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**March 28, 2005**  
**ADMINISTRATIVE INSTRUCTION NO. 4-11**

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**SUBJECT: City Operator's Permit Policy**

The City Operator's Permit Policy contained in the Chief Administrative Officer's Risk Management Manual has been revised to govern and control the operation of both City owned and privately owned vehicles when the vehicle is operated on official City business. It is the responsibility of every City employee operating a motor vehicle during the course of their employment, or supervising persons operating such motor vehicles, to abide by the regulations in the City Operator's Permit Policy. Failure of a vehicle operator or supervisor to follow this Instruction or the regulations of the City Operator's Permit Policy is just cause for discipline, up to and including termination.

The City Operator's Permit Policy shall become effective on the date of the adoption of this Instruction for all City drivers who currently possess a City Operator's Permit ("COP"). For all drivers who are newly required to obtain a COP by the changes in the City Operator's Permit Policy, the policy shall fully apply to them when they obtain their COP. Drivers required to have a COP under the policy shall obtain a COP as soon as they are able to complete the Risk Management Division's defensive driver training and other requirements. No driver covered by the City Operator's Permit Policy shall be allowed to drive on City business without a COP after September 15, 2005.

During the six month implementation period the Risk Manager may revoke any employee's driving privileges who has not yet received a COP if the driver is for any reason deemed unfit to drive on City business. All employees who are driving on City business during the six-month implementation period, who have not yet obtained a COP, shall report to their Department Director any loss of State License or any on-duty accidents.

A copy of the Risk Management Manual, City Operator's Permit Policy, shall be given by each City Department to each person who operates a motor vehicle on official City business at the time this Instruction is published. Hereafter, the City Operator's Permit Policy shall be taught as part of the Defensive Driving Course and given to every person when they receive or renew their City Operator's Permit (COP).

If a part of the City Operator's Permit Policy is not consistent with the specific requirements of a union contract, the City Operator's Permit Policy will apply to the employees covered by the contract in all instances except for the specific part of the Contract that is inconsistent. The former City Operator Permit policies and contract shall govern the specific inconsistencies until the inconsistent provisions conform to the new City Operator's Permit Policy.

James  
Chief Administrative Officer

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## PERSONNEL RULES AND REGULATIONS

### **101.5 Conditional Hire**

Conditional hires are generally discouraged

The Human Resources Director may approve an offer of employment, conditional upon passing a physical examination, drug/alcohol test and/or background check. The hiring department is responsible for ensuring the applicant completes the required test(s) and must coordinate such efforts with the Human Resources Department of Employee Health Clinic as necessary.

A conditional hire may not exceed two pay periods.

### **101.5 Ineligibility for Employment**

Applicants are ineligible for City employment for reasons including, but not limited to, the following:

A. An fraudulent or false statement on an application or failure to provide information; or

B. Any fraudulent conduct in connection with an examination; or

C. Failure to pass a medical examination, alcohol/drug screening, psychological examination and/or health history review as determined by the Human Resources Department; or

D. Failure to comply with the requirement to be fingerprinted and/or photographed, as required by the Human Resources Department; or

E. Failure to appear for processing or for work after receiving a notice of appointment from the Human Resources Department; or

F. Failure to provide all documentation required for processing including direct deposit enrollment, as required by the Human Resources Department; or

G. Prior conviction of a felony involving moral turpitude if the criminal conviction relates to the position applied for by the applicant. Misdemeanor convictions will be considered on a case-by-case basis, based on job-relatedness; or

H. Prior employment with the City resulted in termination for cause; or

I. Inability to meet the requirements for a City Operators Permit for any position where driving is necessary to perform an employees job.

### **301.1 Duty to the Public**

The City of Albuquerque is a public service institution. In carrying out their assigned duties and responsibilities, employees must always remember their first obligation is to

the general public and the general public's safety and well being. This obligation must be carried out within the framework of federal, state and local laws.

Employees shall serve the public with respect, concern, courtesy and responsiveness, recognizing service to the public is the reason for their employment. Telephone calls, correspondence or other communication should be answered promptly or referred to appropriate individuals for timely action.

It is recognized it is not always possible to fulfill all of the requests of the general public, however, employees are required to handle all requests and inquires courteously, fairly, impartially, efficiently and effectively.

### **301.6 Report of Abuse**

During the course of business, employees may become aware of instances of abuse of equipment, facilities, programs, city driving privileges, or other areas of official City business. As employees become aware of these instances, they are to report these events to their immediate supervisor or directly to their department director. If an employee fails to report such events and it is determined later through an investigation that an employee had knowledge of the situation, the employee may be subject to disciplinary action up to and including termination.

### **301.8 Safety**

Employees are responsible for performing assigned duties in the safest possible manner, using all available safety measures and devices to prevent injury to themselves, coworkers or the general public and to report unsafe equipment, materials, behaviors, or conditions to their supervisors and the Risk Management Division.

Because human dignity and the personal safety of each employee are of utmost importance, dangerous practical jokes horseplay, and roughhouse activities are prohibited in the workplace.

### **301.17 Supervision of Employees**

Employees with supervisory duties or responsibilities shall, in all instances, ensure that all supervisory actions comply with the provisions of the Merit System Ordinance, Labor-Management Relations Ordinance, Personnel Rules and Regulations, Administrative Instructions, City Operator's Permit Policy, Substance Abuse Policy, applicable legislation, and relevant judicial/administrative decisions.

### **309.1 Examinations**

As a condition of employment or continued employment, City employees or applicants may be required to take a medical or psychological examination or an alcohol/drug test. Refusal of the applicant or employee to complete the examination/test as directed by the health care professional or to provide medical records is just cause for withdrawing the employment offer or for disciplinary action up to and including termination. The Human Resources Director will determine employees/positions that

will be subject to medical and psychological examinations. The Human Resources Director in accordance with the Substance Abuse Policy Manual will also determine required alcohol/drug tests.

Examinations or tests may be conducted for the following reasons:

- A. Prior to employment; or
- B. Prior to an employee being transferred or promoted from one position to another;  
or
- C. When requested by the Fleet Safety Officer, Risk Manager, or department director, who has reason to believe the employee is not physically or mentally capable of performing essential job duties (in-service physical); or
- D. In the event of any injury, illness or surgical treatment of an employee; or
- E. When an employee has been on leave with or without pay as a result of a medical condition for more than five (5) days; or
- F. Any purpose deemed necessary by the Chief Administrative Officer or Director of Human Resources.

### **312.1 Required Licenses and Certificates**

Applicants/employees are responsible for meeting all job-related requirements at the time of application, hire, transfer or promotion. This may include licenses, certificates, City Operator's Permit, other permits, degrees and registrations. Employees are responsible for paying any fees in obtaining such licenses, etc. The City will pay any fees necessary to maintain licenses required for the job with the exception of a driver's license.

### **312.3 Failure to Maintain Required License/Certifications**

If an employee, due to their own actions, loses a required license, except as otherwise provided for loss of a City Operator's Permit, or fails to maintain a required certification the following procedures will apply:

- A. The department director will advise the employee that they have up to ninety (90) days from the date of the loss to regain the license/certification. If the license/certification is regained the employee will be allowed to return to their former position.
- B. During the ninety (90) day period the department director may assign the employee temporary alternate tasks if such are available for a period not to exceed thirty (30) days. If such tasks are not available the employee will be allowed to utilize their accrued compensatory or vacation balance, if this balance is insufficient, the employee will be placed on Leave without Pay for the remainder of the ninety (90) days.
- C. If at the end of the ninety (90) day period the employee has failed to regain their license/certification, the employee will be transferred to Leave without Pay and the

Human Resources Department will attempt to place the employee in a position of equal or lower grade or comparable pay for which they qualify. If such a position is not identified within thirty (30) days or upon refusal of the employee to accept an offer of placement into a position of equal or lower grade or comparable pay the employee will be terminated for failure to maintain the required license/certification.

#### **312.4 Loss of City Operator's Permit**

If driving is necessary to perform an employee's job, as determined by the Human Resources Department, any driver who has lost their City Operator's Permit under the City Operator's Permit Policy is subject to termination of their employment.

#### **CITY OPERATOR'S PERMIT POLICY**

#### **7.0 SAFETY AND FINANCIAL RISK**

No person shall drive a motor vehicle on official City of Albuquerque (City) business without a valid New Mexico driver's license and a City issued operator's permit (COP).

The City of Albuquerque establishes this policy for driving City or privately owned vehicles on official City business to maximize the safety of drivers, passengers, and the public and to limit the City's financial risk posed by unsafe drivers. These regulations are not intended to cover the operation of other non-vehicular equipment.

These regulations define the minimum acceptable standards for all City departments and all City employees and volunteers while driving on official City business. The regulations apply to all drivers and motor vehicles regardless of the type of vehicle driven or whether it is operated on or off road, on public or private property or roadways.

Nothing in these regulations effects or interferes with drivers other obligations for State licensing, Commercial Driver's License requirements or the City's Substance Abuse Regulations.

#### **7.1 DEFINITIONS:**

**Driver/Operator:** The employee or volunteer in actual physical control of the operation of a vehicle or the employee or volunteer who was last in physical control of a vehicle.

**Fleet Safety Officer:** The City employee designated by the City of Albuquerque Risk Manager to be responsible for managing the City Operator's Permit Policy.

**Official City Business:** Any on-duty action taken by a City employee or volunteer, on behalf of the City. Official City Business does not include commuting to and from a work site before and after work hours.

**Revocation of a COP:** The removal of a driver's COP for a period determined to be appropriate for the circumstances.

**Suspension of a COP:** The temporary removal of a driver's COP by the Fleet Safety Officer pending a safety review.

**Vehicle Accident:** Any collision of a vehicle while driven on official City business involving another vehicle, stationary object, or person that results in property damage or injury, including accidents involving the failure to secure a parked vehicle or parking a vehicle in an unsafe manner.

**Vehicle or Motor Vehicle:** Any City or privately owned vehicle, recognized by State law as a motor vehicle, used for official City business.

**Driver Misconduct:** Conduct observed by any supervisor in the driver's chain of command, the Fleet Safety Officer or designee, that if observed by a law enforcement officer would constitute a violation of any State or City traffic law.

## **7.2 CITY DRIVER/OPERATOR PERMIT**

No person shall drive a vehicle on official City business unless they possess, in addition to all required State Licensure, a COP. Persons meeting driver qualifications may be issued (or reissued) a COP by the Risk Management Division for a period not exceeding four years. The COP must indicate the specific class of vehicle(s) the driver is authorized to operate. Driving for the City is a privilege, not a right, and the City reserves the right to suspend or revoke a COP at any time a driver, in the opinion of the City, poses an insurance or safety risk. The determination of issuance, retention, suspension or revocation of a Driver's COP will be governed by the regulations of the Chief Administrative Officer's City Operator's Permit Policy contained herein.

## **7.3 RESPONSIBILITIES OF RISK MANAGER**

- (a) Provide a Defensive Driver Course for City drivers.
- (b) Maintain a City Operator's Permit Program for all drivers of motor vehicles while on official City business.
- (c) Maintain statistical data on vehicular accidents involving motor vehicles.
- (d) Designate and supervise a Fleet Safety Officer or perform the duties of the Fleet Safety Officer.

## **7.4 RESPONSIBILITIES OF FLEET SAFETY OFFICER**

- (a) Implement and manage the City Operator's Permit Policy.
- (b) Create the accident and incident reports, notices and other forms needed by the Fleet Safety Officer and the departments for the implementation of the City Operator's Permit Policy.
- (c) Review and annually report to the Risk Manager and City Executive Safety Committee on the effectiveness of the City Operator's Permit Policy.
- (d) Create programs for training investigators/safety officers to investigate accidents and driver misconduct and for training supervisors in identifying and enforcing against driver misconduct.

(e) Upon receipt from a department director of a City incident or accident report, a report of State driver's license suspension, revocation, or listed citation, or driver unfitness, the Fleet Safety Officer will determine if, in the interests of safety, the driver's COP should be suspended or revoked, or whether the operator can resume his driving responsibilities while the alleged incident is pending.

(f) Issue, suspend or revoke a driver's COP and reinstate a COP when appropriate.

(g) Receive and investigate, when appropriate, citizen complaints of City driver misconduct.

## **7.5 RESPONSIBILITIES OF DEPARTMENT DIRECTORS**

(a) Require that none of the drivers within their departments operate a vehicle in violation of City policy.

(b) Insure their department's compliance with the City Operator's Permit Policy and the requirements for defensive driving training.

(c) Take appropriate action pursuant to the City's Merit System Ordinance and Personnel Rules and Regulations against employees and other authorized drivers and supervisors who violate their obligations under the City Operator's Permit Policy.

(d) Require that department vehicles are adequately maintained and inspected for safe operation and unsafe vehicles are removed from service.

(e) Designate one or more department accident investigators/safety officers, and assure their training through the Fleet Safety Officer's training program. Assure that an investigator/safety officer investigates all vehicle accidents or supervisor reports of driver misconduct or unfitness for driving and assure that reports are submitted to the Fleet Safety Officer.

(f) Assure the training of their supervisors who supervise drivers through the Fleet Safety Officer's training program in identifying and enforcing against driver misconduct.

(g) Require that department records of all motor vehicle accidents and driver misconduct are reported to the Fleet Safety Officer and maintained in the department using the Fleet Safety Officer approved accident reports and incident reports.

(h) Upon receipt of a report from a supervisor of a driver's arrest for or receipt of a listed citation, State license revocation or suspension the department director shall immediately notify the Fleet Safety Officer.

(i) Insure that all City owned department vehicles have affixed to the rear of the vehicle a sign identifying whom to call to report driver conduct. APD and AFD emergency vehicles are not subject to this requirement.

(j) Directors may create good driver incentive programs to encourage the safe operation of their drivers, with the approval of the Fleet Safety Officer and CAO.

## **7.6 RESPONSIBILITIES OF SUPERVISORS**

(a) Require that drivers have in their possession a valid State of New Mexico driver's license and COP appropriate to the vehicle operated and require drivers to display such permits when requested.

(b) Assure that only authorized and qualified personnel are allowed to operate vehicles on official City business. A person without valid State of New Mexico Driver's Licenses and COP is not authorized to operate a vehicle on official City business.

(c) Hold drivers accountable for unsafe driving practices and assure driving safety by not allowing a driver to drive if they present a danger to themselves, passengers or the public. A supervisor shall prevent a driver from driving on official City business when:

1. Instructed to disallow driving by the department director and/or Fleet Safety Officer;

2. The supervisor observes driver misconduct;

3. The driver is involved in an accident while on official City business;

4. The driver reports to the supervisor the revocation, suspension or loss of the New Mexico driver's license or COP or the receipt of any on or off duty citation or arrest for Homicide or Serious Bodily Injury by Vehicle, Driving While Under the Influence of Alcohol or Drugs, or Reckless Driving; or,

5. The supervisor has a reasonable belief that the driver is physically or mentally unfit to drive or does not have a current and valid medical card, if required.

(d) Submit an incident or accident report no later than the end of their shift to the department director for incidents of driver misconduct, accidents, a driver's receipt of the above listed suspension, revocation or citations, or driver unfitness.

(f) Insure that a suspended or revoked driver is allowed to resume driving on official City business when the Fleet Safety Officer removes the suspension or revocation.

(g) Periodically ride with or observe the driving of their drivers to assure compliance with operating instructions and traffic regulations.

(h) Remove unsafe City owned vehicles from operation until safety discrepancies have been corrected.

(i) Recover the COP from terminated employees or other unauthorized drivers and return the permit through their department to the Fleet Safety Officer.

(j) The supervisor's responsibilities under the City Operator's Permit Policy complement and are in addition to the requirements and duties under the City Personnel Rules and Regulations and City's Substance Abuse Policy.

## **7.7 RESPONSIBILITIES OF DRIVERS**

(a) All Drivers shall:

1. Inspect the vehicle for physical damage and perform a safety check (brakes, lights, horn, mirrors, etc.) before driving the vehicle and not drive any unsafe vehicle.

2. Immediately report in writing to their supervisor the revocation, suspension or loss of their New Mexico driver's license or City operator's permit or the receipt of any on or off duty citation or arrest for Homicide or Serious Bodily Injury by Vehicle, Driving While Under the Influence of Alcohol or Drugs, or Reckless Driving. An operator shall not drive a vehicle while on duty after receipt of the above listed violations until authorized by their supervisor.

3. Inform their supervisor in writing of any change in their State license status and notify their supervisor of all traffic citations or arrests occurring inside or outside the State of New Mexico.

4. Report to their supervisor in writing any medical or other condition affecting their ability to drive safely.

5. In the event of an accident while on official City business, inform their supervisor and the police department immediately.

6. Cooperate with the City's investigation of a vehicular accident or incident.

7. Wear safety belts and require that passengers wear safety belts while operating a City vehicle or private vehicle on official City business.

8. Learn and follow all traffic and vehicle safety laws and regulations of the State and City.

(b) Drivers of City Owned Vehicles Shall Also:

1. Report damage or mechanical problems to their supervisor before driving the vehicle.

2. Report to the supervisor all defects noted during usage. Vehicles developing steering or braking defects while in use shall not be driven and shall be removed from the roadway and parked. The operator shall contact his or her supervisor who shall make arrangements to have the vehicle towed or repaired.

3. Properly secure a parked vehicle by utilizing door locking mechanisms, parking brake, and chocks when deemed necessary.

4. Failure of employees or supervisors to report unsafe vehicles may result in disciplinary action against those involved. It is the responsibility of every supervisor and department director to ensure that this instruction is followed.

All notifications shall be in writing and submitted within one workday of such date as the driver receives notification of citation, conviction, suspension, revocation, or cancellation.

## **7.8 CITY DRIVER/OPERATOR PERMIT QUALIFICATIONS**

- (a) Be a City of Albuquerque unclassified employee, classified employee, term employee, temporary employee, seasonal employee or volunteer; and,
- (b) Be at least eighteen years of age or older; and,
- (c) Have at least two continuous years of driving experience; and,
- (d) Have a valid New Mexico driver's license of the appropriate classification and with the necessary endorsements; and,
- (e) Have an acceptable driving record as specified under the City of Albuquerque's Driver Point System; and,
- (f) Attend the City's Defensive Driving Course and pass any required exam; and,
- (g) Be capable of passing, at any time, any required City of Albuquerque test or exam, including but not limited to, physical or mental exam, vision test or drug/alcohol screening test as required by the Substance Abuse Policy. The City of Albuquerque reserves the right to refuse to issue or revoke a COP to any employee who fails or refuses to take any or all of these required examinations; and,
- (h) Be unimpaired by alcohol or other drugs; and,
- (i) Comply with any additional driver safety requirements established by the Fleet Safety Officer; and,
- (j) Have a valid State of New Mexico medical waiver as required by statute.

## **7.9 CITY OF ALBUQUERQUE'S DRIVER POINT SYSTEM**

The City of Albuquerque uses a point system to help ensure that all of its drivers have an acceptable driving record. A driver's COP shall be subject to a safety review under the City Driver Point System. The Motor Vehicle Division of the New Mexico Department of Taxation and Revenue (MVD) keeps a current record of all motor vehicle convictions of drivers licensed in the State of New Mexico. These state MVD records, as well as City of Albuquerque Risk Management Division records, will be used in establishing a driver's eligibility for a COP.

(a) The Fleet Safety Officer shall implement a procedure and schedule for the review of all City driver's driving records that ensures:

1. All drivers have their current New Mexico driver's license record from MVD reviewed at least once every thirty (30) days. MVD license records will also be checked as needed to determine validity, restrictions, and the number and type of traffic violations accumulated over the previous twelve (12) months.

2. All drivers who are assessed twelve (12) or more points under the City's point system against their COP over the previous twelve (12) months will immediately surrender their City COP and cease driving on official City business. Drivers with nine (9) or more points may lose their COP.

3. All drivers use the exact name on their driver's license as appears in their personnel file. The Human Resources Department shall immediately update the personnel file with any reported change in name.

(b) Drivers may have their COP suspended by the Fleet Safety Officer when:

1. The Fleet Safety Officer is reviewing a report of a State license suspension, revocation, or listed citation from the State of New Mexico or other jurisdiction; or,

2. A driver is being investigated for an accident or incident of driver misconduct. The Fleet Safety Officer may take into consideration, when deciding whether to suspend a COP, the drivers entire record including citizen complaints against the driver; or,

3. A driver is being tested for reasonable suspicion of drug or alcohol use under the Substance Abuse Policy; or,

4. A driver is being examined for either their physical or mental fitness to drive; or,

5. The safety of the driver or the public is otherwise at risk.

(c) The suspension will continue until the Fleet Safety Officer determines that either the driver's COP should be restored or revoked.

(d) All drivers who do not have a valid New Mexico license of the correct type, with the necessary endorsements, or who have accumulated excessive points under the City's point system, or are disqualified by the Fleet Safety Officer because of a physical or mental condition making them unfit to drive, shall immediately have their COP revoked or be denied the privilege of obtaining a COP and of driving a public or private vehicle on official City business.

(e) If driving is necessary to perform an employee's job, as determined by the Human Resources Department, a driver who has lost their COP under these regulations, will be subject to the loss of City Operator's Permit provisions of the City's Personnel Rules and Regulations, Section 312.4.

(f) If the driver is a City volunteer, and loses their COP, the driver may either be released from City volunteer service or retained as a volunteer with no driving duties.

### **7.10 POINTS ASSESSMENT**

The Fleet Safety Officer shall assess points against a driver's COP by assigning points for violations of traffic laws in accordance with the official points assigned by New Mexico MVD. In addition, City points may also be assessed against a driver's COP as follows:

(a) Preventable accident, while driving on City of Albuquerque official business .....(points to be determined by the Fleet Safety Officer)

(b) Driver Misconduct .....(points to be determined by the Fleet Safety Officer)

## **7.11 POINT ACCUMULATION AND ADMINISTRATION**

(a) All points are cumulative over the previous twelve (12) months and are applied to the City employee's or volunteer's City driving record by the Fleet Safety Officer when either the State proceeding on the infraction is final or after the Fleet Safety Officer has assessed points upon completion of an accident or incident review.

(b) If the driver receives a charge of a criminal traffic violation in the State process, the Fleet Safety Officer shall either:

1. Assign points to the driver's record upon an assignment of points by the State; or,

2. Consider the state citation to be an incident of driver misconduct, and assess points as described in Section 7.12 (g) and (h) below.

(c) The Fleet Safety Officer may suspend the driver's COP, prior to assessing any points, pending final resolution of the State proceedings on a State infraction or during the investigation of any accident or incident.

(d) Records of driver misconduct, license suspension or revocation or a preventable accident may remain in a driver's COP file for thirty-six months and may be considered when driving privileges are in question. The City's point system described herein in no way negates the City employee's or volunteer's duty to inform his or her supervisor immediately upon receipt of any traffic violation or of any change in their driver's license status.

## **7.12 CITY OF ALBUQUERQUE ACCIDENT AND INCIDENT REVIEW**

All vehicle accidents occurring on official City of Albuquerque business will be reviewed to determine if they were preventable or non-preventable. All incidents of driver misconduct will be reviewed. The purpose of this policy is to establish standard procedures for all City committees that review and classify vehicle accidents and for the review of charges of driver misconduct by the Fleet Safety Officer (described in Section 7.13 below). The primary focus of such reviews will be to reduce the frequency, severity and cost of accidents to the City.

All departments shall establish accident review committees. The Fleet Safety Officer shall certify all department accident review committees. Departments with a small number of drivers will not be required to independently create an accident review committee, but may combine with other departments to form committees, as approved by the Fleet Safety Officer.

In addition, the Fleet Safety Officer shall review major accidents and incidents of driver misconduct.

(a) Departments shall investigate and review and classify all vehicle accidents occurring on official City business as minor or major pursuant to this policy as follows:

1. Minor accident: Those accidents where no immediate medical attention is required and/or total property damage is less than \$2,500.

2. Major accident: Those accidents that result in an injury that requires immediate medical attention and/or results in vehicle or property damage of \$2,500 or more.

(b) Departments shall submit all minor accident documentation (i.e. investigation reports, photographs, statements, etc.) to their respective departmental accident review committee for review unless the driver has had a previous accident within one year of the current accident and then the accident shall go to the Fleet Safety Officer to review.

(c) Departments shall submit all major accident documentation, (i.e. investigation reports, photographs, statements, etc.) to the Fleet Safety Officer.

(d) Department accident review committees shall review all minor vehicle accidents to determine if they were preventable or non-preventable using the National Safety Council guidelines. Department accident review committees shall report their accident findings and provide appropriate documentation to the Fleet Safety Officer.

(e) The Fleet Safety Officer shall review all department accident committee reports. For all major accidents, and minor accidents if a driver has had a previous accident within one year of the new accident, the Fleet Safety Officer shall classify the accident under review as preventable or non-preventable using National Safety Council guidelines. For preventable accidents, the Fleet Safety Officer will place points on the driver's City driving record.

(f) Accident review committees in the Albuquerque Police Department or Albuquerque Fire Department shall conduct accident reviews for all minor accidents as described above and shall additionally review all accidents that occur while a driver is operating during an emergency code response. The APD or AFD committee chairperson shall submit reports to the Fleet Safety Officer who will assess any points that are appropriate against the driver's COP.

(g) Incidents of suspected driver misconduct shall be investigated by the department investigator/safety officer or the Fleet Safety Officer. At the conclusion of the investigation the Fleet Safety Officer will determine whether misconduct occurred and if the assessment of points is necessary. In review of misconduct cases, the Fleet Safety Officer may review a driver's complete driving record including any citizen complaints against the driver in determining what, if any, points should be levied against the driver. Incidents involving APD and AFD code responses will be handled as described in paragraph 7.12 (f) above.

(h) When a State traffic citation has been issued, the Fleet Safety Officer shall review the alleged violation and may either wait for a state adjudication of the citation to assess points or may investigate the citation prior to a State adjudication of the citation. If investigated, the Fleet Safety Officer shall decide if the citation should be considered an incident of misconduct. If the Fleet Safety Officer chooses to wait for State adjudication, the matter may still be reviewed as an incident of misconduct if the State

dismisses the matter without a decision of whether the alleged violation occurred. The same number of points will be assessed for the State violation when reviewed as an incident of misconduct as the State would assess on the State license, and points shall not be assessed twice on the same incident.

(i) A citizen report of improper or unsafe driving by a City driver shall not constitute an instance of driver misconduct unless the conduct was witnessed by a City supervisor, safety officer or accident investigator. The Fleet Safety Officer shall review all citizen reports of improper or unsafe driving. All drivers and their departments will be informed of the citizen report. The Fleet Safety Officer shall on each report determine if the report is supported by reliable evidence of driver misconduct. If the report is verified as probable misconduct, the Fleet Safety Officer will inform the department to more frequently monitor the driver's driving to determine if the driver is a safety risk.

### **7.13 CITY OPERATOR'S PERMIT RISK ASSESSMENT:**

(a) To review accidents, the Fleet Safety Officer will utilize the National Safety Council (NSC) Guidelines for classifying preventable and non-preventable accidents. This guide, while it is designed to assist in determining the preventability of accidents, cannot list every type of accident. If the Fleet Safety Officer reviews an accident that is not applicable to a specific category, the Fleet Safety Officer will use the same principles as identified in the guidelines when arriving at a decision. The decision/classification shall not be arbitrary, but based on recognized investigative standards.

(b) Driver incidents of misconduct may either be on duty incidents or State traffic violations. To review whether driver misconduct has occurred, when no State citation is involved, the Fleet Safety Officer shall decide whether a person has driven on official City business in an improper manner. On duty misconduct is driving conduct that has not been witnessed by a law enforcement officer. Such misconduct is conduct observed by any supervisor in the driver's chain of command, the Fleet Safety Officer or designee, that if observed by a law enforcement officer would constitute a violation of any State or City traffic law. If a driver has received a State citation the case will not be reviewed for misconduct, except as provided in Section 7.12 (h).

### **7.15 REINSTATEMENT OF COP**

(a) A City employee or volunteer whose COP has been revoked may have their COP reinstated if their point total falls below ten (10) points.

(b) Upon becoming eligible for a reinstatement of driving privileges, the department director or designated supervisor shall interview the employee or volunteer and may request that the Fleet Safety Officer restore the employee's or volunteer's COP if a review of the current MVD and City driving record indicates that the employee or volunteer has dropped below the 10-point level as established under these guidelines.

(c) The Fleet Safety Officer will evaluate the employee's or volunteer's full driving record, when making the decision of whether to restore the employee's driving privileges. Reinstatement of a COP shall be at the sole discretion of the Fleet Safety

Officer based on the driving record of the applicant and physical or mental condition that may prevent them from driving for the City again.

#### **7.16 CITY JOB APPLICANT DRIVING RECORD CHECK PROCEDURE**

(a) When any City of Albuquerque position is being filled for which driving is necessary to perform the job, the driving record of all applicants under consideration shall be subject to review and evaluation by the Fleet Safety Officer. This rule applies to full-time, temporary and seasonal employees and volunteers. The following procedure shall be implemented:

1. All requirements for positions for which driving is necessary to perform the job shall be identified prior to the job announcement;

2. All applicants for such positions shall be notified on the job announcements of the City of Albuquerque's standard driver requirements and policy;

3. Prior to making a final job offer, the hiring department must request Fleet Safety Officer review of the applicant's driving history for compliance with the COP requirements. The Fleet Safety Officer will evaluate the record, as described below, and advise the Department whether the applicant is eligible for hire;

4. The applicant's driving history shall be compared to the City standard as set forth above to ensure that the applicant meets that standard; and,

5. If an applicant does not meet the COP requirements, they will not be considered eligible for a job for which driving is necessary to perform the job. The Human Resources Department shall notify any applicant not meeting the COP requirements in writing.

#### **7.17 REQUEST FOR CITY OPERATOR'S PERMITS**

Department directors shall submit their requests for the issuance of COPs to the Fleet Safety Officer. Forms to request issuance of the COP are available from Risk Management.

#### **7.18 DRIVER/OPERATOR TRAINING PROGRAM**

A driver training program for new employees or other authorized drivers who have applied for a COP and periodic refresher training for existing employees with COPs is mandatory. The following shall be included:

- (a) Orientation, description and purpose of the training.
- (b) Social and economic costs of traffic accidents.
- (c) Causes of traffic accidents.
- (d) Physical, mental and emotional effects on reaction time and judgment.

- (e) Mechanical limitation and vehicle inspections.
- (f) State and City traffic regulations.
- (g) Defensive driving techniques.
- (h) Procedure to follow when involved in an accident and filing of accident report form.
- (i) Procedures for vehicle malfunctions, or other emergencies.
- (j) The City Operator's Permit Policy.

#### **7.19 VEHICLE/EQUIPMENT OPERATOR'S RECORD**

The Risk Management Division shall maintain a record on each driver which shall include: department assigned, date of permit, date of most recent Defensive Driving Course, employee or contractor identification number, physical limitations, accident history, class of license, letter of request, eye test, letters of denial, and State temporary permit stipulations.

#### **7.20 VEHICLE ACCIDENT REPORTING**

(a) Any person involved in a motor vehicle accident, while operating a vehicle on official City business, shall immediately call their supervisor and the police to the scene. The driver shall not leave the scene until the police have completed their investigation. If the police do not investigate at the scene, the driver should make a report at the police station at the direction of his supervisor. The driver shall not discuss the accident with anyone except the police, the supervisor, legal counsel or an adjuster or other investigator assigned by the Risk Management Division.

(b) The department investigator shall investigate the accident and report their findings to the Fleet Safety Officer.

(c) Department directors shall require that vehicle accident reports be promptly submitted to the Fleet Safety Officer.

#### **7.21 COMMERCIAL DRIVER'S LICENSE REQUIREMENTS**

The Federal Highway Administration, through the Department of Transportation, issues regulations establishing uniform criteria and classifications for obtaining commercial class motor vehicle operating licenses. The State of New Mexico has adopted these criteria and operator license classifications. Consequently, all City employees required to obtain and possess a commercial class operator license need to conform to these requirements. This Policy sets forth the procedure for obtaining and maintaining a valid commercial class operator license as a condition to perform duties as an employee of the City.

#### **7.22 ADDITIONAL RESPONSIBILITIES OF CDL DRIVER**

In addition to the above COP requirements, CDL drivers are subject to the following requirements:

(a) It is the responsibility of all City employees to assure that they have a valid class of driver's license and a valid COP appropriate to the vehicle they are operating. No employee shall operate a vehicle on official City business without the appropriate license and permit classification.

(b) On or about the first working day of the month in which an employee's current commercial class operator license or endorsement is to expire, the employee is to notify their immediate supervisor of the necessity to renew the license and COP.

(c) Upon notification by their supervisor, employees shall report to a facility selected by the City and submit to a physical examination that shall be administered in accordance with D.O.T. regulations and requirements as specified in the Federal Motor Carrier Safety Regulations, Part 391, Subpart E.

(d) Employees shall then proceed to the State Department of Motor Vehicles. Upon successfully completing any required written examination, the employee will be issued a commercial class license assuming all other criteria established by that agency has been met. The employee shall, on the next working day, present the license to his/her immediate supervisor for verification that the employee has completed all requirements and has obtained the appropriate commercial class operator's license.

(e) If the employee, in the opinion of the MVD, does not pass the written examination, the employee must report this fact to the immediate supervisor for further instructions regarding the required skills test administered by the MVD.

(f) If, for any reason, the employee does not successfully obtain the appropriate commercial class license within the renewal month, they shall report this fact to their immediate supervisor.

(g) All employees who are required to maintain a commercial class license are required to notify, in writing, their immediate supervisor of any of the following occurrences:

1. Any citation or arrest for violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation).

2. Any expiration, suspension, revocation, or cancellation of the commercial class operator's license.

(h) In addition, all such employees are required to notify the State of New Mexico Motor Vehicle Division of all such occurrences outside the State of New Mexico.

(i) Employees are required to comply with all applicable DOT regulations whether or not those regulations are enumerated in this policy including any requirements concerning obtaining and keeping a current and valid medical card and the requirements concerning performing and properly documenting pre and post trip inspection reports.

### **7.23 ADDITIONAL RESPONSIBILITIES OF THE SUPERVISOR FOR CDL DRIVERS**

(a) No City employee shall be directed or permitted to operate a vehicle on official City business without the appropriate commercial class operator's license issued by the Motor Vehicle Division as well as a City Operator's Permit. Whenever a supervisor has knowledge that a supervised driver employee does not have a current, valid, and appropriate commercial class operator's license, they shall immediately place the driver employee on the appropriate leave status and notify the department director (or their designated representative).

(b) Upon notification that the CDL of an employee under their supervision needs to be renewed, the supervisor shall contact the appropriate person in the Human Resources Department and request that an in service physical examination be scheduled and notify the driver employee of the time and place of the scheduled physical examination. The work schedule of the driver employee shall be adjusted to accommodate sufficient time to permit the employee to complete the required examination(s).

(c) Upon successfully completing the physical examination and substance abuse test, the driver employee will be issued a certification to that effect. The supervisor shall request that this card be presented to them by the employee prior to authorizing the driver to proceed to the Motor Vehicle Division to have the written examination for renewal of the commercial class operating license.

### **7.24 USE OF PERSONAL VEHICLE FOR CITY BUSINESS**

(a) The use of an employee's personal vehicle to conduct official City business is discouraged when a City vehicle is available to the employee. A personal vehicle may only be driven on City business when the driver holds a valid COP in addition to a State License. If a driver loses a COP, they may no longer drive on official City business.

(b) Employees who utilize their personal vehicle for City business will be reimbursed for mileage upon submitting both a properly approved request for reimbursement and a copy of proof of insurance for the vehicle driven. Proof of insurance shall be a copy of either the declarations page of the insurance policy or a copy of the insurance card carried in the vehicle.

(c) No personal vehicle shall be driven by an employee to conduct City business unless the requirements regarding financial responsibility as set forth by State statute are met. For most employees, the requirement is fulfilled by carrying liability insurance.

(d) Employees are not required by statute to purchase insurance if they have demonstrated to the State the capability of meeting the financial responsibility requirements. However, the City will require that an employee provide documentation from the State indicating that the requirement has been met.

(e) The City does not require a driver to purchase insurance beyond that minimally required by the State. However, the City does not provide uninsured or underinsured

motorists, collision, towing, or comprehensive coverages for the use of a personal vehicle by a driver conducting official City business.

**7.25 EMPLOYEE'S INSURANCE IS PRIMARY INSURER**

(a) The insurance carrier providing liability coverage for the driver's vehicle shall be the primary insurer for any incident in which an employee drives his/her personal vehicle. Should the limits of the policy be insufficient, the City, may if otherwise appropriate, provide secondary coverage for liability to third parties.

(b) Employees who frequently drive their personal vehicle for City business shall notify their insurance carrier of the business use of the vehicle and secure the appropriate endorsement to the policy.

**7.26 PERSONAL USE OF CITY VEHICLES**

Use of a City vehicle to conduct unauthorized personal business is forbidden. When authorized, such authorization shall be in writing and executed in advance of the use for personal business.