

Y. Use of City Property, Equipment and Vehicles

POLICY and PROCEDURE

Property and Equipment

Equipment and supplies assigned to employees are the responsibility of those employees and are to be used for City business only. Unauthorized use, removal or loss of City equipment and/or supplies shall be cause for disciplinary action and/or termination of employment.

Vehicles

The purpose of this policy is to establish uniform guidelines on the assignment and use of City vehicles. A City vehicle is any vehicle, owned or leased which must be registered with or licensed by the Motor Vehicle Commission, except watercraft. The Mayor, or Mayor's Designee, may authorize the assignment of City vehicles for the conduct of official City business. The vehicles may be assigned either to individuals or to Departments and Divisions for pool use as follows:

Individual Use - City employees may be assigned vehicles individually if required by their formal job duties. Exceptions to this policy may be considered on a case-by-case basis due to extenuating circumstances.

Departments and Divisions Pool Use - Pool vehicles shall remain at the office location when not in official use. Departments and Divisions may be assigned a City vehicle(s) for employees to use collectively for official City of Burlington business. In special cases, an alternate plan may be submitted to the Mayor, or Mayor's Designee, for approval.

General Terms

1. Appropriate vehicle use is the responsibility of the using individual, department or division as applicable.
2. The personal use of a City vehicle is prohibited. However, during normal work hours, the vehicle may be used for authorized lunch and break periods. The use of a City vehicle for personal errands, any form of shopping, or personal business activity during the authorized lunch or break period is prohibited. The need for emergency medical treatment, or prescription medication in an urgent situation would not be considered as unauthorized use.
3. All damage to City vehicles, regardless of cause must be reported in accordance with the procedures set forth in Section X. T. of this manual - Reporting Incidents Involving City Employees and/or Property.
4. If a City vehicle is used for travel greater than 25 miles, or beyond the borders of the State, advance notice is to be given to the Business Administrator. The Business

Administrator may also defer or waive this requirement for sworn police officers, and otherwise delegate the notice requirement to the Chief of Police.

5. No physical alterations shall be made to a City vehicle without proper approval from the Department of Public Works Director.
6. An employee who is assisting another governmental entity may use a City vehicle for that purpose only if the assistance is being provided pursuant to an approved agreement between the City and the other jurisdiction.
7. Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks may be made by Department Directors or Division Heads.
8. Any employee who does not hold a valid NJ driver's license will not be allowed to operate a City vehicle until such time as a valid license is obtained.
9. All new employees who will be assigned work entailing the operating of a City vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.
10. Any employee performing work which requires the operation of a City vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee who fails to report such an instance is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a City vehicle shall be subject to possible termination.
11. Any information obtained by the City in accordance with this section shall be used by the City only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. S 2721 et seq.).
12. New Employees
 - a. Any employee whose work requires the operation of City vehicles must hold a valid New Jersey State Driver's License.
 - b. All new employees who will be assigned work entailing the operating of a City vehicle must hold a valid New Jersey State Driver's License and will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.
 - c. Any employee hired for a position which requires a Commercial Driver's License to operate City vehicles must hold a valid New Jersey State Driver's License at all times from application to employment with the City. Any employee hired for a position which requires a Commercial Driver's License to operate City vehicles must obtain such New Jersey Commercial Driver's License within one (1) year of their employment

with the City of Burlington. If an employee is unable to do so, s/he may be reassigned, demoted or otherwise terminated by the City.

13. Any employee who performs work including the operation of City vehicles or requires operation of City vehicles with a valid New Jersey Commercial Driver's License and has his/her privileges suspended and/or revoked and/or invalidated, must re-obtain those driving privileges within six (6) months or s/he may be reassigned, demoted or otherwise terminated by the City, subject to any legal requirements including the Americans with Disabilities Act the New Jersey Law Against Discrimination, the New Jersey Pregnant Worker's Fairness Act, and other anti-discrimination statutes and regulations.

Drivers

1. Commutation is not the primary purpose of individually assigned vehicles. Drivers of City vehicles may bring vehicles to their residences and drive vehicles to and from their official work site when required by work assignment, with the approval of the Business Administrator, except a Department Director may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a City vehicle, it is to be used only for official City business; any other use is not permitted. At no time shall children be in the City vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.
2. Drivers of any City vehicle must possess a valid State of New Jersey driver's license of the appropriate class.
3. Drivers are responsible for operating safe vehicles and as such must report unsafe conditions as soon as possible to the Department of Public Works Director.
4. Drivers should inspect their vehicles each day before use for any damage that may have occurred during idle periods. Noted damage should be reported to the Director of Public Works Department immediately.
5. A driver of a City vehicle is responsible for the security of the vehicle and its contents. The vehicle must be legally parked with the engine off and doors locked when left unattended.
6. Drivers are personally responsible for all fines accrued as a result of traffic or toll violations related to the operation of the City vehicle.
7. Smoking shall not be permitted in any city vehicles; any employee violating the terms of this section shall be subject to appropriate discipline.
8. If a City vehicle is misused in any of the following ways, the driver's City vehicle driving privileges may be suspended or revoked and additional disciplinary action may be taken if deemed appropriate.

- a. Frequent violation of traffic laws as shown on the driver's abstract as determined by the Business Administrator, or designee
- b. Flagrant violation of the traffic laws as determined by the Business Administrator or designee
- c. Operation of the vehicle which causes an accident
- d. Use of a vehicle for unauthorized personal, business, or commutation use
- e. Operation of the vehicle while impaired to any degree, or under the influence of alcohol or narcotics as defined by state statutes
- f. Allowing use of a City vehicle by an unauthorized individual
- g. The use of a City vehicle to transport any person, other than in the course of assigned duties and responsibilities is prohibited
- h. The use of a cell phone while driving a City vehicle is only permitted when conducting official City business and only when a hands-free device is used
- i. City drivers are required to operate City vehicles in an energy efficient manner. This minimizes fuel consumption and cost, reduces greenhouse gas emissions, and reduces air pollution. Energy-efficient vehicle operation includes the following practices:
 - i. Plan vehicle trips to minimize distances traveled
 - ii. Carpool with others when feasible
 - iii. Ensure regular maintenance is performed
 - iv. Do not idle vehicle longer than three minutes while parked, excluding law enforcement
 - v. Maintain recommended tire pressure
 - vi. Obey posted speed limits and avoid rapid acceleration, excluding law enforcement
 - vii. If check engine light comes on, be sure gas cap is tightened. If check engine light remains on for three days, contact Public Works Directors for vehicle maintenance

Fringe Benefit/Tax Liability Determination

Tax liability for use of City provided vehicles shall be in accordance with current State and IRS rules and regulations. The valuation of personal use of City provided vehicles is to be calculated using the valuation rule. The Director of Finance is responsible for establishing a system for tracking the use of city vehicles and for reporting the personal use information on the Payroll. In addition, the Director of Finance will notify the affected employees upon determination that this fringe benefit/tax liability applies to said employee.

Qualified Non-personal Use Vehicles - The following types of vehicles are exempted from fringe benefit consideration. That is, their use is deemed to be exclusively for business purposes:

- Clearly marked, through painted insignia or words, police, fire, and public safety vehicles, when the employee is required to use the vehicle for commuting and is on-call at all times.
- Unmarked vehicles used by law enforcement officers if the use is officially authorized.
- An ambulance or hearse used for its specific purpose.
- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
- Tractors and other special-purpose farm vehicles.
- Bucket trucks, cement mixers, combines, cranes and derricks, dump trucks (including garbage trucks), flatbed trucks, forklifts, qualified moving vans, qualified specialized utility repair trucks, and refrigerated trucks.
- Certain clearly marked or specially modified pick-up trucks and vans as defined in the IRS Code

All Other Employer-Provided Vehicles - Employees who are on-call may be authorized to take a City vehicle home, however, if your City owned vehicle is not a police, fire, public safety, or other qualified non-personal use vehicle, then you are subject to the personal use of the vehicle being a taxable fringe benefit and your use of the vehicle for commuting is a non-cash taxable fringe benefit. (*see Commutation Valuation Rule below*)

The Commutation Valuation Rule

The commutation valuation rule will be used to determine the fringe benefit relating to City provided vehicles for applicable employees. Employees should keep a record of the commutation use of their City provided vehicle.

The value of the commutation use of a City provided vehicle is \$1.50 per one-way commutation. Commutation is defined as direct travel from an employee's residence to and from an official work station. For the days when an employee is on sick leave, vacation, or personal leave, no commutation use is incurred.

The employee will receive a taxable fringe benefit in each pay period based on the number of days they used a City assigned vehicle to commute to and from work.

Any information obtained by the City in accordance with this section shall be used by the City only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. S 2721 et seq.).