time to time an overall evaluation of the effectiveness of the program with regard to non-discrimination in contracting shall be conducted. Appropriate changes to the measures and programs based on the results of the evaluations will be implemented.



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Shirley Franklin
Mayor

OFFICE OF CONTRACT COMPLIANCE

Hubert Owens

Director

howens@atlantaga.gov

ACKNOWLEDGMENT FORM

I, hereby confirm and have received a copy of the City of Atlanta's Vehicle Use Policy which sets forth the policies and guidelines to be followed at all times in the management and use of all City of Atlanta vehicles; effective July 1, 2008.

1. Hubert Owens
2. Alberto Aponte
3. Angela Hunter
4. Bruce Bell
5. Denice Higgins
6. Larry Scott
7. Lynn Hampton
8. Mary Ector
9. Max Lipscomb
10. Meghan Payne
11. Richard Sapp
12. Samuel Lipkins
13. Sandra R. Washington
14. Sarah Lundy
15. Tracey Sanders
16. Tracy Reed
17. Yvette Hawkins

Hubert Owens

Alberto Aponte

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Bruce T. Bell

Denice Higgins

Larry Scott

Lynn Hampton

Mary Ector

Max Lipscomb

Meghan Payne

Richard Sapp

Sandra R. Washington

Sarah Lundy

Tracey Sanders

Tracy Reed

Yvette Hawkins

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|  | <p style="text-align: center;">CITY OF ATLANTA</p> | <i>Control ID</i> | 08-CWP-DPW-01 |
| | | <i>Effective Date</i> | 7/1/2008 |
| <p style="text-align: center;">VEHICLE USE POLICY</p> | | <i>Revision Number</i> | 1.0 |
| | | <i>Revision Date</i> | 6/27/2008 |
| | | <i>Approved By</i> | Greg Giomelli, Chief Operating Officer |
| | | <i>Department Policy Owner</i> | Department OF Public Works, Office of Fleet Services |

1. OVERVIEW

This Vehicle Use Policy (“Policy”) sets forth the policies and guidelines to be followed at all times in the management and use of all City of Atlanta vehicles.

As a public employer entrusted with the responsibility of administering public funds, the City of Atlanta must ensure that all City vehicles are utilized in a cost-effective and responsible manner for the sole purpose of providing services to the citizens of the City of Atlanta. All City of Atlanta employees entrusted with the management and use of City of Atlanta vehicles are required to comply with this Policy, in addition to all applicable federal, state and local laws and any department-specific policies and procedures implemented related to the maintenance and use of City vehicles.

2. PURPOSE

The objective of this Policy is to support the City’s environmental sustainability goals as it relates to fleet utilization and management through initiatives including, but not limited to fleet right-sizing, fleet right-typing, green fleet vehicles, fuel conservation and pooled vehicle utilization; establish policies and guidelines for the management and use of all City of Atlanta vehicles; ensure that all City vehicles are used for purposes appropriate to City of Atlanta business; inform all employees of the City of Atlanta about the applicability of regulations and policies related to vehicles; ensure that vehicles are used in compliance with these regulations and policies; and provide appropriate guidance concerning rights and responsibilities to employees with respect to the proper use of vehicles.

3. SCOPE

This Policy applies to all vehicle operators and vehicles owned or managed by the City of Atlanta.

4. RELATION TO OTHER LAWS AND OTHER POLICIES

This Policy should be closely reviewed in conjunction with Section 2-1701 *et seq.* of the City of Atlanta Code of Ordinances.

5. DEFINITIONS

For purposes of this policy, the following terms are defined as follows:

Vehicle shall be any equipment owned or operated by the City of Atlanta that is powered by an engine and capable of transporting at least one vehicle driver.

Mission Critical Vehicle shall be any specialized vehicle or any vehicle required to perform the daily core function of an employee's job for at least 70% of the employee's work week or 700 miles per month.

Non-Mission Critical Vehicle shall be any vehicle not meeting the definition of a mission critical vehicle and utilized solely for convenience or whose travel purposes can be met through use of the shared car pool.

Specialized Vehicle shall include any vehicle singular in purpose and limited quantity as needed to fulfill the specific task for which it was built, including but not limited to marked law enforcement and emergency vehicles, large service trucks, street sweepers, sewer cleaner trucks, garbage trucks, dump trucks, utility trucks, and fire suppression vehicles.

Take Home Vehicle shall be any vehicle authorized to be driven home overnight on a regularly assigned basis by the Mayor, Chief of Police, Fire Chief, Commissioner of Corrections, and employees designated as first responders for emergency incidents.

Underutilized Vehicle shall be any Class 1 weight category vehicle (*i.e.*, cars, light trucks, SUVs) not driven at least 700 miles per month to conduct city business.

6. ANNUAL SUSTAINABILITY FLEET MANAGEMENT REVIEW/RECALL

The Office of Fleet Services shall be responsible for performing an annual fiscal year analysis to determine the costs, composition, usage, and utilization of the City's fleet and make a recommendation to the Chief Operating Officer on how to continue the City's efforts to reduce the negative environmental impacts and costs associated with management of the fleet and fuel usage.

The City of Atlanta shall continue to ensure that its vehicle fleet is right sized for its size and operational needs; non-mission critical vehicles are streamlined and reduced; and green fleet vehicles are given high priority for purchase in replacing older or damaged vehicles.

The Office of Fleet Services shall submit its recommendation to the Chief Operating Officer on fleet reductions prior to the first Monday of March each year with specific emphasis placed on appropriate maintenance of a fleet of mission critical vehicles and reduction and recall of non-mission critical vehicles.

7. IDENTIFICATION OF CITY OWNED VEHICLES

All vehicles owned and operated by the city shall be visibly marked with (1) the name "City of Atlanta"; (2) the official seal of the city; (3) lettering "For Official Use Only"; and (4) a seven digit tracking number.

Vehicles for the exclusive use of the department of police for the purpose of detecting crime, as well as vehicles for the exclusive use of the mayor, chief operating officer, chief of staff, and department heads in the administration of their duties shall not be subject to any visual identification requirements.

8. QUALIFICATIONS OF VEHICLE OPERATORS

Only permanent full time employees are eligible to operate vehicles owned or operated by the City of Atlanta. Any exceptions must be approved by the Chief Operating Officer or designee in writing.

All employees shall possess a valid State of Georgia Driver's license at all times during the operation of any vehicle owned or operated by the City of Atlanta. Employees required to operate or drive commercial motor vehicles during the scope of their employment shall also possess a valid Commercial Driver's license at all times during the operation of any commercial motor vehicle.

Any employee whose driver's license is revoked or suspended shall immediately discontinue the operation of any vehicle owned or operated by the City of Atlanta and immediately notify their supervisor within 24 hours of the occurrence.

The Office of Fleet Services shall retain the right to require driver training and examination of all vehicle operators.

9. ASSIGNMENT OF CITY VEHICLES

Each Department Head shall be responsible for determining the number and type of vehicles required to fulfill their department's duties and responsibilities and shall coordinate with the Office of Fleet Services in purchasing the vehicles.

Each Department Head shall be responsible for the assignment and management of vehicles within their department.

All vehicles shall be assigned in writing to the employee who shall use or who shall have operational control of the vehicle on a permanent or temporary basis. All employees shall be provided with a copy of the City of Atlanta's Vehicle Use Policy and must acknowledge receipt of the Policy by executing the acknowledgment attached. The executed acknowledgement shall be kept in the employee's departmental employment file. An employee who fails or refuses to execute the Policy acknowledgment and/or any departmental forms in connection with the assignment of any vehicle shall be precluded from operating City vehicles.

Prior to the assignment of any vehicle, a vehicle inspection form shall be completed to document the current mileage, exterior and interior condition of the vehicle. All damage to the vehicle shall be noted on the vehicle inspection form.

Employees shall also be required to acknowledge assignment of vehicles, on a permanent or temporary basis, by signing a vehicle assignment form which shall include the assignment date; vehicle year, make, and model; vehicle identification number; city's seven digit tracking

number; license plate number; employee's full name; employee identification number; department; and division. Vehicle assignment forms shall be maintained by the issuing department and the Office of Fleet Services.

10. RETURN OF CITY VEHICLES

Employees shall be required to acknowledge return of vehicles by signing a vehicle assignment return form which shall include the return date; vehicle year, make, and model; vehicle identification number; city's seven digit tracking number; license plate number; employee's full name; employee identification number; department; and division. Vehicle assignment return forms shall be maintained by the issuing department and the Office of Fleet Services.

At the time of return, a vehicle inspection form shall be completed to document the current mileage, exterior and interior condition of the vehicle. All damage to the vehicle shall be noted on the vehicle inspection form.

When an employee separates from a department, including but not limited to a transfer to another City of Atlanta department, resignation, retirement or termination, the employee shall return all vehicles, including all equipment and fuel keys, to the Department Head or his/her designee.

11. OPERATOR RESPONSIBILITY

All employees shall be responsible for using City of Atlanta vehicles exclusively for City business and are expected to exercise reasonable care in the operation and safekeeping of vehicles at all times. Employees are personally responsible for adhering to all city policies, local, state, and federal laws, guidelines and regulations while operating city vehicles.

All employees shall be subject to disciplinary action, up to and including dismissal, in conformance with the provisions of the Code of Ordinances of the City of Atlanta, Georgia for failure to conform to this Policy.

12. GENERAL MAINTENANCE

Each department assigned city vehicles shall ensure that all vehicles in its custody are maintained in good working condition by conducting routine inspections and remaining in compliance with established preventative maintenance, testing and certification schedules.

No vehicle operator shall begin operation of a vehicle until a pre-trip inspection is performed. A daily pre-trip inspection shall include, at a minimum, an inspection of the vehicle body, tires, lights, horn, brakes, windshield, mirrors, seatbelts, fuel level, emergency equipment, and all other operating systems.

Vehicle operators shall also conduct a daily post-trip inspection including all of the items performed as part of the pre-trip inspection.

All vehicles shall be kept clean on the inside and outside. It may be necessary to suspend external washing of vehicles during water drought conditions.

13. SEAT BELTS

All employees driving or riding in City of Atlanta vehicles equipped with seat belt restraints shall wear these seat belt restraints at all times during the operation of the vehicle.

Vehicle operators shall also ensure that all passengers riding in City of Atlanta vehicles equipped with seat belt restraints shall wear these seat belt restraints at all times during the operation of the vehicle.

Seat belt restraints shall not be required in circumstances excepted under state law (O.C.G.A. 40-8-76.7).

14. WIRELESS TELECOMMUNICATIONS EQUIPMENT

No vehicle operator shall use a hand held wireless telecommunications device while driving or operating City of Atlanta vehicles.

In the event a vehicle operator needs to make or receive a business related call or transmission while driving, they should locate a lawfully designated area to park and make or receive the call or transmission while the vehicle is safely parked and non operational.

The use of a hands-free speaking device such as a speakerphone or earpiece which does not require the vehicle operator to manually hold the device is permissible.

15. FUEL CONSERVATION

All vehicle operators shall operate City of Atlanta vehicles in a manner that will ensure maximum fuel savings, including but not limited to compliance with the following fuel conservation tips:

- Eliminate unnecessary trips.
- Plan all travel routes in advance.
- Remove excess weight from vehicles prior to operation.
- Operate vehicles at moderate speeds within the speed limit.
- There shall be no unnecessary idling of vehicles. All vehicles should be turned off when parked unless it is necessary to leave the vehicle running to operate essential attachments or components related to the primary use of the vehicle.
- Develop and maintain proper driving habits (i.e., do not over accelerate, avoid constant braking).
- Inflate tires properly.
- Ensure vehicles are routinely scheduled for preventative maintenance.

16. FUELING OF CITY VEHICLES

The Office of Fleet Services shall be responsible for issuing fuel keys for vehicles assigned to the respective departments.

All vehicles requiring fuel for operation shall be assigned a dedicated fuel key. Fuel keys can not be utilized to fuel any other vehicle or shared with any other vehicle for fueling purposes. Under no circumstances shall a fuel key be utilized to fuel a personal vehicle.

All fuel keys shall be assigned in writing. If a fuel key is lost or damaged, the department will be charged \$35.00 for a replacement fuel key.

All vehicles shall be fueled at one of the City of Atlanta's designated fueling stations, unless the vehicle operator has received written authorization to operate a vehicle outside the territorial limits of the city and is unable to reach a city fueling station to refuel. All vehicle operators can obtain a current listing of all city fueling stations from the Office of Fleet Services.

Vehicle operators should not allow vehicles to run low on fuel. It is recommended that vehicles be refueled when $\frac{1}{4}$ tank is reached in order to prevent fueling emergencies.

17. TRAFFIC VIOLATIONS

All employees are responsible for adhering to all applicable local, state, and federal laws governing the operation of motor vehicles.

All employees are required to report and provide a copy of all traffic and parking citations received during the operation of any City vehicle to their immediate supervisor no later than the business day following the issuance of the citation.

Any employee who receives a traffic or parking citation while operating a city vehicle is personally responsible for the payment of any fines associated with the citation within the time provided by law.

Failure to timely pay traffic or parking citations issued to an employee while operating a city vehicle shall serve as grounds for disciplinary action and loss of authorization to operate City of Atlanta motorized equipment.

In the event it is determined that an employee has failed to timely make a payment associated with a citation wherein the City of Atlanta is named as the responsible party, the Chief Financial Officer shall be authorized to recover and satisfy the outstanding fines via payroll deduction.

18. PRIVATE USE OF CITY VEHICLES

The use of any City of Atlanta vehicle for any purpose other than the city's business is prohibited.

No passengers shall be transported in City of Atlanta vehicle except when transportation of passengers is necessary for the conduct of city business.

All employees shall be subject to disciplinary action, up to and including dismissal, in conformance with the provisions of the Code of Ordinances of the City of Atlanta, Georgia for failure to conform to this Policy.

19. USE OF CITY VEHICLES OUTSIDE CITY LIMITS

No City of Atlanta vehicle shall be used outside the territorial limits of the City of Atlanta, excluding vehicle usage associated with Metropolitan Atlanta travel required to reach city-owned facilities, without prior authorization granted in writing by the Department Head prior to travel. All travel outside the city limits of the City of Atlanta in city vehicles must be solely and exclusively for City business.

Authorization to travel outside the State of Georgia in City vehicles shall rest solely with the Mayor or his/her designee. Requests for travel outside the state of Georgia in city vehicles shall be submitted by the Department Head to the Office of Fleet Services for approval by the Mayor or his/her designee.

20. OVERNIGHT USE (TAKE HOME) OF CITY VEHICLES

No employees shall be authorized to drive City of Atlanta vehicles home overnight on a regularly assigned basis except for the Mayor, Chief of Police, Fire Chief, Commissioner of Corrections, and employees designated as first responders for emergency incidents.

The term "*first responder*" refers to those employees who in the early stages of an emergency incident are responsible for the protection and preservation of life, property, evidence or infrastructure and have been designated the primary individual responsible for managing and providing immediate support services during prevention, response, and recovery operations.

No vehicle shall be assigned to an employee serving as a first responder to drive home overnight until approved by the Mayor or designee in writing.

The Chief of Police is also authorized to select sworn members of the Atlanta Police Department who reside within the territorial limits of the City of Atlanta to drive city owned marked patrol vehicles home overnight on a regularly assigned basis in furtherance of public safety visibility and in conformance with departmental standard operating procedures.

All authorizations to drive City of Atlanta vehicles home overnight on a regularly assigned basis shall be approved by the Mayor or designee in writing and serve as the basis for the creation of a master list of employees authorized to drive take home vehicles. This list shall contain the employee's full name and address, work location, position number and classification, city vehicle number, one-way mileage to the employee's home, miles driven for the previous reporting period and in the case of first responders, the number of emergency callbacks for the previous reporting period.

The Mayor or designee shall ensure that the master list of employees authorized to drive take home vehicles is filed with the municipal clerk and Finance/Executive Committee of the Atlanta City Council on or within ten days of April 1 and October 1 of each year. In the event an employee assigned and authorized to drive a vehicle home overnight is on leave encompassing more than three business days, the assigned vehicle shall not be driven home overnight during the extended leave period and must be parked at a secure City of Atlanta parking location until the employees return from leave.

Employees who are authorized to drive City of Atlanta vehicles home overnight on a regularly assigned basis shall be subject to fringe benefit withholding as provided for under Internal Revenue Service rules and regulations.

21. END OF SHIFT PARKING OF ASSIGNED CITY VEHICLES

All city vehicles assigned for on duty use shall be parked at a secure City of Atlanta parking location pre-designated by each respective department at the end of each daily shift.

22. CITY CAR SHARE PROGRAM (FLEET POOL)

All employees not assigned a vehicle for operational use at the department level, shall be eligible to apply for authorization to participate and utilize the City's car share program to facilitate city business related transportation needs.

The Chief Operating Officer or designee shall be responsible for authorization of all applications to participate and utilize the City's car share program.

All employees authorized to participate in the city car share program shall follow the policies and procedures established by the Office of Fleet Services.

23. CITY VEHICLE ACCIDENTS

In the event that a vehicle operator is involved in a motor vehicle accident or collision, regardless of the location, they shall immediately:

- Call 911 to request police to the scene for reporting purposes and request medical attention if necessary.
- Follow law enforcement directives regarding the movement of the motor vehicle involved in the accident or collision.
- Take additional measures necessary to prevent further accidents or injuries.
- Contact their immediate supervisor/safety officer, providing all pertinent information, such as location, nature of accident, names of employees involved, and extent of injuries and damage.
- While at the scene, obtain the names, addresses and phone numbers of all involved parties and witnesses, as well as the names and badge numbers of any law enforcement officers.

- Complete the *Operators Report of Motor Vehicle Accident Form*
- Make NO COMMENT or statement to anyone as to personal liability or City liability. Direct all inquires to the Department of Law at 404-330-6400.

All supervisors or safety officers notified of the occurrence of a motor vehicle accident or collision shall ensure that all required documentation, police accident reports, *Operators Report of Motor Vehicle Accident Form*, and photographs of all property damage, including infrastructure such as hydrants, light poles, traffic control devices, etc. are completed and submitted to the Office of Fleet Services, Office of Risk Management, and Department of Law's Claims Unit.

Supervisors or safety officers shall also be responsible for overseeing the alcohol/controlled substance testing procedures for the involved vehicle operator and for contacting the Office of Fleet Services to obtain a vehicle repair estimate.

24. DRUG/ALCOHOL TESTING

In the event that a vehicle operator is involved in a motor vehicle accident or collision, all supervisors or safety officers notified of the occurrence of a motor vehicle accident or collision shall ensure that an alcohol/drug analysis is conducted if (1) the vehicle operator is cited for any traffic code violations, or (2) reasonable suspicion exists.

Reasonable suspicion must be based on specific, objective facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs. Observations which may constitute a factual basis for determining reasonable suspicion may include but are not limited to the following, alone or in combination:

- Slurred speech.
- Alcohol on breath.
- Inability to walk a straight line.
- Behavior which is so unusual and inappropriate in its nature as to create an unsafe work environment or disrupt the normal working condition.
- Possession of alcohol and/or illegal drugs.

All supervisors or safety officers shall ensure that an alcohol/drug analysis examination is performed as soon as possible following the actual occurrence of an accident or collision.

25. CATEGORIES OF ACCIDENTS

All Department heads shall be responsible for ensuring that all city vehicle accidents are investigated to establish whether the accident was the result of the employee's negligence or abuse and if so, document and classify the accident utilizing the following classifications:

Public Property Accident

Any accident involving a vehicle that occurs on a City street, highway, expressway, park road or on public property. The police agency having jurisdiction shall be notified whenever an employee is involved in a public property accident.

Private Property Accident

Any accidents involving a vehicle that takes place at a location where the police having jurisdiction cannot issue citations to any involved party.

No Damage Accident

A motor vehicle accident has occurred, but there are no bodily injuries and no damage to vehicles or property.

Minor Accident

Total damage estimates for City vehicles, equipment and property is less than \$1,000 with NO injuries to involved parties.

Moderate Accident

Total damage estimate for City vehicles, equipment and property is greater than \$1,000 and less than \$5,000, and /or there is any injury requiring outpatient only medical treatment.

Major Accident

Total damage estimate for City vehicles, equipment and property is greater than \$5,000 and less than \$15,000, and/or there is any injury requiring inpatient medical treatment.

Severe Accident

Total damage estimate for City vehicles, equipment and property exceeds \$15,000, and/or any accident involving a death or bodily injury requiring long-term care or treatment.

26. EMPLOYEE FINES

In the event that the Department Head of an employee involved in a motor vehicle accident or collision resulting in damage to city property determines that the accident was the result of the employee's negligence or abuse, the employee shall be fined in accordance with the following guidelines:

- Minor Accident - \$75 per occurrence
- Moderate Accident - \$125 per occurrence
- Major Accident - \$250 per occurrence
- Severe Accident - \$500 per occurrence

The Chief Financial Officer shall recover all fines imposed upon employees in connection with motor vehicle accidents or collisions resulting in damage to city property via payroll

deduction until the employee's financial obligation has been satisfied. Under no circumstances shall the payment period for fines exceed six months.

Failure to discharge any fines obligation to the satisfaction of the Chief Financial Officer shall serve as grounds for disciplinary action, up to and including dismissal.

27. EMPLOYEE FINES APPEAL RIGHTS

All fines imposed by the Department Head or his/her designee regarding motor vehicle accidents or collisions resulting in damage to city property may be appealed to the Chief Operating Officer or his/her designee in writing within five days of the departmental notification to an employee. The Chief Operating Officer's decision shall be final.

28. DISCIPLINARY ACTION

A. Operator Negligence

Any employee, who operates a City vehicle in a careless or negligent manner, including violating traffic laws, either willfully or through negligence, shall be disciplined progressively in conformance with the provisions of the Code of Ordinances of the City of Atlanta, Georgia.

B. Discipline for Preventable Accidents

A preventable accident is an accident that would not have occurred if the employee had exercised all due care and attention, regardless of whether a citation was issued by the police. If the accident is found to have been preventable, the involved employee(s) shall be disciplined in accordance with the following guidelines:

1. No Damage Accident

- a. Verbal counseling and attendance with satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor.

2. Minor Accident

- a. *First Minor Accident* - A written reprimand and attendance with satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor.
- b. *Second Minor Accident* - Within twelve (12) months of first accident, up to fifteen (15) days suspension without pay and attendance with satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor.
- c. *Third Minor Accident* - Within twenty-four (24) months of first accident, up to thirty (30) days suspension without pay, the satisfactory completion of a twelve (12) month probationary period, and the satisfactory completion of defensive driving course as scheduled by the department's Safety Manager or supervisor.

- d. *Fourth Minor Accident* – Within twenty-four (24) months of the first accident, a minimum thirty (30) days suspension without pay, satisfactory completion of a twelve (12) month probationary period, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, or Dismissal.

3. Moderate Accident

- a. *First Moderate Accident* – Suspension without pay up to twenty (20) days, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, and the satisfactory completion of a twelve (12) month probationary period.
- b. *Second Moderate Accident* – Suspension without pay up to thirty (30) days, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, and the satisfactory completion of a twelve (12) month probationary period.
- c. *Third Moderate Accident* - Dismissal

4. Major Accident

- a. *First Major Accident* – Suspension without pay up to thirty (30) days, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, and the satisfactory completion of a twelve (12) month probationary period.
- b. *Second Major Accident* – Dismissal

5. Severe Accident

- a. *First Severe Accident* – Dismissal or Suspension without pay up to thirty (30) days, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, and the satisfactory completion of a twelve (12) month probationary period.
- b. *Second Severe Accident* – Dismissal

Any exceptions from the imposition of the above disciplinary guidelines must be approved in writing by the Chief Operating Officer.

29. OTHER DISCIPLINARY ACTION

All employees shall be subject to disciplinary action, up to and including dismissal, in conformance with the provisions of the Code of Ordinances of the City of Atlanta, Georgia for failure to conform to this Policy.

30. POLICY EXCEPTIONS

The Mayor or his/her designee retain the authority to approve and provide exemptions from this Policy that are in writing and in compliance with the Code of Ordinances of the City of Atlanta, Georgia.

ACKNOWLEDGEMENT AND SIGNATURE

I hereby acknowledge that I have received a copy of the City of Atlanta Vehicle Use Policy (the "Policy"), dated _____; that I have read the Policy, and that I am bound and will abide by the Policy's requirements and any applicable supplements and any additional or amended policies and procedures issued from time to time.

I further acknowledge that I understand that any violation of this Policy may subject me to disciplinary action, up to and including termination.

I fully understand and agree that if I am determined to be financially liable or assessed a monetary fine pursuant to this Policy, I authorize the Chief Financial Officer to recover the funds via payroll deduction. I understand and agree that the Chief Financial Officer may recover such reimbursements via payroll deduction until the reimbursement obligation is fully satisfied.

Printed Name of Employee

Title

Employee Signature

Date



CITY OF ATLANTA OVERNIGHT VEHICLE UTILIZATION FORM

- Application for Initial Authorization
 April 1st through October 1st
 Application for Semi-Annual Rectification: April 1, 2011 through October 1, 2011
 Emergency / Temporary Use From _____ to _____
 Cancel Overnight Use Authorization

| | | | | | |
|--|---------------|-----------------------------------|-----------------|---|--------------|
| Last Name | | First Name | Middle Initial | Department/Bureau/Division | |
| Job Class (Title) | | Working Title (Function) | | Cost Center | Section/Unit |
| Position No. | Work Location | Vehicle No. | Year/Make/Model | Is this a marked vehicle? Yes () No () | |
| Residence (City & Country) Douglass | | One-way Mileage (Residence/ Work) | | First Responder? Yes () No () | |

REGULAR OVERNIGHT USE JUSTIFICATION

| | | | |
|--|------------------|---|--|
| Authorization: Mayor () Correction Chief () Police Chief () Fire Chief () | Odometer Reading | Previous total miles during 6 month period | Sworn Police Officer <i>must reside in Atlanta City Limits</i> Yes () No () |
| First Responder Justification <i>Please explain</i> | | Emergency/Temporary Use Justification <i>Please explain</i> | |

FIRE / POLICE ONLY

| | | |
|--------------------------------|--------------|-----------------|
| Division Commander | Approved () | Disapproved () |
| Signature: | | |
| Division Commander | Approved () | Disapproved () |
| Signature: | | |
| AUTHORIZED SIGNATURES | | |
| Department Head | Approved () | Disapproved () |
| Signature: | | |
| Chief Operating Officer | Approved () | Disapproved () |
| Signature: | | |

I swear/affirm that the information contained in this document is a true and accurate account of first responder activity for the specified time period. I understand that falsifying or fabricating information contained herein may result in criminal and/or disciplinary action.

Employee Signature

Date



City of Atlanta
Department of Public Works
Office of Fleet Services
Loaner Vehicle Request Form

Date: _____

Department: _____

Telephone#: _____

Name (Please Print)

Employee ID Number

Type of Vehicle Requested: _____

Employee is requesting a loaner vehicle from _____ to _____
Date Date

Reason For Request: (If needed, please provide attachment):

Department Head Signature & Date

Official Use Only
AUTHORIZATION

Approved Disapproved

Reason for Disapproval

Authorized Signatures:

Office of Fleet Services Director

Date

DPW Commissioner/Deputy Commissioner

Date



**City of Atlanta
 Department of Public Works
 Office of Fleet Services
 Loaner Car/Equipment Agreement**

_____ Date

_____ Loaner's Name (Please Print)

_____ Employee ID#

Driver's License (validation)
 Yes _____ No _____

A loaner vehicle request was approved from _____ to _____ (request attached).
 Date Date

Department: _____ Dept/Org #: _____

Telephone#: _____

Please list any additional driver(s); if no additional drivers please indicate N/A.

| | | |
|----------------------------------|--------------------|---|
| _____ Driver Name (Please Print) | _____ Employee ID# | Driver's License (validation) Yes _____ No _____ |
|----------------------------------|--------------------|---|

| | | |
|----------------------------------|--------------------|---|
| _____ Driver Name (Please Print) | _____ Employee ID# | Driver's License (validation) Yes _____ No _____ |
|----------------------------------|--------------------|---|

 Loaner's Signature & Date

| Office Use Only | |
|--|--|
| Vehicle#: _____ | License Plate#: _____ |
| Date & Time Out: _____ | Date & Time In: _____ |
| Mileage Out: _____ | Mileage In: _____ |
| Any visible Vehicle Damage @ Check-out Yes _____ No _____ | Any visible Vehicle Damages @ Check-In Yes _____ No _____ |
| Comment: _____ | Comment: _____ |
| Out Inspection by: _____ | In Inspection by: _____ |
| Date: _____ | Date: _____ |

Yancy, Yvonne Cowser

From: Johnson, Camille on behalf of Aman, Peter T.
Sent: Wednesday, September 07, 2011 4:44 PM
To: *COA Commissioners
Cc: *COA Deputy Commissioners; Williams, Heyward
Subject: Defensive Driving
Attachments: Consent form r1.docx

Commissioners,

Starting in FY 2012 employees who operate city vehicles will be required to take a defensive driving course. The HR Commissioner, Enterprise Risk Director and Executive Safety Director are in the process of developing a training delivery and tracking plan. They will have this plan implemented by mid FY 2012. For some organizations this will be a low impact issue based on the current practices of the organization.

To prepare for a smooth implementation all departments shall validate that they have a consent form on file signed by the employee for release of his/her Motor Vehicle Driving Record (MVR). If the employee does not currently have a consent form on file the employee will need to sign the attached document. The document shall be filed and retained in the department.

Your cooperation in this matter is appreciated,

Peter Aman
Chief Operating Officer

City of Atlanta

Department of _____

Authorization to Release Personal Information

I, _____, do hereby authorize a review of and full disclosure of all records concerning myself to any duly authorized agent of the City of Atlanta Department of _____ whether the said records are of a public, private or confidential nature.

The intent of this authorization is to give my consent for full and complete disclosure of the following records:

Motor Vehicle Driving Record

I understand that any information obtained as a result of review of these records which is developed directly or indirectly, in whole or in part, upon this release/authorization will be considered in determining my suitability relative to the performance of my official duties with the City of Atlanta.

A photocopy of this release form will be valid as an original thereof, even though the photocopy does not contain an original writing of my signature.

I understand that I will not be issued or required to sign the release form annually as this authorization will remain active until the employment relationship with the City of Atlanta terminates. I also understand that refusal to sign this waiver authorizing the Motor Vehicle Driving Record disclosure will subject me to disciplinary action, up to and including termination.

Print Name (Including Maiden Name) _____

Driver's License#/DOB _____

Signature (including maiden name)/Date _____

Witness Name _____

Signature of Witness/Date _____

| | | | |
|---|------------------------|--------------------------------|--|
|  | CITY OF ATLANTA | <i>Control ID</i> | 08-CWP-DPW-01 |
| | | <i>Effective Date</i> | 7/1/2008 |
| VEHICLE USE POLICY | | <i>Revision Number</i> | <u>4.03-0</u> |
| | | <i>Revision Date</i> | 9/4/200811/21/2011 |
| | | <i>Approved By</i> | <u>Peter Aman Greg Giornelli</u> , Chief Operating Officer |
| | | <i>Department Policy Owner</i> | Department OF Public Works, Office of Fleet Services |

1. OVERVIEW

This Vehicle Use Policy (“Policy”) sets forth the policies and guidelines to be followed at all times in the management and use of all City of Atlanta vehicles.

As a public employer entrusted with the responsibility of administering public funds, the City of Atlanta must ensure that all City vehicles are utilized in a cost-effective and responsible manner for the sole purpose of providing services to the citizens of the City of Atlanta. All City of Atlanta employees entrusted with the management and use of City of Atlanta vehicles are required to comply with this Policy, in addition to all applicable federal, state and local laws and any department-specific policies and procedures implemented related to the maintenance and use of City vehicles.

2. PURPOSE

The objective of this Policy is to support the City’s environmental sustainability goals as it relates to fleet utilization and management through initiatives including, but not limited to fleet right-sizing, fleet right-typing, green fleet vehicles, fuel conservation and pooled vehicle utilization; establish policies and guidelines for the management and use of all City of Atlanta vehicles; ensure that all City vehicles are used for purposes appropriate to City of Atlanta business; inform all employees of the City of Atlanta about the applicability of regulations and policies related to vehicles; ensure that vehicles are used in compliance with these regulations and policies; and provide appropriate guidance concerning rights and responsibilities to employees with respect to the proper use of vehicles.

3. SCOPE

This Policy applies to all vehicle operators and vehicles owned or managed by the City of Atlanta.

4. RELATION TO OTHER LAWS AND OTHER POLICIES

This Policy should be closely reviewed in conjunction with Section 2-1701 *et seq.* of the City of Atlanta Code of Ordinances.

5. DEFINITIONS

For purposes of this policy, the following terms are defined as follows:

Vehicle shall be any equipment owned or operated by the City of Atlanta that is powered by an engine and capable of transporting at least one vehicle driver.

Emergency Vehicle shall be any vehicle operated by sworn public safety personnel that is equipped with warning lights and a siren for the purposes of responding to public safety emergencies.

Mission Critical Vehicle shall be any specialized vehicle or any vehicle required to perform the daily core function of an employee's job for at least 70% of the employee's work week or 700 miles per month.

Non-Mission Critical Vehicle shall be any vehicle not meeting the definition of a mission critical vehicle and utilized solely for convenience or whose travel purposes can be met through use of the shared car pool.

Specialized Vehicle shall include any vehicle singular in purpose and limited quantity as needed to fulfill the specific task for which it was built, including but not limited to marked law enforcement and emergency vehicles, large service trucks, street sweepers, sewer cleaner trucks, garbage trucks, dump trucks, utility trucks, and fire suppression vehicles.

Take Home Vehicle shall be any vehicle authorized to be driven home overnight on a regularly assigned basis by the Mayor, Chief of Police, Fire Chief, Commissioner of Corrections, and employees designated as first responders for emergency incidents.

Underutilized Vehicle shall be any Class 1 weight category vehicle (*i.e.*, cars, light trucks, suvs) not driven at least 700 miles per month to conduct city business.

6. ANNUAL SUSTAINABILITY FLEET MANAGEMENT REVIEW/RECALL

The Office of Fleet Services shall be responsible for performing an annual fiscal year analysis to determine the costs, composition, usage, and utilization of the City's fleet and make a recommendation to the Chief Operating Officer on how to continue the City's efforts to reduce the negative environmental impacts and costs associated with management of the fleet and fuel usage.

The City of Atlanta shall continue to ensure that its vehicle fleet is right sized for its size and operational needs; non-mission critical vehicles are streamlined and reduced; and green fleet vehicles are given high priority for purchase in replacing older or damaged vehicles.

The Office of Fleet Services shall submit its recommendation to the Chief Operating Officer on fleet reductions prior to the first Monday of March each year with specific emphasis placed on appropriate maintenance of a fleet of mission critical vehicles and reduction and recall of non-mission critical vehicles.

7. IDENTIFICATION OF CITY OWNED VEHICLES

All vehicles owned and operated by the city shall be visibly marked with (1) the name "City of Atlanta"; (2) the official seal of the city; (3) lettering "For Official Use Only"; and (4) a seven digit tracking number.

Vehicles for the exclusive use of the department of police for the purpose of detecting crime, as well as vehicles for the exclusive use of the mayor, chief operating officer, chief of staff, and department heads in the administration of their duties shall not be subject to any visual identification requirements.

8. QUALIFICATIONS OF VEHICLE OPERATORS

Only permanent full time employees are eligible to operate vehicles owned or operated by the City of Atlanta. Any exceptions must be approved by the Chief Operating Officer or designee in writing.

All employees shall possess a valid State of Georgia Driver's license at all times during the operation of any vehicle owned or operated by the City of Atlanta. Employees required to operate or drive commercial motor vehicles during the scope of their employment shall also possess a valid Commercial Driver's license at all times during the operation of any commercial motor vehicle.

Any employee whose driver's license is revoked or suspended shall immediately discontinue the operation of any vehicle owned or operated by the City of Atlanta and immediately notify their supervisor within 24 hours of the occurrence.

In order to operate a City owned vehicle an employee must provide written consent for release of his/her Motor Vehicle Driving Record (MVR). This record will be pulled periodically to ensure the employee has a valid State of Georgia Driver's license at all times.

The Office of Fleet Services shall retain the right to require driver training and examination of all vehicle operators.

9. ASSIGNMENT OF CITY VEHICLES

Each Department Head shall be responsible for determining the number and type of vehicles required to fulfill their department's duties and responsibilities and shall coordinate with the Office of Fleet Services in purchasing the vehicles.

Each Department Head shall be responsible for the assignment and management of vehicles within their department.

All vehicles shall be assigned in writing to the employee who shall use or who shall have operational control of the vehicle on a permanent or temporary basis. All employees shall be provided with a copy of the City of Atlanta's Vehicle Use Policy and must acknowledge receipt of the Policy by executing the acknowledgment attached. The executed acknowledgement shall be kept in the employee's departmental employment file. An

employee who fails or refuses to execute the Policy acknowledgment and/or any departmental forms in connection with the assignment of any vehicle shall be precluded from operating City vehicles.

Prior to the assignment of any vehicle, a vehicle inspection form shall be completed to document the current mileage, exterior and interior condition of the vehicle. All damage to the vehicle shall be noted on the vehicle inspection form.

Employees shall also be required to acknowledge assignment of vehicles, on a permanent or temporary basis, by signing a vehicle assignment form which shall include the assignment date; vehicle year, make, and model; vehicle identification number; city's seven digit tracking number; license plate number; employee's full name; employee identification number; department; and division. This form will require a manager's authorization. Vehicle assignment forms shall be maintained by the issuing department and the Office of Fleet Services.

10. RETURN OF CITY VEHICLES

Employees shall be required to acknowledge return of vehicles by signing a vehicle assignment return form which shall include the return date; vehicle year, make, and model; vehicle identification number; city's seven digit tracking number; license plate number; employee's full name; employee identification number; department; and division. Vehicle assignment return forms shall be maintained by the issuing department and the Office of Fleet Services.

At the time of return, a vehicle inspection form shall be completed to document the current mileage, exterior and interior condition of the vehicle. All damage to the vehicle shall be noted on the vehicle inspection form.

When an employee separates from a department, including but not limited to a transfer to another City of Atlanta department, resignation, retirement or termination, the employee shall return all vehicles, including all equipment and fuel keys, to the Department Head or his/her designee.

11. OPERATOR RESPONSIBILITY

All employees shall be responsible for using City of Atlanta vehicles exclusively for City business and are expected to exercise reasonable care in the operation and safekeeping of vehicles at all times. Employees are personally responsible for adhering to all city policies, local, state, and federal laws, guidelines and regulations while operating city vehicles.

All employees shall be subject to disciplinary action, up to and including dismissal, in conformance with the provisions of the Code of Ordinances of the City of Atlanta, Georgia for failure to conform to this Policy.

12. GENERAL MAINTENANCE

Each department assigned city vehicles shall ensure that all vehicles in its custody are maintained in good working condition by conducting routine inspections and remaining in compliance with established preventative maintenance, testing and certification schedules.

No vehicle operator shall begin operation of a vehicle until a pre-trip inspection is performed. A daily pre-trip inspection shall include, at a minimum, an inspection of the vehicle body, tires, lights, horn, brakes, windshield, mirrors, seatbelts, fuel level, emergency equipment, and all other operating systems.

Vehicle operators shall also conduct a daily post-trip inspection including all of the items performed as part of the pre-trip inspection.

All vehicles shall be kept clean on the inside and outside. It may be necessary to suspend external washing of vehicles during water drought conditions.

13. SEAT BELTS

All employees driving or riding in City of Atlanta vehicles equipped with seat belt restraints shall wear these seat belt restraints at all times during the operation of the vehicle.

Vehicle operators shall also ensure that all passengers riding in City of Atlanta vehicles equipped with seat belt restraints shall wear these seat belt restraints at all times during the operation of the vehicle.

Seat belt restraints shall not be required in circumstances excepted under state law (O.C.G.A. 40-8-76.7).

14. WIRELESS TELECOMMUNICATIONS EQUIPMENT

No vehicle operator shall use a hand held wireless telecommunications device while driving or operating City of Atlanta vehicles.

In the event a vehicle operator needs to make or receive a business related call or transmission while driving, they should locate a lawfully designated area to park and make or receive the call or transmission while the vehicle is safely parked and non operational.

The use of a hands-free speaking device such as a speakerphone or earpiece which does not require the vehicle operator to manually hold the device is permissible.

15. FUEL CONSERVATION

All vehicle operators shall operate City of Atlanta vehicles in a manner that will ensure maximum fuel savings, including but not limited to compliance with the following fuel conservation tips:

- Eliminate unnecessary trips.
- Plan all travel routes in advance.

- Remove excess weight from vehicles prior to operation.
- Operate vehicles at moderate speeds within the speed limit, with the exception of specific state law exemptions for emergency vehicles .
- There shall be no unnecessary idling of vehicles. All vehicles should be turned off when parked unless it is necessary to leave the vehicle running to operate essential attachments or components related to the primary use of the vehicle.
- Develop and maintain proper driving habits (i.e., do not over accelerate, avoid constant braking).
- Inflate tires properly.
- Ensure vehicles are routinely scheduled for preventative maintenance.

16. FUELING OF CITY VEHICLES

The Office of Fleet Services shall be responsible for issuing fuel keys for vehicles assigned to the respective departments.

All vehicles requiring fuel for operation shall be assigned a dedicated fuel key. Fuel keys can not be utilized to fuel any other vehicle or shared with any other vehicle for fueling purposes. Under no circumstances shall a fuel key be utilized to fuel a personal vehicle.

All fuel keys shall be assigned in writing. If a fuel key is lost or damaged, the department will be charged \$35.00 for a replacement fuel key.

All vehicles shall be fueled at one of the City of Atlanta's designated fueling stations, unless the vehicle operator has received written authorization to operate a vehicle outside the territorial limits of the city and is unable to reach a city fueling station to refuel. All vehicle operators can obtain a current listing of all city fueling stations from the Office of Fleet Services.

Vehicle operators should not allow vehicles to run low on fuel. It is recommended that vehicles be refueled when ¼ tank is reached in order to prevent fueling emergencies.

17. TRAFFIC VIOLATIONS

All employees are responsible for adhering to all applicable local, state, and federal laws governing the operation of motor vehicles and emergency vehicles.

All employees are required to report and provide a copy of all traffic and parking citations received during the operation of any City vehicle to their immediate supervisor no later than the business day following the issuance of the citation.

Any employee who receives a traffic or parking citation while operating a city vehicle is personally responsible for the payment of any fines associated with the citation within the time provided by law.

Failure to timely pay traffic or parking citations issued to an employee while operating a city vehicle shall serve as grounds for disciplinary action and loss of authorization to operate City of Atlanta motorized equipment.

In the event it is determined that an employee has failed to timely make a payment associated with a citation wherein the City of Atlanta is named as the responsible party, the Chief Financial Officer shall be authorized to recover and satisfy the outstanding fines via payroll deduction.

18. PRIVATE USE OF CITY VEHICLES

The use of any City of Atlanta vehicle for any purpose other than the city's business is prohibited.

No passengers shall be transported in City of Atlanta vehicle except when transportation of passengers is necessary for the conduct of city business.

All employees shall be subject to disciplinary action, up to and including dismissal, in conformance with the provisions of the Code of Ordinances of the City of Atlanta, Georgia for failure to conform to this Policy.

19. USE OF CITY VEHICLES OUTSIDE CITY LIMITS

No City of Atlanta vehicle shall be used outside the territorial limits of the City of Atlanta, excluding vehicle usage associated with Metropolitan Atlanta travel required to reach city-owned facilities, without prior authorization granted in writing by the Department Head prior to travel. All travel outside the city limits of the City of Atlanta in city vehicles must be solely and exclusively for City business.

Authorization to travel outside the State of Georgia in City vehicles shall rest solely with the Mayor or his/her designee. Requests for travel outside the state of Georgia in city vehicles shall be submitted by the Department Head to the Office of Fleet Services for approval by the Mayor or his/her designee.

20. OVERNIGHT USE (TAKE HOME) OF CITY VEHICLES

No employees shall be authorized to drive City of Atlanta vehicles home overnight on a regularly assigned basis except for the Mayor, Chief of Police, Fire Chief, Commissioner of Corrections, and employees designated as first responders for emergency incidents.

The term "*first responder*" refers to those employees who in the early stages of an emergency incident are responsible for the protection and preservation of life, property, evidence or infrastructure and have been designated the primary individual responsible for managing and providing immediate support services during prevention, response, and recovery operations.

No vehicle shall be assigned to an employee serving as a first responder to drive home overnight until approved by the Mayor or designee in writing.

The Chief of Police is also authorized to select sworn members of the Atlanta Police Department who reside within the territorial limits of the City of Atlanta to drive city owned marked patrol vehicles home overnight on a regularly assigned basis in furtherance of public safety visibility and in conformance with departmental standard operating procedures.

All authorizations to drive City of Atlanta vehicles home overnight on a regularly assigned basis shall be approved by the Mayor or designee in writing and serve as the basis for the creation of a master list of employees authorized to drive take home vehicles. This list shall contain the employee's full name and address, work location, position number and classification, city vehicle number, one-way mileage to the employee's home, miles driven for the previous reporting period and in the case of first responders, the number of emergency callbacks for the previous reporting period.

The Mayor or designee shall ensure that the master list of employees authorized to drive take home vehicles is filed with the municipal clerk and Finance/Executive Committee of the Atlanta City Council on or within ten days of April 1 and October 1 of each year.

In the event an employee assigned and authorized to drive a vehicle home overnight is on leave encompassing more than three business days, the assigned vehicle shall not be driven home overnight during the extended leave period and must be parked at a secure City of Atlanta parking location until the employees return from leave.

The City recognizes that employees who are assigned to drive a City of Atlanta vehicle home overnight may use the vehicle to intermittently conduct personal business. This activity should be limited to an as needed basis.

Employees who are authorized to drive City of Atlanta vehicles home overnight on a regularly assigned basis shall be subject to fringe benefit withholding as provided for under Internal Revenue Service rules and regulations.

21. END OF SHIFT PARKING OF ASSIGNED CITY VEHICLES

All city vehicles assigned for on duty use shall be parked at a secure City of Atlanta parking location pre-designated by each respective department at the end of each daily shift.

22. CITY CAR SHARE PROGRAM (FLEET LOANER POOL)

All employees not assigned a vehicle for operational use at the department level, shall be eligible to apply for authorization to participate and utilize the City's car share program to facilitate city business related transportation needs.

The Chief Operating Officer or designee shall be responsible for authorization of all applications to participate and utilize the City's car share program.

All employees authorized to participate in the city car share program shall follow the policies and procedures established by the Office of Fleet Services.

23. CITY VEHICLE ACCIDENTS

In the event that a vehicle operator is involved in a motor vehicle accident or collision, regardless of the location, they shall immediately:

- Call 911 to request police to the scene for reporting purposes and request medical attention if necessary.
- If vehicle is operable without further damage or hazard to the roadway or individuals, vehicle should be removed from the immediate roadway.
- Follow all law enforcement directives regarding the movement of the motor vehicle involved in the accident or collision.
- Take additional measures necessary to prevent further accidents or injuries.
- Contact their immediate supervisor/safety officer, providing all pertinent information, such as location, nature of accident, names of employees involved, and extent of injuries and damage.
- While at the scene, obtain the names, addresses and phone numbers of all involved parties and witnesses, as well as the names and badge numbers of any law enforcement officers.
- Complete the *Operators Report of Motor Vehicle Accident Form*.
- Make NO COMMENT or statement to anyone as to personal liability or City liability. Direct all inquires to the Department of Law at 404-330-6400.

All supervisors or safety officers notified of the occurrence of a motor vehicle accident or collision shall ensure that all required documentation, police accident reports, *Operators Report of Motor Vehicle Accident Form*, and photographs of all property damage, including infrastructure such as hydrants, light poles, traffic control devices, etc. are completed and submitted to the Office of Fleet Services, Office of Risk Management, and Department of Law's Claims Unit.

Supervisors or safety officers shall also be responsible for overseeing the alcohol/controlled substance testing procedures for the involved vehicle operator and for contacting the Office of Fleet Services to obtain a vehicle repair estimate.

24. DRUG/ALCOHOL TESTING

In the event that a vehicle operator is involved in a motor vehicle accident or collision, all supervisors or safety officers notified of the occurrence of a motor vehicle accident or collision shall ensure that an alcohol/drug analysis is conducted if (1) the vehicle operator is cited for any traffic code violations, or (2) reasonable suspicion exists.

Reasonable suspicion must be based on specific, objective facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs. Observations which may constitute a factual basis for determining reasonable suspicion may include but are not limited to the following, alone or in combination:

- Slurred speech.
- Alcohol on breath.
- Inability to walk a straight line.
- Behavior which is so unusual and inappropriate in its nature as to create an unsafe work environment or disrupt the normal working condition.
- Possession of alcohol and/or illegal drugs.

All supervisors or safety officers shall ensure that an alcohol/drug analysis examination is performed as soon as possible following the actual occurrence of an accident or collision.

25. CATEGORIES OF ACCIDENTS

All Department heads shall be responsible for ensuring that all city vehicle accidents are investigated to establish whether the accident was the result of the employee's negligence or abuse and if so, document and classify the accident utilizing the following classifications:

Public Property Accident

Any accident involving a vehicle that occurs on a City street, highway, expressway, park road or on public property. The police agency having jurisdiction shall be notified whenever an employee is involved in a public property accident.

Private Property Accident

Any accidents involving a vehicle that takes place at a location where the police having jurisdiction cannot issue citations to any involved party.

No Damage Accident

A motor vehicle accident has occurred, but there are no bodily injuries and no damage to vehicles or property.

Minor Accident

Total damage estimates for City vehicles, equipment and property is less than \$1,000 with NO injuries to involved parties.

Moderate Accident

Total damage estimate for City vehicles, equipment and property is greater than \$1,000 and less than \$5,000, and /or there is any injury requiring outpatient only medical treatment.

Major Accident

Total damage estimate for City vehicles, equipment and property is greater than \$5,000 and less than \$15,000, and/or there is any injury requiring inpatient medical treatment.

Severe Accident

Total damage estimate for City vehicles, equipment and property exceeds \$15,000, and/or any accident involving a death or bodily injury requiring long-term care or treatment.

26. EMPLOYEE FINES

In the event that the Department Head of an employee involved in a motor vehicle accident or collision resulting in damage to city property determines that the accident was the result of the employee's negligence or abuse, the employee shall be fined in accordance with the following guidelines:

| | |
|---------------------|----------------------|
| Minor Accident - | \$75 per occurrence |
| Moderate Accident - | \$125 per occurrence |
| Major Accident - | \$250 per occurrence |
| Severe Accident - | \$500 per occurrence |

The Chief Financial Officer shall recover all fines imposed upon employees in connection with motor vehicle accidents or collisions resulting in damage to city property via payroll deduction until the employee's financial obligation has been satisfied. Under no circumstances shall the payment period for fines exceed six months.

Failure to discharge any fines obligation to the satisfaction of the Chief Financial Officer shall serve as grounds for disciplinary action, up to and including dismissal.

27. EMPLOYEE FINES APPEAL RIGHTS

All fines imposed by the Department Head or his/her designee regarding motor vehicle accidents or collisions resulting in damage to city property shall be imposed simultaneously with any disciplinary action imposed upon the employee by the department for the same motor vehicle accident. An employee retains the right to appeal the imposition of any fine and/or disciplinary action as provided in the civil service rules and regulations.

28. DISCIPLINARY ACTION

A. Operator Negligence

Any employee, who operates a City vehicle in a careless or negligent manner, including violating traffic laws, either willfully or through negligence, or violating the City Vehicle Use Policy, shall be disciplined progressively in conformance with the provisions of the Code of Ordinances of the City of Atlanta, Georgia.

B. Discipline for Preventable Accidents

A preventable accident is an accident that would not have occurred if the employee had exercised all due care and attention, regardless of whether a citation was issued by the police. If the accident is found to have been preventable, the involved employee(s) shall be disciplined in accordance with the following guidelines:

1. No Damage Accident

- a. Verbal counseling and attendance with satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor.

2. Minor Accident

- a. *First Minor Accident* – A written reprimand and attendance with satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor.
- b. *Second Minor Accident* – Within twelve (12) months of first accident, up to fifteen (15) days suspension without pay and attendance with satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor.
- c. *Third Minor Accident* – Within twenty-four (24) months of first accident, up to thirty (30) days suspension without pay, the satisfactory completion of a twelve (12) month probationary period, and the satisfactory completion of defensive driving course as scheduled by the department's Safety Manager or supervisor.
- d. *Fourth Minor Accident* – Within twenty-four (24) months of the first accident, a minimum thirty (30) days suspension without pay, satisfactory completion of a twelve (12) month probationary period, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, or Dismissal.

3. Moderate Accident

- a. *First Moderate Accident* – Suspension without pay up to twenty (20) days, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, and the satisfactory completion of a twelve (12) month probationary period.
- b. *Second Moderate Accident* – Suspension without pay up to thirty (30) days, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, and the satisfactory completion of a twelve (12) month probationary period.
- c. *Third Moderate Accident* - Dismissal

4. Major Accident

- a. *First Major Accident* – Suspension without pay up to thirty (30) days, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, and the satisfactory completion of a twelve (12) month probationary period.

b. *Second Major Accident* – Dismissal

5. Severe Accident

a. First Severe Accident – Dismissal or Suspension without pay up to thirty (30) days, the satisfactory completion of a defensive driving course as scheduled by the department's Safety Manager or supervisor, and the satisfactory completion of a twelve (12) month probationary period.

b. Second Severe Accident – Dismissal

Any exceptions from the imposition of the above disciplinary guidelines must be approved in writing by the Chief Operating Officer. An employee retains the right to appeal the imposition of any fine and/or disciplinary action as provided in the civil service rules and regulations.

29. OTHER DISCIPLINARY ACTION

All employees shall be subject to disciplinary action, up to and including dismissal, in conformance with the provisions of the Code of Ordinances of the City of Atlanta, Georgia for failure to conform to this Policy.

30. POLICY EXCEPTIONS

The Mayor or his/her designee retain the authority to approve and provide exemptions from this Policy that are in writing and in compliance with the Code of Ordinances of the City of Atlanta, Georgia.

ACKNOWLEDGEMENT AND SIGNATURE

I hereby acknowledge that I have received a copy of the City of Atlanta Vehicle Use Policy (the "Policy"), dated _____; that I have read the Policy; and that I am bound and will abide by the Policy's requirements and any applicable supplements and any additional or amended policies and procedures issued from time to time.

I further acknowledge that I understand that any violation of this Policy may subject me to disciplinary action, up to and including termination.

I fully understand and agree that if I am determined to be financially liable or assessed a monetary fine pursuant to this Policy, I authorize the Chief Financial Officer to recover the funds via payroll deduction. I understand and agree that the Chief Financial Officer may recover such reimbursements via payroll deduction until the reimbursement obligation is fully satisfied.

Printed Name of Employee

Title

Employee Signature

Date