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TRANSPORTATION & DRIVER SELECTION POLICY



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TRANSPORTATION & DRIVER SELECTION POLICY

This policy is provided to help the West Hills Community College District reduce liability and property exposure and the frequency and severity of vehicular accidents. The policy applies to all district authorized drivers (employees or volunteers) who may operate any district-owned or leased vehicle or their own personal vehicle on behalf of the district.

1.0.Purpose

The California Vehicle Code, Section 17001, "Liability of a Public Entity" states:

"A public entity is liable for death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by an employee of the public entity acting within the scope of his/her employment."

For this reason, the district provides this written transportation and driver selection policy which applies to all employees who, at any time, may drive a motor vehicle for employment purposes.

2.0.Scope

Operation of any district-owned or leased vehicle is restricted to employees or volunteers who have been deemed authorized to operate such vehicles. Authorized drivers are required to possess a valid California driver license; comply with all federal, State, and local vehicle laws, regulations and codes; and have an acceptable driving record as defined in this policy.

Family members, unless employed by the district or authorized under the district pull notice program, are not allowed, at any time, to operate a district-owned or leased vehicle.

State law requires public entities to enroll all drivers in the California Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) program when they are required to carry specific California driver license classifications (see Appendix A, Definitions) for employment-related operation of vehicles. These specific classifications apply to drivers who are required to carry a California Commercial Driver License (CDL) or special certificate as stated in the licensing regulations.

Further, enrollment of drivers with other California driver license classifications that may drive district-owned or leased vehicles will also be included in the district pull notice program.

Passenger vans with seating for over 10 occupants (including the driver) used by any public or private school district (including any California Community or state college), as governed by Section 39800.5 of the Education Code or Section 10326.1 of the Public Contract Code, requires all authorized drivers of the van to possess a valid Class B license with a passenger transport endorsement.

District owned and leased vans with seating for over 10 occupants (including the driver) do not meet Federal Bus Safety Standards and cannot be used to transport children in the

twelfth (12th) grade or younger, other than family members, for school/college related functions.

District job descriptions for positions requiring employees to hold a commercial driver's license or those that are considered safety-sensitive positions shall include a description of driving-related responsibilities and a requirement that employees are to meet the transportation and driver selection policy requirements.

3.0.DMV Employer Pull Notice Program

Since 1982, the DMV has required that public entities, as employers of drivers of vehicles that require a Class A or Class B, commercial and non-commercial, driver's license, participate in the EPN program.

The district's contract for leased vehicles requires all drivers of their vehicles to participate in the EPN program.

4.0.Application for Employment

Information obtained at the time of employment shall include the driver's license number and expiration date. Employees and/or volunteers required to drive District vehicles or equipment as part of their job duties must be able to operate the vehicle or equipment safely. A successful applicant for employment to a paid or volunteer position that requires the operation of district vehicles or equipment should receive a job offer contingent upon the successful completion of a physical examination and driver screening through the EPN program. All results will be kept confidential. Drug testing is to be included as part of the physical examination for any district position requiring a Class A, Class B or Class B with passenger endorsement, or any position requiring a valid driver's license to perform the essential functions of the position. An applicant for positions requiring a Commercial Driver License (CDL) must submit a copy of their current medical certificate card as required for a CDL to the Human Resource department.

Current employees in paid or volunteer positions that require the operation of district owned vehicles or equipment may be required to undergo fitness for duty examinations under certain circumstances, such as when there are legitimate concerns about an employee's ability to perform the essential functions of the position safely or after an accident, near miss incident, or upon review of the employee's driving record.

5.0.Driver License Requirements

Authorized district drivers must have a valid license for the class of vehicle being operated. If the vehicle requires a CDL, then the driver must possess a valid CDL with the appropriate endorsements for the type of vehicle being operated. For 15-passenger (including the driver) vans, a Class B license with a passenger vehicle endorsement is required.

The district's leased vehicles contract requires authorized district drivers to possess a valid driver's license and they must be at a minimum age 21 or older to drive a district

leased vehicle. For 12- and 15-passenger (including driver) leased vans and vehicles, authorized district drivers must be a minimum of age 25 or older.

If the vehicle requires a CDL, then the driver must possess a valid and up to date medical certificate card as required for the CDL by the State of California. If the employee, student, or volunteer holds a CDL which requires a valid medical certificate card and the card has expired, the employee, student, or volunteer is prohibited from driving any district vehicle requiring a CDL license but may be permitted to drive a Class C license vehicle until verification is provided that a new medical certificate card has been obtained and verification that the DMV has reinstated the CDL status.

A valid license must be in the authorized driver's immediate possession at all times when operating a district-owned or leased vehicle. If an employee does not have a valid license, he or she will not drive a district-owned or leased vehicle.

6.0.Motor Vehicle Reports (MVR)

Simply having a valid driver license does not automatically qualify an employee, volunteer, or prospective employee to operate a motor vehicle or equipment on behalf of the district. An acceptable and current motor vehicle report (MVR) from the DMV EPN program is a condition of employment and will remain a condition of continued employment.

An authorized driver may have his or her employment terminated (or be reassigned to a non-driving position at the discretion of the district) in the event his or her license is revoked or suspended by a court of law or by an enforcement agency or if it is determined that the employee does not meet the MVR criteria of the district.

MVRs are reviewed by the district for frequency and severity of accidents and traffic violations over the past 36 months or longer, depending on the type of conviction. The DMV's Employer Pull Notice program is a critical component of this policy. Be aware that traffic violations incurred during non-business (personal use) hours will affect driving privileges and are subject to review.

An MVR report will be generated by the DMV EPN at the following times:

- When the driver/employee/volunteer is first enrolled in the DMV EPN program;
- Semi-annually; and
- When an employee driver license suspension or revocation, or any other actions taken against the employee's driving privilege, occurs.

7.0.Classification of Motor Vehicle Records

When a MVR is received on an employee or volunteer driver or a job applicant's driver record is to be reviewed, it shall be classified as either an Acceptable MVR or Unacceptable MVR (as listed below). Only those employees with an Acceptable MVR shall be allowed to drive for employment-related purposes.

All employees who drive for employment-related purposes are required to report all motor vehicle violations to his or her immediate supervisor or the Human Resources department within 24 hours. This requirement applies to violations involving the use of any vehicle (district, personal, or other) while on district business. Violations appearing on the MVR are treated the same regardless of whether they are committed in a district vehicle or a personal vehicle or during the course of district business or personal business. The district may prevent an employee who has any activity on his or her MVR from driving until a determination is made regarding the classification of the violation.

7.1 Acceptable Motor Vehicle Record (MVR):

- a. A MVR with no activity in the last three (3) years and no major violations in the last five (5) years.
- b. A MVR with no major convictions in the last five (5) years and no more than:
 - One (1) at-fault accident in the last three (3) years; or
 - Two (2) minor convictions or technical violations in the last three (3) years; or
 - One (1) at-fault accident and one (1) minor conviction in the last three (3) years.

7.2 Unacceptable Motor Vehicle Record (MVR):

- a. A MVR with:
 - One (1) or more major convictions in the last three (3) years; or
 - Three (3) or more minor convictions in the last three (3) years; or
 - Two (2) or more at-fault accidents in the last three (3) years; or
 - Any combination of minor convictions and at-fault accidents totaling three (3) or more; or
 - Involved in an at-fault fatality; or
 - One or more license suspensions in the last three (3) years

Under the California Vehicle Code, Section 15240, an employer may not knowingly allow, permit, require, or authorize a driver to drive a commercial motor vehicle under any of the following conditions:

- The driver has a driver's license or privilege suspended, revoked, or canceled by the DMV or has been disqualified from operating a commercial motor vehicle.
- The driver has more than one driver's license.
- The driver or the commercial motor vehicle or motor carrier operation is subject to an out-of-service order as described in subdivision (b) of Section 2800 of the California Vehicle Code.
- The driver has a violation for any law or regulation pertaining to a railroad-highway grade crossing.

8.0. Traffic Violations on District Business

Fines for parking or moving violations are the personal responsibility of the authorized driver. The district will not condone nor excuse ignorance of traffic citations that result in court summons being directed to itself, as the owner or leaser of the vehicle.

9.0. Accident Reporting Procedures

When a district-owned or leased vehicle or an employee-owned vehicle being operated on behalf of the District for employment related duties is involved in an accident, the following procedures will be followed:

1. Immediately notify the police department of jurisdiction for accidents occurring off district property.
2. Immediately notify your supervisor or Human Resource department for accidents occurring on district property.
3. Do not admit negligence or liability.
4. Do not attempt settlement, regardless of how minor the incident.
5. Get the name, address, and phone number of any injured person or witness, if possible.
6. Exchange vehicle identification and insurance information, including a policy number, with the other driver.
7. Take a photograph at the scene of the accident, if possible.
8. Complete the accident report in the vehicle glove box.
9. Turn all information over to a supervisor or manager within 24 hours.
10. Supervisor or manager must file an SR1 report for any accident with damage of \$500 or more with the DMV.
11. Supervisor shall notify Human Resource department immediately. The Director of Human Resources will determine if employee is subject to any action or testing under Board Policy 814, Drug & Alcohol Testing Program.

10.0. Theft

In the event that a district-owned or leased vehicle is stolen, notify local law enforcement immediately and then contact a supervisor or manager.

11.0. Driver Training

Regardless of the authorized driver's classification and whether or not a district-owned or leased vehicle is driven eight hours a day or a personal vehicle is driven on district business just occasionally, drivers are expected to complete a defensive driving course (or equivalent) that is renewable every four (4) years. Based on MVR activity and district review criteria, an authorized driver may be required to attend a defensive driving course more frequently.

12.0. Road Tests

All authorized drivers whose job descriptions or district policy require either a Class A or Class B license are required to comply with the road test requirements set forth by the US Department of Transportation (DOT).

13.0. Inspection of Vehicle

Authorized drivers whose job descriptions or district policy require a Class C license will check his or her assigned vehicle before operation for any damage to the body or interior that may have occurred since the last time the vehicle was driven. The driver will also regularly check the following items, parts, and accessories to ensure they are in satisfactory condition or good working order:

- a. Service brakes and parking brakes
- b. Lights (front, rear, brake) and turn signal lamps
- c. Horn and windshield wipers
- d. Tire pressure and tread
- e. Steering mechanisms
- f. Rear and/or side-view mirrors
- g. Cleanliness of windshields and windows.

Any defects noted which would affect the safe operation of the vehicle will be reported to the driver's supervisor and/or the transportation department for correction before the vehicle is used.

All authorized drivers whose job descriptions or district policy require either a Class A or Class B license are required to comply with the inspection requirements set forth by the US Department of Transportation (DOT).

14.0. Driver Responsibilities

All employees or volunteers authorized to drive for employment-related business in a district-owned or leased motor vehicles are responsible for the actual possession, care, and use of the district's vehicle in his or her possession. Therefore, driver responsibilities include, but are not limited to, the following:

- Operating the vehicle in a manner consistent with reasonable practices that avoid abuse, theft, neglect, or disrespect of the equipment
- Obeying all traffic laws
- Always using seat belts
- Adhering to the manufacturer's recommendations regarding service, maintenance, and inspection
- Vehicles should not be operated with any defect that would prevent safe operation
- Practicing safe driving techniques and adhering to current safety requirements
- Not allow any unauthorized passengers to ride on or in the vehicle at any time
- Reporting the occurrence of moving violations
- Reporting all accidents to a supervisor or manager in an accurate, comprehensive, and timely manner
- Personal use of District-owned or leased vehicles is strictly prohibited

Failure to comply with any of these responsibilities could result in disciplinary action, up to and including termination.

15.0. Drug and Alcohol Testing Program

All authorized drivers whose job descriptions or district policy require a valid Class C license, Class A, or Class B with a passenger vehicle endorsement for 15-passenger vans are subject to and shall comply with WHCCD Board Policy 814, Drug and Alcohol Testing Program.

Employees and drivers in safety-sensitive positions whose job descriptions or district policy require either a Class A or Class B license are also subject to and shall comply with the Substance Abuse Policy mandated by the DOT.

16.0. Code of Safe Practices

15-Passenger Vans

The National Highway Traffic Safety Administration (NHTSA) has identified 15-passenger vans as having a greatly increased risk of “roll-over”, especially when 10 or more people ride in the van or when a load is placed on the roof of the van.

Tips for Preventing Roll-Over:

- Drivers must be well rested and maintain a safe speed for weather and road conditions.
- Drivers must be especially cautious on curved, rural roads and maintain a safe speed to avoid running off the road.
- If the van’s wheels drop off the roadway, gradually reduce speed and steer back onto the roadway when it is safe to do so.
- Make sure the van’s tires are properly inflated, and the tread is not worn down.
- Ensure tire rating is “extra heavy duty”, check tire pressure and tread wear once a month.

Other Tips for Safe Driving:

- All drivers and passengers shall wear seat belts
- Passengers are to sit in front of the rear axle whenever the van is not full
- Drivers shall not allow more than 15 passengers, including the driver, in the van
- Drivers shall avoid abrupt maneuvers
- Drivers shall allow additional following distance since the vans require additional stopping distance.
- Drivers shall not exceed the posted speed limits or 55 miles per hour under any circumstances.

Transporting Equipment or Property

When items of equipment, property, supplies, etc. are being transported, the driver will ensure that all items are properly secured or tied in place to prevent them from shifting or falling from the vehicle.

Riding on Fenders, Hoods, or Running Boards

No person will be allowed to ride on running boards, fenders, hoods, tailgates, or rear racks of vehicles.

Obstruction to Driver’s View

No driver will drive any vehicle when it is so loaded that it obstructs his or her view ahead or to the right or left side or interferes with his or her control over the driving

mechanism of the vehicle. Front seat passengers are restricted to the number of seat belts in the vehicle.

Opening and Closing Vehicle Doors

No person will open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor will any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Unattended Vehicles

No person driving or in charge of any district-owned or leased vehicle will permit it to be unattended without first stopping the motor, locking the ignition, removing the key, and effectively setting the brake.

Striking Unattended Vehicles

If a moving district-owned or leased vehicle strikes a standing or unattended vehicle or other property, the driver will immediately stop and endeavor to locate the custodian or owner. If unable to do so, he or she will securely and conspicuously place his or her name and address on the damaged property. The police department that has jurisdiction should be notified, and the incident shall be reported to a supervisor or manager within 24 hours.

Flags on Projected Loads

Any vehicle having a load that extends more than four (4) feet beyond the rear will have the end of the load marked with a red flag which will be at least a 12-inch square.

Coupling Devices

A driver whose vehicle is towing a trailer, dolly, or other equipment will ensure that the trailer hitch is securely latched, the lights are properly connected and functioning, and safety chains are properly attached.

Snow

- Carry chains in snow conditions, even if vehicle has 4-wheel drive. It's the law.
- Observe speed limit in chain control areas – 25 mph on two-lane road and 30 mph on multi-lane roads.
- Check owner's manual for operating tips on your vehicle's braking system.
- Watch for paddle-shaped markers – they show the road's edge.
- Stay with your vehicle if you break down.

Be aware – Smoke and dust are as deadly as fog. Call ahead for road conditions.

California road information from California telephones: 1-800-427-7623 (ROAD)
California road information from outside California: 1-916-445-1534

17.0. Operation of Personal Vehicles for District Business

Any employee or volunteers of the district who operate a personal vehicle for purposes of their employment at the district or while acting within the scope of his/her employment shall:

- Show proof of a valid California driver license.
- Certify his/her automobile has public liability, property damage, and medical insurance, with coverage amounts at least in accordance with the minimum requirements of the State of California.
- Certify that his/her automobile is currently registered, in safe and reliable working condition and appropriate for the intended use.
- Be aware that the employees and volunteers person automobile insurance policy is the primary carrier and all claims must be submitted to their personal agents. Insurance follows the vehicle, it's the law.
- Be aware the district does not cover, nor is it responsible for, comprehensive and collision coverage of the employee's or volunteer's vehicle.
- Be aware the district's insurance policy/policies may apply if the limits of the employee's or volunteer's policy are exceeded and the employee's or volunteer's travel is authorized and approved in writing by the district.
- Be responsible for notifying the district immediately if they are involved in an accident while performing employment-related business.
- Be responsible for notifying the district immediately when they are involved in an action or activity that will affect their driving record.
- Notify their immediate supervisor or Human Department if no valid driver's license or liability insurance coverage is in force.

Employees and volunteers who do not meet these vehicle requirements are not permitted to operate a personal vehicle for employment-related business and cannot be reimbursed for any expenses related to the operation of a personal vehicle for employment-related business on behalf of the West Hills Community College District.

18.0. Employee Driver Record

The driving record of the employee or volunteer must be Acceptable as stated in Section 7.

Occasional Drivers

Employees or volunteers using personal vehicles for employment-related business must provide a current original copy of the public driver record as generated by the DMV. The employee must sign and date this copy. The copy will be placed in the employee's personnel file. The employee must provide a current driver record annually. Further, the

employee must notify their area supervisor before driving again for employment-related business if they have a motor vehicle violation that will be posted on their DMV record.

DEFINITIONS

Authorized Driver – An authorized driver is an employee or volunteer who has been identified through verification of their DMV-generated driving record as (1) having an acceptable motor vehicle record in accordance with those set forth in this policy; (2) received approval to drive district-owned or leased vehicles; and (3) has met any other requirements as set forth by the district.

Driver License Classifications requiring DMV EPN program participation – The State of California mandates all employers, including public entities; enroll any driver employed for the operation of any vehicle if the driver is required to have any one of the following licenses (under California Vehicle Code 1808.1):

- Class A license, commercial and non-commercial
- Class B license,
- Class B with Passenger Endorsement
- Class C license with Hazardous Materials Endorsement;
- Class C license with Special Certificates;
- Class C license with PUC permit issued;
- Any driver of a passenger vehicle having a seating capacity of not more than 10 persons, including the driver.

Motor Vehicle Record – The MVR is a printed record generated by the California Department of Motor Vehicles. The report's information is based on the driver license number provided to the DMV. It details the driving record, by individual name and driver license number, and lists abstracts or convictions, and information of driver-involved accidents.

Major Convictions or Serious Offenses – Major convictions shall include, but are not limited to, any of the following:

- Driving under the influence of alcohol or drugs. This would include prescription drugs that have the warning that operating machinery or a motor vehicle while using this drug is not safe.
- Driving while impaired
- Reckless driving, racing, or speed contests
- Failure to report an accident
- Leaving the scene of an accident
- Making a false accident report
- Vehicular homicide or manslaughter
- Attempting to elude a police officer
- Driving while license is suspended or revoked
- Speeding at or in excess of 25 mph over the posted speed limit
- Hit and run
- Vehicle theft
- Use of vehicle in drug trafficking, reckless homicide, soliciting or unlawful use of weapons

Minor Convictions or Less Serious Offenses – Minor convictions shall include any moving traffic violation other than a major conviction. Examples include, but are not limited to, the following:

- Speeding between 11 and 25 mph over the posted speed limit
- Running a stop sign or red light
- Improper turns, failure to signal, failure to yield
- Improper backing
- Operating a defective vehicle
- Passing across a double yellow line
- Failure to yield
- Following too close

Other Types of Convictions – Example of other types of convictions that do not fit the definition of a major or minor conviction includes the following:

- Motor vehicle equipment, load or size equipment
- Improper display or failure to display license plates, provided such plates exist
- Failure to have registration card
- Failure to have driver's license in possession provided a valid driver's license exists
- Seat belt violation

At-Fault Accidents – An accident arising out of the use of a motor vehicle due to the negligence of the operator for which the operator was at fault or any other accident where reasonable assurance of non-fault cannot be furnished. Also, any accident where damage to any vehicle that is greater than \$500 or where there is bodily injury or death must be reported to the DMV. These accidents count against the driver's record. An SR1 form must be filed for all accidents, regardless of fault.

Convictions – A conviction includes (1) a finding of guilty by a court or other tribunal as to any charged vehicular offense (2) a plea of guilty or no contest (nolo contendere) to such an offense or (3) bail forfeiture without entry of a formal plea.

High-Risk Driver – Any driver involved in three (3) or more accidents in a twelve (12) month period, regardless of fault.

DOT – U.S. Department of Transportation, Federal Highway Administration (FHWA).

Safety-Sensitive Function – The FHWA defines a “safety-sensitive function” as any of these on-duty functions:

- Employee who spends all his/her time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty from the employer.
- Employee who spends all his/her time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCRs) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.

- Employee who spends all his/her time at the driving controls of a commercial motor vehicle.
- Employee who spends all his/her time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting or in the sleeper berth).
- Employee who spends all his/her time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- Employee who spends all his/her time spent performing the driver requirements associated with an accident.
- Employee who spends all his/her time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

Covered Employees – The DOT, FHWA Drug and Alcohol testing rules apply to every person who operates a Commercial Motor Vehicle (CMV) requiring a Commercial Driver License (CDL).