



# TACOMA HOUSING AUTHORITY

<b>Policy No.</b>	HR-10.25
<b>Policy</b>	Staff Driving on THA Business
<b>Date</b>	July 16, 2009

## 1. Purpose

Driving a vehicle (whether THA owned or leased or staff owned) is an essential job function for some staff positions. Driving a vehicle presents safety and liability risks for both the staff person and THA. THA's ability to insure against these risks is limited. In addition, THA's insurance contract through HARRP, imposes some requirements as a condition of liability coverage. Accordingly, this policy states the rules governing staff use of vehicles to protect them and THA and to comply with HARRP's requirements.

This policy also authorizes THA Maintenance employees who are on rotational On-Call duty to drive a designated THA maintenance vehicle home in order to respond promptly to off-hours emergency calls during their On-Call duty.

## 2. Sources for Policy

- ▶ IRS Publication 15-B Employer's Tax Guide to Fringe Benefits
- ▶ Tacoma Housing Authority-Pierce County, Washington Building and Construction Trades Council collective bargaining agreement
- ▶ HARRP Unacceptable Driver Criteria

## 3. Scope of Policy

This policy applies to all staff and THA Commissioners.

## 4. Who is Responsible for Implementing Policy

Who	Responsibilities
<i>All staff</i>	<ul style="list-style-type: none"> <li>▶ Promptly report to their supervisor or the Human Resources Department when they incur a driving infraction while driving on THA business or when they qualify as an unacceptable driver under the <i>THA Form HR 10.25(10) HARRP Unacceptable Driver Criteria</i>;</li> <li>▶ Stop driving on THA's business immediately if they become an unacceptable driver under the HARRP Criteria;</li> <li>▶ Comply with this policy.</li> </ul>
<i>Human Resources Dept.</i>	<ul style="list-style-type: none"> <li>▶ Acquaint new employees with the content of this policy;</li> <li>▶ Screen position candidates for compliance with HARRP's Unacceptable Driver Criteria;</li> <li>▶ If any staff person becomes an unacceptable driver</li> </ul>

Who	Responsibilities
	<p>under HARRP's Criteria, (i) arrange with the supervisor to ensure that the staff person does not drive on THA's business; (ii) report the name of the staff person to HARRP; (iii) cooperate with the supervisor to assess the consequences under this policy on the staff person's continuing employment;</p> <ul style="list-style-type: none"> <li>▶ Conduct annual records check of employees whose position requires them to drive on THA business.</li> </ul>
<i>Supervisors</i>	<ul style="list-style-type: none"> <li>▶ Ensure that no staff person drives on THA business in violation of this policy;</li> <li>▶ Assess with the Human Resources Department whether an unacceptable driver can, under this policy, remain in his or her position.</li> </ul>
<i>Property Manager and Site Manager</i>	<ul style="list-style-type: none"> <li>▶ Responsible for enforcing this policy.</li> <li>▶ Establish the On-Call volunteer protocol and assign On-Call Duty per the collective bargaining agreement terms if no one has previously signed up for that week's duty;</li> <li>▶ Create and post an On-Call Duty Board so that employees can sign up and change shifts if needed.</li> </ul>
<i>Director of Real Estate Management and Housing Services</i>	<ul style="list-style-type: none"> <li>▶ Responsible for enforcing this policy.</li> </ul>
<i>Director of Finance and Administration</i>	<ul style="list-style-type: none"> <li>▶ Determine the adequacy of the alternate insurance coverages under section 7.2 of this policy.</li> </ul>
<i>Executive Director</i>	<ul style="list-style-type: none"> <li>▶ Determine whether or not THA shall offer the alternate insurance options under section 7.2 of this policy to staff persons who are not an acceptable driver under the HARRP criteria yet who hold positions that require a driver's license.</li> </ul>

**5. Definitions**

**6. Forms Associated with this Policy**

<i>THA Form S-01(1)</i>	<i>Employee Accident Report</i>
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**7. Policy**

**7.1 Drivers Must be Insurable under HARRP's Criteria**

*7.1.1 Unacceptable Driver's May Not Drive on THA Business*

A staff person who is or becomes unqualified under HARRP's Unacceptable Driver Criteria may not drive on THA business, even once, whether in a THA owned vehicle, the employee's or any other personal vehicle, unless and until they make approved alternate arrangements under section 7.2.

*7.1.2 Limitations on Employment of Unacceptable Drivers*

A person who is or becomes an unacceptable driver under HARRP's Unacceptable Driver Criteria is not eligible for employment in a position for which a driver's license is a job requirement unless and until both THA and the staff person in question agree on alternate arrangements under section 7.2. In the event that the options of section 7.2 are not possible, not appropriate or are unacceptable either to THA or the employee, the employee's employment shall be terminated.

*7.1.3 Self-Reporting Driving Violations and Status Under HARRP's Criteria*

All staff who drive on THA business to any extent must immediately report any of the following to their supervisor and to the Human Resources Department:

- (a) any change in the status of their driver's license, including but not limited to cancellation, suspension and/or restrictions;
- (b) any change in the status of their driver's liability insurance;
- (c) if they are or become an unacceptable driver under any of the criteria in HARRP's Unacceptable Driver Criteria.

Any staff person who is an unacceptable driver under HARRP's Criteria shall immediately stop driving on any THA business until or unless he or she and THA have agreed upon alternate arrangements under section 7.2.

**7.2 Alternate Insurance Arrangements**

THA may, at its sole discretion, offer the following alternate resolutions to a staff person in a position that requires a driver's license and who is an unacceptable driver under HARRP's criteria:

*7.2.1* OPTION ONE: Demotion or transfer to an available position that does not require driving on THA business if (i) the staff person meets the qualifications for the position, (ii) a position is available, and (iii) the Executive Director determines that such a demotion or transfer would be in THA's best interest.

*7.2.2* OPTION TWO: The opportunity to purchase, at the employee's own cost and expense, alternate automobile insurance coverage acceptable to THA for the vehicle that he or she would be using for THA business. Employees may be given the option of upgrading their personal automobile insurance policy in a manner acceptable to THA and then using their personal vehicle if it is adequate for the performance of their

duties. This alternate coverage must (i) name THA and the employee as insured; (ii) carry a minimum liability limit of \$1 million; and (iii) be written by an insurance company that is acceptable to THA.

### **7.3 Other Driving Requirements or Restrictions**

Even if a staff driver is acceptable under HARRP's Criteria, THA may impose restrictions, requirements, or precautions to address safety risks evident from driving infractions or driving accidents that the staff person causes. These restrictions, requirements, or precautions may include:

- (a) require driver training;
- (b) restrict driving on THA business;
- (c) transfer to another position that does not require driving;
- (d) discipline, up to and including dismissal.

### **7.4 Use of Personal Vehicles for THA Business**

THA staff may use their own personal vehicles for THA business but only on the following conditions:

- (a) There is no THA vehicle reasonably available for the purpose;
- (b) The staff person must have his or her own insurance to cover his or her liability that he or she may incur if he or she causes an accident. THA is not able to provide any automobile insurance coverage for staff use of their personal vehicles even when using them for THA business. This means that THA and its insurance carrier generally will not pay for harm to the THA staff member driving the vehicle or for damage to the staff member's vehicle. THA has insurance coverage that generally applies only for liability to third parties arising from an accident. Worker's compensation and/or the employee's own insurance coverage may provide benefits to the employee or coverage for the employee's vehicle.
- (c) The staff person's automobile insurance shall be primary in the event of an accident. This means that the staff person's insurer will defend the claim and exhaust its liability limit before THA's insurance coverage will apply and THA's coverage will only to the extent of THA's liability.
- (d) THA's coverage for liability to third parties will apply only if the staff person was working within the scope of his or her employment when the accident occurred, by, for example conducting THA's business at the time of the accident. THA will not be responsible for accidents that occur outside the scope of employment, for example when the staff person is running personal errands or driving under the influence of drugs or alcohol.

- (e) Staff who use their own vehicles for THA business should inform their personal auto insurance carrier of the extent to which they do so.
- (f) THA will reimburse the staff person for mileage pursuant to THA policy.
- (g) Staff must follow all the other requirements of this policy, especially those pertaining to safety.

## **7.5 Passengers**

THA staff shall not drive THA tenants or other customers except in THA's vehicles that THA provides and insures for the purpose. Even then, the only passengers permitted are those whose transportation in the vehicle is within the staff person's THA duties.

## **7.6 Driving Requirements and Precautions**

All THA staff driving on THA business shall fulfill the following requirements:

- (a) Have and maintain a valid Washington State driver's license and meet and maintain HARRP's Acceptable Driver Criteria.
- (b) Obey all traffic and driving laws;
- (c) Use seat belts and insist that all passengers use seat belts; do not drive any passenger who is not using a seat belt;
- (d) Employees who take medications the effects of which impair the ability to safely operate a vehicle are not permitted to drive on THA business;
- (e) Allow no passengers who are not associated with THA business or otherwise authorized by this policy;
- (f) No smoking in vehicles;
- (g) Have liability insurance satisfying state legal requirements; they must inform their insurance company if they use their car for business purposes;
- (h) Ensure the security of the assigned vehicle and equipment by always locking the vehicle when it is left unoccupied;
- (i) While driving, only use cell phones in hands-free mode. Effective July 1, 2008, Washington law prohibits driving while talking on a cell phone except in hand's free mode;
- (j) Take reasonable precautions to ensure that the vehicle has sufficient oil, water, gas, and tire pressure;
- (k) Any employee who is aware of a mechanical problem with a THA vehicle should report it immediately to a supervisor.

## **7.7 Motor Vehicle Accidents**

When a staff person is involved in an accident while on THA business, the following shall occur:

- (a) The staff person involved in the accident must (i) get the names and addresses of all witnesses; (ii) carefully examine the other vehicle for damage so the other driver does not exaggerate the extent of loss; (iii) take pictures of both vehicles, if possible; (iv) leave his or her name, THA Department, and THA phone number at the scene if the other driver is not at the scene of the accident; (v) notify the police if an injury occurred, if the accident blocks traffic, or if it appears that damage exceeds \$1,000.
- (b) The staff person involved in the accident must: (i) immediately report the accident to a supervisor using *THA Form S-01(1) Employee Accident Report*; and (ii) within fourteen (14) days of the accident, obtain and provide to their supervisor a copy of their driving record from the state;
- (c) The supervisor must submit the accident information to the Director of Finance and Administration.

## **7.8 Possible Discipline for Violations**

An employee is subject to discipline, up to and including dismissal if he or she (i) by negligence causes an accident while driving on THA business, (ii) has been cited for a moving violation in relation to an accident while driving on THA business, (iii) is found to be under the influence of alcohol or drugs while driving on THA business, or (iv) fails to comply with this policy.

## **7.9 Staff Person's Liability for Parking Tickets, Traffic Fines or Penalties, or Damage**

The staff person is responsible for paying any parking ticket, traffic fine, or penalty that he or she incurs when driving. The staff person whose negligence causes damage to a vehicle or person may be responsible for paying the costs or damages.

## **7.10 Maintenance Employees Authorization to Drive Designated THA Vehicles Home While on On-Call Duty**

This policy allows authorized Maintenance employees to drive a designated THA vehicle home so that the employee is equipped to perform On-Call duties.

## **7.11 Maintenance Employee's Use of THA Vehicles While on On-Call Duty**

Authorized Maintenance employees will be assigned On-Call duties in accordance with the collective bargaining agreement. THA will designate a THA maintenance vehicle for the On-Call employee to drive to and from work and to use in responding to emergency calls.

When operating a THA vehicle, the designated On-Call employee must comply with the following:

- 7.11.1 No one may use the THA vehicle for personal business. THA vehicles shall be used only for THA business. Brief stops to and from work to conduct essential personal errands that do not deviate significantly from the normal route or distance to and from work are permitted.
- 7.11.2 No person other than the assigned Maintenance employee shall drive the designated THA vehicle.
- 7.11.3 Maintenance employees are responsible for keeping track of the On-Call duty week(s) assigned to them and ensuring they are available for On-Call duty each week they are assigned;
- 7.11.4 A Maintenance employee has the responsibility to arrange an approved switch of duty weeks with other employees if he or she finds that he or she will not be available for the assigned duty week. If two employees want to switch duty weeks, they must receive pre-authorization for any changes to the schedule and they both must initial the change on the On-Call Duty Board;
- 7.11.5 At the end of their duty week the Maintenance employee also has the responsibility of handing off the keys to the next designated On-Call Maintenance employee. Prior to driving the THA vehicle home during their On-Call Duty assignment, the on-coming Maintenance employee will conduct a check of the vehicle, note any damage or problems with the vehicle and retain that information for the next employee.
- 7.11.6 The operator shall not permit passengers to ride in the THA vehicle except: (i) those persons necessary to perform services for THA in responding to emergency calls may be transported as a passenger, and (ii) the employee may pick up or drop off immediate family members to and from work, if doing so would not significantly deviate from the normal route and distance to and from work.
- 7.11.7 THA may rescind the authorization of any THA employee to drive a THA vehicle for any violation of these procedures. THA vehicles must remain available for THA operations and must be surrendered to the Property Manager upon request.