

Administrative Procedures- Fleet Safety

Office:	Safety & Risk Management
Reference:	Policy: CJ Legal & Local, DHB Legal and Local
Applies To:	All LC Employees Who Use College Owned; Rented/Leased Vehicles
Date:	Revised; 10-31-16, 08-16-18

---PROCESS---

I. Responsibilities:

A. Hiring Authorities – Deans, Department Heads, Directors or designated person responsibilities include:

1. Screening employees' for driving eligibility; annually verifying and furnishing the Safety & Risk Management office with a current list of drivers.
2. To consider driver performance and fleet safety in job performance evaluations.
3. To take disciplinary action associated with non-compliance.
4. Completing and maintaining required reports, i.e.:
 - a) Vehicle Accident/Property Damage Report
 - b) LC Driver Information Form
 - c) Vehicle Inspection Report (if applicable)
5. Vehicle storage and use arrangements.

B. Direct Supervisors shall be responsible for:

1. Monitoring employees who drive to ensure the employee is in a physical condition to drive safely.
2. Ensuring all operators of LC vehicles attend the college sponsored training initially and at least once every four (4) years after that in the safe operation and maintenance of LC vehicles and or specialized equipment.
3. Verifying proper LC vehicle preventive and corrective maintenance (per manufacturer recommendations and College Maintenance and Operations procedures) is accomplished and documented.

4. Reviewing an employee's driving records after each report of any accident or moving violation to determine action concerning driving duties.
5. Responding to the accident scene, taking pictures, and beginning an investigation, where possible.
6. Submitting to the Safety & Risk Management office the College's Vehicle Accident and Property Damage Report, by close of business the next workday following the accident.

C. Employees' shall be responsible for:

1. Possessing a valid Texas Driver License available at all times, and able to present it for inspection and verification purposes when requested.
2. Attending College sponsored drivers training within three (3) months from date of hire and once every four (4) years after that.
3. Shall renew College driving permit promptly.
4. Performing regular inspections of College vehicles.
5. Advising supervisor immediately upon observation that a College vehicle may be unsafe to drive.
6. Maintaining proof of financial responsibility if using a privately owned vehicle for College business in accordance with Texas statutes.
7. Immediately filing an accident report with law enforcement (LC Campus police; and or Local Authority having jurisdiction, City police; County Sheriff; State Department of Public Safety, etc.) when involved in a vehicle accident.
8. Report no later than 24 hours, when (a) any accident, moving violation or damage to property occurs; (b) a driver's license has been revoked or suspended for any reason; or (c) whenever a medical or other condition occurs or a medication prescribed or taken that would affect the ability to drive safely.
9. Reporting violations of this Administrative Procedure to their supervisor and or other appropriate authority.

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D. Safety & Risk Management Department's Responsibilities:

1. Conduct MVR checks and communicate findings to hiring authority.
2. Recommend procurement of College automobile liability insurance.
3. Serve as College liaison with insurance carriers.
4. Conduct or coordinate appropriate supplemental training.
5. Conduct supplemental accident investigations.
6. Pursue vehicle damage recovery from responsible parties outside the College.
7. Maintain College's driver and accident records.
8. Serve as chair and coordinator of College's Accident Review and Qualification Panel.
9. Periodically review and make recommendations for modification of this Administrative Procedure.

E. Property Inventory Manager (or designee) Responsibilities:

1. Shall ensure district-wide vehicle records and files are maintained.

F. Human Resources Director (or designee) Responsibilities:

1. Accident review and qualification panel reinstatements and reversal consultation.

II. Driver Evaluation

All driving record information shall be obtained from LC records and or from the Texas Department of Public Safety (TDPS) or other sources

authorized to disseminate such records. Driving records may also be obtained from authorized agencies in other states. Driving records will be reviewed at least upon hire, and periodically thereafter.

Within 7 days of start of work, promotion, reclassification or transfer to a position where driving is an essential function, the hiring authority shall submit to the Safety & Risk Management Office, the LC Driver MVR Information Form (DMVIF). The DMVIF shall be submitted for all staff members that are **anticipated** to operate College vehicles.

A. Driver Status Evaluation & Point System:

1. LC has adopted a ten point evaluation system as the means to determine the eligibility of drivers to drive a college vehicle. This system is based on violations found on a driver's MVR going back three (3) years from the date of the current year of review. The most common violations are listed below; the complete list of assessments, as directed by Title 37, Texas Administrative Code, paragraph 14.14, can be found at www.tea.state.tx.us/drive/Unit4Penalties.html.
2. Appropriate administrative action will be assessed based on the following table below and the accumulation of points during the 12-month period of the current school year beginning September 1, of each year and ending August 31. The following point system will be used to determine the status of each driver as follows:

Fault	Points Assigned
At-fault Accident/Negligent Damage to College Property	2*
Speeding	2
Failure to Yield	2
Stop Light/Sign Violation	2
Failure to Maintain Control	2
Improper turn/lane change	2
Following too close	2

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Fault	Points Assigned
Failure to wear seat belt	2
Eluding law enforcement officer	3
Failure to provide proof of insurance	3
Reckless driving	3
Evading points**	8
Driving with suspended license	10
Failure to stop & render aid	10
Hit and run	10
DUI/DWI	10
Refusal of DUI/DWI test	10
Current license suspended/revoked	10
Any felony involving a vehicle	10

For moving violations not listed, points will be assigned by the Safety & Risk Management office in consultation with the hiring authority, based on circumstances and level of threat or harm to public safety.

*Any convictions resulting from an at-fault accident will be assigned either the points of an at-fault accident or the points for the violation, whichever is higher. At-fault category may serve as a comprehensive category for situations not specifically cited such as failure to secure a load, failure to set parking brake, etc.

** Any attempt of an employee to conceal driving violations is considered evading points.

Points	Status	Restrictions
0	Acceptable	Employee may drive without limitations.
2-4	Marginal	Employee may drive but is subject to review of qualifications and counseling at any time by the supervisor. There may be requirements to attend DDC at employee's own expense.
5-9	Probation*	Employee may drive but is subject to review of qualifications. Employee should be counseled by the supervisor and Safety & Risk Management or designee and placed on driving probation for thirty (30) days following the review. The employee shall be required to attend DDC within sixty (60) days of review at employee's expense.
10+	Unacceptable	Employee may not operate any College vehicle on behalf of the College at any time, under any circumstances and without exception.

*Probation is defined as a status attained when an employee has accumulated a point assessment of 5-9 points. The Probation notice and status is to alert the employee that a potential for loss of driving privileges exists. Should additional points be accrued the employee will be ineligible and shall remain ineligible until re-qualification occurs.

If an employee is determined to be disqualified from driving, the employee shall be given written Notice of Determination of Cause or Disqualification, by the hiring authority. Verbal notice is insufficient. The employee's driving privileges will be suspended at the time of notice. The employee will be ineligible and shall remain ineligible until re-qualification occurs.

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3. When driving is an essential function and the employee is disqualified from driving:
 - a) Employee will not be allowed to continue to drive on college business at any time and **may not use personal vehicle for college business purposes.**
 - b) Employee may be assigned non-driving duties as authorized by the President or designee.
 - c) Employee may ride as a passenger if approved by the hiring authority.
 - d) Employee may not grieve other assigned duties for any reason.
 - e) All the above may occur only during the Resolution Period.

The Resolution Period is defined as a maximum of sixty (60) calendar days from the date the employee is provided the Notice of Disqualification. Within the Resolution Period, the employee may initiate an administrative appeal and or seek alternative employment within or outside the District.

B. College Accident Review and Qualification Panels

The five (5) member panel shall be composed of a designated, permanent Chairperson from the Safety & Risk Management office, a designated department representative from the department involved

with the appeal, a non-involved Department Director, a member of the employees peer group (Classified, Professional, Technical, Administrative, Faculty, or Senior Executive Management) and a non-involved Human Resource's representative.

A Safety & Risk Management staff shall chair and coordinate the organization of the College Review and Qualification Panel that shall meet as needed to review employee requests to determine if just cause exists to affirm the Hiring Authority's determination that the employee caused a motor vehicle accident and or whether the employee is disqualified from driving.

1. Panel members shall be trained in this administrative procedure and may also take training on other issues that are helpful in fulfilling their tasks in an objective and informed basis. The training shall consist of, but may not be limited to, defensive driving principles, accident investigation training or other relevant information.
2. Reviews appeals by an employee relating to whether the employee caused a motor vehicle accident and or is disqualified from driving on College business. A College Review and Qualification Panel reviews and considers appeals of determinations of Hiring Authority Accident/Qualification Reviews as to the cause of a motor vehicle accident or driver disqualification.
3. Whenever a hiring authority determines that an employee has become disqualified due to a motor vehicle accident(s) and/or moving violations under preceding sections the employee shall be given written notice of Determination of Cause or Disqualification, by the hiring authority. Notice: Either via delivery by hand, or if mailed first class, materials shall be sent to the address on file with the College via certified mail return receipt requested and deemed received three (3) business days after being mailed, unless the Postal service returns the item.

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4. The employee has fifteen (15) calendar days from the date of receipt of the Notice of Determination of Cause or Disqualification, to file a request for review by the College Accident Review and Qualification Panel. The request for review by the College Accident Review and Qualification Panel shall be filed with the Hiring Authority (or designee). Upon receipt, the Hiring Authority shall notify Safety & Risk Management of the request for review.
5. The employee shall be given at least fifteen (15) calendar days notice of the date and time of the scheduled College Accident Review and Qualification Panel Review. Within 10 calendar days of the notice of the request for review the Safety & Risk Management Manager shall provide the employee with a copy of the L.C.C. Vehicle Accident and Property Damage Report, public police report(s), statements of witnesses (redacted of contact information), diagrams, photographs as well as other available, relevant documents, statements or reports to be considered by the panel.
6. The Panel may request additional information or take additional time for a maximum of ten (10) additional calendar days should it be required to make an informed decision.
7. The employee shall be informed in writing of the Panel's determination within ten (10) calendar days of the issuance of the Panel's decision. Human Resources and the Risk Management department shall provide a copy of the Notice of District Accident Review and Qualification Panel Determination, either via delivery by hand or by certified mail. These appeal proceedings may not extend beyond the

Resolution Period following the disqualification and removal of driving privileges.

C. Panel Determination Reversal

The Panel, upon consultation with the Director of Human Resources, may determine that driving privileges and driving qualifications be restored. Under these circumstances the employee may be returned to their original job position, responsibilities and wages existent before the decision to revoke driving privileges.

The employee will recover only those wages associated with loss of work resulting from the loss of driving privileges during the Resolution period. An employee who experienced job separation as a result of loss of driving privileges with the District, will be extended re-employment and recover wages lost during the Resolution period. In the event and employee is transferred to another campus, department or site, it will be the employee's option to return to their original position, responsibilities and predisposition wages.

Employees disqualified from driving L.C. vehicles by the review panel may file a grievance in accordance with L.C. policies and procedures.

Employees may be placed on suspended status until their driving record is made whole again. During this time, the employee may be assessed a percentage of their wages if the College has to allocate additional personnel to provide transportation specifically for the suspended. This assessment is not to exceed 25% of the employee's gross take home.