



TOWN AND COUNTY OF NANTUCKET, MASSACHUSETTS

Town Owned Vehicle Use Policy

These policies and rules and regulations are promulgated in accordance with the provisions of the Charters of the Town and County of Nantucket. The Town and County reserve the right to change, add to, or delete any of the provisions of these policies and rules and regulations at any time.

Adopted on January 1, 2020

1. DEFINITIONS

Assigned Municipal Vehicle: A Town-owned automobile or truck designated for the general use of an individual employee in the normal performance of his/her duties but not allowed for take-home use unless authorized by the Department Head.

Mileage Reimbursement: A per mile rate to compensate employees for the incidental, non-routine or extraordinary use of a privately-owned vehicle for official business, based on actual logged miles.

Take-Home Vehicle: A Town-owned automobile or truck designated for the use of an individual employee in the normal performance of his/her duties. Take home assignments are limited to those in specific public safety related positions and/or on a case by case basis depending on the circumstances.

Personal Automobile: The automobile owned or available for private use by the employee.

2. VEHICLE USES

Municipal Vehicles

It is the policy of the Town that certain positions require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles should be viewed as belonging to the citizens and are assigned solely for purposes consistent with providing services to those citizens.

Personal Vehicles

It is the policy of the Town to reimburse employees for mileage which they incur as a result of Personal Vehicle use on behalf of the Town. Expense reports must be submitted per Travel Expense Reimbursement procedures, as noted below.

3. PROCEDURES

Take-Home Vehicles: For an employee to be authorized for the take-home use of a Town-owned vehicle, the employee must possess a valid Massachusetts' driver's license, maintain a safe driving history, and meet one of the following examples:

Example 1: The employee is:

- (1) required to make frequent after-hours emergency callback or other unscheduled work, and
- (2) Such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and
- (3) A specialized vehicle, tools, or equipment are required for the performance of emergency duties.

Example 2: The employee is:

- (1) Subject to frequent after-hours callback, and
- (2) Such callback arrangements are to locations other than the employee's normal duty station.
- (3) A special vehicle, tools or equipment are required to perform after-hours assignments,
- (4) An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

Assignments are not permanent. When priorities or circumstances have changed, vehicles will be reassigned. All Take-Home Vehicle assignments must be reviewed and evaluated by the Department Heads and Town Manager annually beginning July 1st. The following conditions should be considered:

- a. Requirements of the job
- b. Productivity
- c. Availability of Town vehicles
- d. Cost to the Town

4. MILEAGE REIMBURSEMENT

The Department Head and/or Town Manager may authorize mileage reimbursement for an employee who must utilize his/her personal vehicle to conduct Town business and who receives no other form of allowance, except as otherwise provided within this policy effective the date of this policy adoption. Claims for mileage reimbursement shall be made in accordance with current Travel Expense Reimbursement procedures. The standard rate of mileage reimbursement shall be in accordance with the Internal Revenue Service mileage reimbursement rate.

5. IMPUTED INCOME TAXATION

Employees authorized to commute in a Municipal Vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Finance Director shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Municipal Vehicles for commuting purposes, and the normal, one-way commuting distance, each December 1st. Human Resources will share with the Finance Director the list of approved drivers annually. Department Heads are responsible for gathering the required information for their eligible drivers.

Employees who are assigned marked and unmarked police vehicles, and/or Municipal Vehicles that meet eligibility criteria as defined under 26 CFR 1.274-5T will not be subject to imputed income taxation as a result of the vehicle assignment.

6. EMPLOYEE DRIVING RECORDS

Employees in the course of their employment on a regular basis may be subject to a driving record check, through the Registry of Motor Vehicles. This is necessary for the Town to appropriately identify potential risk of liability. Employees are required to advise their supervisor of a change in licensure status and moving violations.

A copy of the operator's Massachusetts driving record shall be obtained by the Finance Department to remit to the insurance company to verify the historical driving record of the operator.

If the operator has an out of state license, then the operator must provide, upon request, a copy of their current state driving record to the Finance Director.

Driving records determined to be a safety concern by the Insurance Company, may result in the disapproval of an employee's vehicle use in the course of employment, after consultation with the appropriate Department Head.

7. ASSIGNMENT OF MUNICIPAL VEHICLES

The assignment of Municipal Vehicles for 24-hour use will be made by the Department Head and/or Town Manager and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved position description provided by

the Department Head. The following criteria will be used in the determination of eligibility for 24-hour vehicle use:

Bona-fide non-compensatory reason that requires commuting in the municipal vehicle;
Officially designated 24 hour on-call status;
Requirement for frequent emergency availability during non-working hours;
Issuance of an on-call phone or other communication device; and/or,
Emergency or other equipment contained in the vehicle.

Municipal Vehicle assignments may be rescinded in writing at the sole discretion of the Town Manager or Department Head.

8. RULES AND RESPONSIBILITIES

Employees who drive a Municipal or Personal Vehicle are responsible for, but not limited to, the following:

- Municipal Vehicles may only be used for legitimate municipal business unless otherwise specified through a job description or separate agreement (i.e. Police & Fire Officials).
- Municipal Vehicles may not be used when conducting Union business.
- Operators should exercise sound judgment at all times when using assigned Municipal Vehicles and should avoid the appearance of misuse.
- The Massachusetts Ethics Code discusses unwarranted privileges. Using public equipment or resources for personal use constitutes use of an official position to obtain an unwarranted privilege not similarly available to others. Misuse of an assigned Municipal Vehicle is an ethics violation.
- Municipal Vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in Municipal Vehicles unless otherwise specified through a job description or separate agreement. Police Officers transporting individuals in the performance of their normal job duties are exempt from this provision.
- Municipal Vehicles shall contain only those items for which the vehicle is assigned.
- The Town shall not be liable for the loss or damage of any personal property transported in the Municipal Vehicle or for any personal property while using their Personal Vehicle for work related travel.
- Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed routine maintenance repairs or other vehicle problems to their supervisors immediately.
- Employees assigned Municipal Vehicles for commuting and lawful purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.
- Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a Municipal Vehicle wear seat belts at all times if the Municipal Vehicle is so equipped.
- All operators of vehicles that require a CDL must have a medical card with them and will be tested for drugs and alcohol as provided by US DOT regulations and the Town's drug/alcohol policy.
- Employees may not operate Municipal Vehicles or Personal Vehicles being used for work related travel, under the influence of alcohol, illegal drugs, or any controlled substances.
- Employees are prohibited from possessing alcoholic containers, illegal drugs, or controlled substances in a Municipal Vehicle or in a Personal Vehicle being used for work related travel.

- Employees operating a Municipal Vehicle or a Personal Vehicle while on work-related travel, must maintain a valid motor vehicle driver's license issued by the Commonwealth of Massachusetts or the state of their current residence, which must be provided upon request by a Supervisor during a specific or annual license check.
- Employees operating a Municipal Vehicle or a Personal Vehicle while on work-related travel, shall operate responsibly and obey all applicable traffic and parking regulations, ordinances, and laws.
- Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a Personal Vehicle on work related travel, will be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the Town Manager.
- Employees who are issued citations for any offense while operating or using a Municipal Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of a citation.
- An employee who is assigned a Municipal Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in his or her Personal Vehicle or in a Municipal Vehicle, must notify his or her Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges.
- No employee may use a Municipal Vehicle for out of state use without advance approval of the Town Manager.
- When utilizing a Municipal Vehicle, employees are required to obtain fuel from designated municipal fueling facilities on-island, unless fueling is required in the course of out of town travel.
- Smoking is not permitted in a Municipal Vehicle in accordance with M.G.L. c270 s22. Those utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle.
- Animals or domesticated pets are not allowed in municipal vehicles. Prior authorization must be obtained for service animals.

9. PROHIBITION ON FIREARMS AND WEAPONS

Employees are prohibited from carrying or displaying a firearm or weapon(s) while operating a Municipal Vehicle or in a Personal Vehicle which is used for Town business. Dangerous weapons are defined as any instrument so designed, constructed, or used as to be likely to cause death or great bodily injury and any instrument designed, constructed, or used to mimic the appearance of a dangerous weapon. The possession of a valid License to Carry Firearms, Firearm Identification Card or Federal Firearms License does not supersede this prohibition. Any other object that may be construed to be a dangerous weapon as defined under MGL c.269-10 or items possessed with the expressed intent to harass or injure other are likewise prohibited.

Exceptions: Police Officers who are required to carry prohibited items in performing their normal job duties are exempt from applicable provisions.

10. CELLULAR PHONES AND HANDHELD ELECTRONIC DEVICES

Talking on a Town-owned or personal cellular mobile device while driving is prohibited, unless otherwise permitted for Public Safety officials as provided by specific public safety guidelines. Sending text, e-mail, or other electronic messages is prohibited while operating a motor vehicle under G. L. c. 90 s. 138.

11. ACCIDENT PROCEDURES

Regardless of the situation, the following procedure **MUST** be followed in the event of an accident while in a Town owned vehicle:

1. Immediate notification of the proper law enforcement agency for accident investigation and report. Employee should take pictures of the accident site to document the type and extent of damage to all vehicles involved, as may be possible and prudent.
2. Immediate notification of the employee's supervisor or department head.
3. Prepare a Town Vehicle Accident report (see attachment B). This report along with one copy of the law enforcement report should be submitted to the Finance Director.
4. If necessary, an injury report must be completed and submitted to the Human Resources Department as soon as possible to file a workers' compensation claim within 24 hours of the accident.
5. Securing accident repair estimates and approval of actual repair work is the responsibility of the employee's department with assistance from the Finance Department.
6. Post-Accident Substance Abuse Testing: In accordance with the Town's Substance Abuse Policy, an employee who is involved in an accident or incident, in which there is, or reasonably could have been personal injury or property damage will be considered for testing. Not every incident or injury may result in a test. Reasonable determination that action or inaction of the employee contributed to the incident or accident shall be made prior to a request for testing.
7. Commercial Drivers "CDL" carriers are responsible to follow DOT regulations with regard to testing policies and procedures

12. SERVICING AND REPAIR OF MUNICIPAL VEHICLES

All vehicles shall be serviced and repaired in accordance with the procedures outlined in the operational plan for fleet management. Drivers/operators in charge of vehicles must ensure that service arrangements are made and adhered to on a regular basis. Vehicle operators who operate a vehicle under the maintenance schedules of the DPW are responsible for following regular maintenance requirements as directed by the Central Fleet Manager.

13. NATURAL DISASTERS

Vehicle operators are responsible for notifying the Central Fleet Manager within twenty-four (24) hours of damage occurring or when made aware of damage to the vehicle due to a natural disaster. In the event of severe weather alerts vehicles must be moved to a safe area that is not prone to flooding or other hazards such as blowing debris. The Department Head and vehicle operators must take all possible and practical precautions for the safeguarding of municipal property and municipal vehicles when he or she temporarily absents himself/herself from the vehicle.

14. BREAKDOWN PROCEDURES

In the event of a breakdown, vehicles must be handled in accordance with the procedures stipulated in the operational plan for fleet management. The operator should notify the Fleet Manager in the event of a breakdown.

15. IDENTIFICATION OF MUNICIPAL TRANSPORT EQUIPMENT

Drivers must ensure that the registration plates, fleet numbers, municipal logos and any other markings on the vehicles are always in good order and clearly visible. Municipal vehicles may not display any private signs, or advertising material, unless authorized by Town Administration.

16. SPECIAL CIRCUMSTANCES

This policy is intended to provide a basic framework governing the use of Personal and Municipal Vehicles in the Town and such cannot contain procedures governing every situation that might arise. Employees seeking clarification of this policy should contact their supervisor or the HR Department.

17. SANCTIONS

Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including suspension or removal of Town vehicle privileges, suspension and/or termination of employment.



Town Owned Vehicle Use Policy (Attachment A) -- Acknowledgement of Receipt

I, _____ (print name), as an employee of the Town of Nantucket, hereby acknowledge that I have received, read, understand, and agree to abide by the Town's *Vehicle Use Policy*.

If assigned a Municipal Vehicle and /or use a Personal Vehicle for work related travel, I shall comply with the respective provisions of the policy or those portions of the policy not specifically regulated by law or collective bargaining agreement or individual agreement/contract.

In addition, I authorize the HR Director to obtain or shall provide to the HR Director (out of state residents), on an annual basis for Municipal Vehicle usage or on a case by case basis for Personal Vehicle usage, and at no cost to me, a copy of my driving record, which shall only be used in determining my safety record, enabling me to be assigned and/or operate a Municipal Vehicle or to use my Personal Vehicle for work related travel, should the need be required. In consultation with the appropriate Department Head, the Town Manager shall make such a determination.

Once signed, this form will be placed in the employee's personnel file by the HR Director for records purposes.

Employee Signature: _____ Date: ___/___/___



Town Owned Vehicle Use Policy (Attachment B) – Vehicle Accident Report & Commonwealth of Massachusetts Motor Vehicle Crash Operator Report

Complete only those sections that apply to you. Report should be completed and turned in same day as accident.
EMPLOYEE: Complete and turn in to supervisor immediately.

1. Name: _____ Department _____

2. Date & Time of Accident:

3. Vehicle # or License Plate: _____

4. Location of Accident (Street, City):

5. Number of Persons Injured and Extent of Injury:

6. Description of accident (State in detail what occurred just before, and at the time of the accident):

7. Describe any unsafe conditions (faulty brakes, lights, etc.) that contributed to the accident:

Print Name:

I certify that to the best of my knowledge the information stated above is truthful.

Employee Signature Date



Town Owned Vehicle Use Policy (Attachment C) – Vehicle Accident Report & Commonwealth of Massachusetts Motor Vehicle Crash Operator Report

SUPERVISOR: Complete and turn in to Finance Director. Attach a copy of Police Report and/or EMS Report if called.

Current Status of Injured:

Extent of damage to vehicle(s) or property:

Action taken to prevent future accidents:

Disciplinary Action (if any):

Supervisor Name / Date
