



POLICY 2.28

5-C I recommend that the Board approve development of the proposed **revised** Policy 2.28, entitled "School District Owned Vehicles."

[Contact: Yevola Falana , PX 58312.]

Development

CONSENT ITEM

- This policy is to define the conditions of appropriate use of District-owned vehicles, including use related to take home vehicles; to establish procedures for the operation of such vehicles; and to address IRS regulations concerning commuting. *See sections 4, 5, 6, & 7.*
- The Superintendent or designee is authorized to assign an employee a take home vehicle, consistent with the criteria as provided herein. *See 3(a).*
- Employees provided a take home vehicle are required to maintain insurance to address any potential personal negligence of the employee. *See 7(b).*
- A periodic review, annual and monthly, of vehicle usage is required. *See 3(c).*
- Applicants convicted of certain traffic crimes are not hired for positions that require driving of District-owned vehicles. *See 8.*
- Many of the revisions have been provided to address the Take Home Vehicle Audit completed in 2011 requiring the following to be addressed:
 - The level of approval required for authorization of take home vehicles.
 - Acceptable percentage of mileage attributable to commuting and business miles.
 - Frequency of management review of take home vehicle business usage.
 - Annual review of the need for vehicle assignment which includes take home use.

POLICY 2.28

SCHOOL DISTRICT OWNED VEHICLES

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3 1. **Purpose.** This policy is to define the conditions of appropriate use of District-
4 owned vehicles, to establish procedures for the operation of such vehicles and to
5 address IRS regulations concerning commuting.
- 6 2. **Scope.** This policy applies to all District employees who operate District owned
7 vehicles.
- 8 3. **Policy Statement.** The Superintendent or designee may assign vehicles to certain
9 employees, either solely for use during normal working hours or as a take home
10 vehicle, consistent with the criteria as provided herein. District-owned vehicles
11 shall be used exclusively for the conduct of official school business, and the use of
12 such vehicles for personal purposes such as attending to personal affairs, social
13 engagements or unapproved commuting is prohibited. If an employee is assigned
14 a take home vehicle, this shall be an employment condition. Any use of the take
15 home vehicle other than driving between the employee's residence and approved
16 work center during non-duty hours shall be a de minimus use as provided herein.
- 17 a. **Criteria for Assigning Vehicle.** District vehicles may be assigned to
18 employees on the basis of their job duties and responsibilities, as determined
19 by the Superintendent. However, the following criteria shall be considered by
20 the Superintendent or designee in assigning an employee the responsibility of
21 driving a District-owned, operated or controlled vehicle to his or her residence
22 after the duty day is concluded.
- 23 i. **The employee is on-call and/or has emergency response duties during off**
24 **duty hours.**
- 25 ii. **The employee is assigned duties at multiple work sites.**
- 26 iii. **If the employee qualifies under (i) or (ii) above on a temporary basis, s/he**
27 **may be assigned a District vehicle on a corresponding temporary basis.**
- 28 iv. **There is a need for the employee to have access to a specially equipped**
29 **vehicle in order to fulfill departmental missions.**
- 30 v. **If it will be more cost effective to the District to provide the employee with**
31 **a vehicle, because the employee's mileage reimbursement consistently**
32 **averages more than the cost of assigning a District-owned vehicle to that**
33 **employee.**

- 34 vi. The employee's collective bargaining agreement provides for the
35 employee to be provided with a vehicle.
- 36 b. Compliance with IRS Rules. Employees authorized to take home District-
37 owned vehicles will be subject to applicable IRS requirements. Pursuant to
38 the Internal Revenue Code, the annual value of commuting will be included on
39 the employee's W-2 form at the end of each calendar year and shall be in
40 accordance with IRS rules and regulations. The Chief Financial Officer shall
41 be responsible for obtaining the necessary information from employees for the
42 reporting required herein.
- 43 c. Periodic Review of Continuing Need. Vehicle usage and assignments shall be
44 periodically reviewed as provided herein.
- 45 i. Annual Vehicle Assignment Review. By January 15 of each year, an
46 updated Take Home Vehicle Authorization Assignment Form must be
47 completed and approved and submitted to the employee's Division
48 Director and the Superintendent. Upon approval, the original document
49 shall be provided to the Chief Financial Officer and a copy to the Director
50 of Transportation.
- 51 ii. Monthly Vehicle Usage Review. Supervisors of employee's assigned
52 District-owned vehicles shall review monthly the vehicle utilization logs of
53 employee's use of District assigned vehicles.
- 54 4. **General Responsibilities of Operators and Occupants.** The following
55 provisions shall apply to any employee operating a District-owned vehicle. Failure
56 to comply with these provisions may subject the employee to disciplinary action up
57 to and including suspension or termination.
- 58 a. License. Employees who operate District-owned vehicles for District business
59 shall have a current and valid driver's license as required by law.
- 60 b. Business Purposes Only. The District-owned vehicles furnished to
61 employees, whether for use during duty hours or for take-home, are to be
62 used exclusively for District business and shall not be used at any time for the
63 operator's private, personal use or convenience, except as provided herein.
- 64 c. Used Only by Employee(s). Only employees may drive or operate District-
65 owned vehicles. Occupants of District-owned vehicles shall be limited to
66 personnel employed by the District or individuals whose business is directly
67 related to District business.
- 68 d. Use of Seat Belts. Employees, as drivers or passengers, and any other
69 approved passengers shall use seat belts.

- 70 e. Employee's Responsible for Moving and Parking Citations. Employees are
71 financially responsible for any moving violations and parking citations that may
72 be incurred while using District-owned vehicles. Failure of the driver to pay the
73 finances may cause the loss of driving privileges of District-owned vehicles.
- 74 f. Safe Driving Practices. Employees shall obey traffic regulations, exercise
75 reasonable care and observe safe driving practices at all times while driving
76 vehicles owned, leased, or rented by, or on loan to, the District.
- 77 g. Authorization Required. Employees shall not alter or add any equipment to a
78 District-owned or leased vehicle without authorization from the Director of
79 Transportation or designee.
- 80 h. Vehicle Utilization Logs Maintenance. Vehicle utilization logs will be
81 maintained by all employees assigned District-owned vehicle and shall be
82 submitted monthly to the employees' supervisors for review.
- 83 i. Smoking or Tobacco Use Prohibited. Driver and passengers are prohibited
84 from smoking or using tobacco in District-owned vehicles.
- 85 j. Responsibility for Care and Maintenance. Employees using any District-
86 owned vehicle are responsible for its care and return in good condition. All
87 employees' assigned District-owned vehicles are responsible for meeting
88 established vehicle maintenance schedules as set by the Department of
89 Transportation. Preventive maintenance inspection of each vehicle will be
90 made as scheduled by the Director of Transportation and consistent Florida
91 Statutes, State Board of Education Rules and School Board policies.
- 92 k. Reporting Vehicular Non-Accident Damage or Theft. Any damage to the
93 body or tires of District-owned vehicles, as well as mechanical damage or
94 failure as a result of wear and tear or vandalism, must be reported within 24
95 hours to the Department of Transportation and turned over to the department
96 for inspection and repairs.
- 97 l. Reporting Vehicular Theft. An employee must report immediately to the
98 Department of Transportation and the Department of Risk and Benefits
99 Management the theft of the District-owned vehicle or District property from
100 the vehicle.
- 101 m. Use of Equipment and Technology Prohibited While Operating Vehicle.
102 Employees are not permitted to use pagers, digital assistants, handheld
103 electronic games, or laptop computers while operating a District-owned or
104 leased vehicle. Cell phones may be used while driving, but only in limited
105 work-related use as to report an accident, car trouble or if there is imminent
106 danger. Every effort should be made to pull out of traffic when cell phone use
107 is necessary.

n. Gasoline Purchases. Gasoline required by out-of-county travel will be secured on certified credit identification when such certified credit identification is available. Otherwise, gasoline purchases will be paid for by the driver of the District-owned vehicle and reimbursed on expense accounts provided for such purposes. Gasoline purchases for District-owned vehicles, when possible, will be made either at the school garage or other designated places.

o. Compliance with Other Administrative Procedures. All employees who drive District-owned vehicles must comply with other administrative procedures as established by the Superintendent.

5. **Reporting Required for Traffic Violation, Change in License Status and Accident.** Any District employee who fails to provide notice, as required herein, or who knowingly operates a District-owned vehicle with a suspended or revoked license will be subject to disciplinary action up to and including termination.

a. Time Required for Notification of Suspension or Revocation of Driver's License. Employees shall notify their supervisors of the suspension, restriction, or revocation of their operator's or commercial driver's license upon the employees' learning of such information but no later than the next working day.

b. Review Required by Supervisor. When an employee has provided notification of the suspension, restriction or revocation of his operator's or commercial driver's license, the supervisor shall consult with the Director of Transportation and the Director of Human Resources to determine the consequences to the employee, and to determine the circumstances, if any, under which the employee will be permitted to continue or resume the operation of District-owned vehicles.

c. Notification for Traffic Citations. Employees shall notify their supervisor of any traffic citation received while operating a District-owned vehicle by the next working day. Failure to provide the required notice may result in disciplinary action, up to and including termination.

i. Any driver who receives a citation but is found innocent of charges by the appropriate judicial body shall not be charged with the traffic citation for employment purposes.

ii. A traffic citation shall not be charged against the employee for employment purposes when malfunctioning District-owned equipment is the cause of a violation.

iii. Failure to timely notify an employee's supervisor of a traffic violation or change in license status constitutes a separate violation from any discipline or penalty imposed due to the traffic violation or license change.

d. Reporting Vehicular Accidents and Care of Vehicles. In the event a vehicle owned by the District is involved in an accident, the driver shall immediately report the accident to the local law enforcement agency, and shall report such accident as soon as possible to the supervisor, Director of Transportation and to the Director of Risk Management.

i. Employees are responsible for reporting unsafe or defective equipment to their supervisor and Director of Transportation. A District-owned vehicle that is unsafe shall not be operated until necessary repairs are made.

ii. Under no conditions will District-owned equipment be repaired by a private shop or a private individual unless formal approval is given by the Director of Transportation or the Superintendent.

6. Prohibition of Alcohol, Drugs, Weapons, and Other Contraband.

a. Alcohol, illegal substances, weapons and other unauthorized materials or things may not be transported or possessed in District-owned vehicles. Any employee determined to be in violation of the provisions in this section shall be subject to disciplinary action, up to and including termination, and subject to criminal penalties.

b. The prohibition herein regarding weapons shall not be applicable to personnel authorized to carry weapons in the performance of their official duties.

c. Operation of District-owned, rented or leased vehicles by employees impaired by or under the influence of alcohol or illegal substances is strictly prohibited. Any such operation is an unauthorized use of a District vehicle and the employee operating such District vehicle will cease to be a permissive user. The employee will not be protected by any insurance or self-insurance provided by the School Board.

7. Take-Home Vehicle Use.

a. Completion of Form. Any employee authorized to take a vehicle home shall complete and sign the Take Home Vehicle Form (PBSD) as provided by the Department of Transportation. Such form shall be completed and signed by the employee and his or her supervisor, with the original provided to the Director of Transportation, a copy to the Department of Accounting to report such authorization and to supply all related information required by IRS Regulations; and a copy to Department of Risk and Benefits Management with proof of insurance as required herein.

b. Liability Insurance Requirements. Employees provided with take home vehicles shall be required to obtain maintain an automobile liability insurance policy with limits of \$100,000/\$300,000 bodily injury and \$50,000 in

property damage. This provision is required because an employee is personally liable for damages resulting from the employee's own negligence, misuse or abuse while operating a take home vehicle outside of the scope of the District's employment.

c. *Deminimus Use Permitted.* Because employees who drive home vehicles have no other means of transportation during work hours, travel to and from lunch, medical appointments and personal errands is allowed provided there is only minor deviation from the normal route traveled and the nature of this travel is not inconsistent with the type of vehicle.

d. *Responsibility for Obtaining IRS Needed Information.* The Office of Compensation and HR Planning shall be responsible for obtaining the necessary information from employees authorized to take home vehicles for commuting in conformance with IRS regulations.

e. *Revocation of Use.* Authorization for take home vehicles may be revoked at anytime without cause. Employees do not have the right to contest a decision to authorize or revoke a take home vehicle.

8. **Traffic Crimes Committed By Applicants or Employees**

a. Applicants for positions that require the driving of a District-owned vehicle will not be hired if their driver history record contains either a plea of guilty, nolo contendere or an adjudication withheld within the preceding seven (7) years for one of the following crimes:¹

i. Driving under the influence of alcoholic beverages, chemical substances or controlled substances, or with unlawful blood alcohol levels.

ii. Leaving the scene of an accident where there was an injury and/or property damage exceeding five hundred dollars (\$500).

iii. Reckless driving resulting in an accident.

iv. Fleeing or attempting to elude a police officer.

b. Employees who operate a District-owned vehicle during the performance of their regular duties and who plead nolo contendere or who are found guilty of committing any of the crimes listed in subsection (a) above will be subject to disciplinary action up to and including suspension and termination. Employees who receive a citation for a traffic violation and are involved in an accident while operating a District-owned vehicle must inform their immediate superior as soon as possible but not later than twenty-four (24) hours of the incident. Failure to do so will subject the employee to disciplinary action up to and including suspension and termination.

¹ Applicants for the position of Bus Driver shall be required to meet the standards contained in Policy 2.18.

- ~~1. Vehicles furnished to employees are to be used exclusively for District business and shall not be used at any time for the operator's private use or convenience.~~
- ~~2. Vehicles may be assigned to all employees whose mileage reimbursement consistently averages more than the cost of assigning a District-owned vehicle to that employee.~~
- ~~3. Vehicle utilization logs will be maintained by all employees assigned District-owned vehicles.~~
- ~~4. The Superintendent or designee may assign certain employees the responsibility of driving a District-owned, operated, or controlled vehicle to their residence after their duty day is concluded. This shall be an employment condition and the vehicle shall only be driven between the employee's residence and an approved work center during non-duty hours. Following are criteria to be considered in assigning certain employees the responsibility of driving a District-owned, operated or controlled vehicle to their residence after their duty day is concluded.~~
 - ~~a. The employee is on call and/or has emergency response duties.~~
 - ~~b. The employee is assigned duties at multiple work sites.~~
 - ~~c. Temporary assignment. If employee qualifies under (a) or (b) above on a temporary basis he may be assigned a District vehicle on a corresponding temporary basis.~~
- ~~5. Occupants of District vehicles shall be limited to personnel employed by the District or individuals whose business is directly related to District business.~~
- ~~6. Preventive maintenance inspection of each vehicle will be made as scheduled by the Transportation Department.~~
- ~~7. Gasoline required by out-of-county travel will be secured on certified credit identification when such certified credit identification is available. Otherwise, gasoline purchases will be paid for by the driver of the District-owned vehicle and reimbursed on expense accounts provided for such purposes. Gasoline purchases for District-owned vehicles, when possible, will be made either at the school garage or other designated places.~~
- ~~8. In the event a vehicle owned by the District is involved in an accident, a complete report shall be provided as soon as possible to the Director of Transportation and to the Director of Risk Management.~~
- ~~9. Employees are required to safely drive vehicles owned, leased, or rented by, or on loan to, the District.~~
- ~~10. All employees who drive District vehicles must comply with standards established by the Superintendent.~~
- ~~11. Any District employee who knowingly operates a District-owned vehicle with a suspended or revoked license will be subject to disciplinary action up to and including termination.~~
- ~~^{12.} Applicants for positions that require driving a District-owned vehicle will not be hired if their driver history contains either a plea or nolo contendere or an adjudication within the preceding seven (7) years for one of the following crimes:⁴~~

~~a. Driving under the influence of alcoholic beverages, chemical substances or controlled substances, or with unlawful blood alcohol levels.~~

~~b. Leaving the scene of an accident where there was an injury and/or property damage exceeding five hundred dollars (\$500).~~

~~c. Reckless driving resulting in an accident.~~

~~d. Floeing or attempting to elude a police officer.~~

~~13. Employees who operate a District owned vehicle during the performance of their regular duties and who plead nolo contendere or who are found guilty of committing any of the crimes listed in Section 12 of this policy, will be subject to disciplinary action up to and including suspension and termination. Employees who receive a citation for a traffic violation and/or involved in an accident while operating a District owned vehicle must inform their immediate superior within twenty four (24) hours of the incident. Failure to do so will subject the employee to disciplinary action up to and including suspension and termination.~~

~~14. Employees who operate their personal vehicle for District owned business shall have a current and valid driver's license and motor vehicle insurance in accordance with § 322.03 and § 627.733, Fla. Stat. Failure to comply with these requirements may subject the employee to disciplinary action up to and including suspension and termination.~~

~~Violation of the conditions in this policy will result in disciplinary action, up to and including termination from employment.~~

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 1001.42 ~~230.23(17); 230.23005~~
LAWS IMPLEMENTED: Fla. Stat. §§ ~~230.22(1) & (2)~~
HISTORY: 2/18/72; 12/5/73; 7/21/82; 11/17/99; ___/___/11

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.28 and finds it legally sufficient for development by the Board.

Attorney

Date
