

**154. SUBJECT: ADMINISTRATIVE POLICY REGARDING
PERSONAL USE OF TOWNSHIP OWNED
VEHICLES**

I. PURPOSE: The Township maintains a fleet of vehicles for use by Township employees in order to effectively deliver local governmental services to the residents of the Township. As the Township maintains these vehicles at the expense of the taxpayer, the Township must exercise due care to ensure adequate availability and effective use of such vehicles on a consistent basis. This policy will establish procedures outlining authorized usage of Township vehicles and will be implemented by all departments.

II. STATEMENT OF POLICY:

Township vehicles shall be used to perform "official Township business." Township vehicles are not personal vehicles and are not for personal use. "Official Township business" may include commuting to and from work, meal breaks while on-duty, and attendance at official meetings, conferences, seminars, and such, as set forth herein.

Personal use of Township vehicles is prohibited, subject to certain enumerated exceptions. Violation of this provision can result in disciplinary action up to and including termination. In addition, the personal use of Township vehicles is considered by the Internal Revenue Service (IRS) to be a taxable fringe benefit and its value will be included in the recipient's pay unless the law specifically excludes it. Any employee or volunteer affected by this provision is advised to discuss this matter with a tax professional.

With the approval of the Township Administrator, Department Heads will assign all Township vehicles in compliance with this policy, with the exception of clearly marked Police, Fire, Public Safety, Administration, Department of Public Works, and Facilities Maintenance vehicles being used in conjunction with the performance of usual and customary duties of an employee's job. Department Heads may use assigned Township vehicles for limited personal use to facilitate the customary duties imposed upon such positions.

III. RULES FOR USE OF ALL TOWNSHIP VEHICLES:

- All Township vehicles shall be used in strict adherence with assigned instructions and direction provided by authorized supervisory and management staff.

- Township vehicles shall be used to perform "official Township business." Township vehicles are not for personal use. For purposes of this policy, "official Township business" includes commuting to and from work, meal breaks, breaks to accommodate personal physical need when such facilities are not available on the job, and attendance at Township-related meetings, conferences and

seminars. Any questions as to what constitutes "official Township business" should be referred to the Township Administrator. The Township Administrator may consent to certain personal uses by Department Heads which facilitates "official Township business."

- With regard to the taking home of Township vehicles, the following restrictions will be strictly adhered to:

- a. In order to take a Township vehicle home, the assigned employee must be a Department Head and/or an employee subject to call-back, emergencies, or regularly scheduled work responsibilities. Take-home use by employees subject to call-back or emergencies must have a justifiable reason based on past evidence of the employee's need to be called in outside of his/her normal shift.
- b. An employee will be permitted to take a vehicle to a personal residence with consent from the Township Administrator.
- c. Any Township vehicle that is taken to a personal residence shall be parked in a safe and secure location. The assigned employee shall be responsible for any damage to a Township vehicle while under his/her control.

- Township employees and volunteers must follow and adhere to all applicable motor vehicle and traffic control laws while operating a Township vehicle. Examples of the laws that must be followed include, but are not limited to laws regulating speeding, adherence to traffic signals, the use of seatbelts, the use of cell phones, reporting an accident, parking, etc.

- All Township employees and volunteers who operate municipal vehicles and/or equipment must possess valid licenses, certifications and endorsements issued by the appropriate governmental agency exercising jurisdiction in this area. *See* Paragraph IV herein. Operators of Township vehicles are expected to comply with all operating and licensing requirements. Employees and volunteers may be required to provide proof of a valid operator's license on an annual basis. Any information obtained by the Township in accordance with this section shall be used by the Township only for carrying its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. §2721-2725) which prohibits the release and use of certain personal information from State motor vehicle records.

- An employee or volunteer whose operator's license is suspended or expires must report this to his/her Department Head. An employee or volunteer whose license has been suspended or which has expired is not permitted to operate a Township vehicle. An employee or volunteer who fails to inform his/her Department Head that his/her operator's license has been suspended or expired, and who continues to operate a Township vehicle, may receive disciplinary action up to and including termination.

- An employee or volunteer who has been convicted of a serious motor vehicle offense, including, but not limited to reckless driving, hit and run, driving while under the influence of alcohol or drugs (DUI/DWI), homicide, or eluding a law enforcement officer, or who has accumulated excessive points (3 or more) on his/her license, negligent homicide arising out of the use of a motor vehicle, operating a motor vehicle during a period of suspension or revocation, using a motor vehicle for the commission of a felony, using a motor vehicle without the owner's authority, failure to report an accident, permitting an unlicensed person to drive, lack of driver's license whether due to suspension, revocation, surrender or any other reason will have his/her privilege to operate a Township vehicle reviewed by the Township Administrator and a determination will be made concerning the future status of such employee's employment and/or her/his ability to continue to operate a Township vehicle.

- An employee or volunteer who receives a moving motor vehicle violation while operating a Township vehicle must report such violation to his/her Department Head as soon as practicable, and in no case later than twenty-four (24) hours. Employees and volunteers will be held personally responsible for any moving motor vehicle violation issued while operating a Township vehicle. This shall also include any parking summons.

- Any Township employee or volunteer involved in a motor vehicle accident, no matter how minor, must immediately report the incident to his/her Department Head and shall comply with established Township policy on reporting accidents. Such reporting shall include the timely completion and submittal of all necessary information and/or documentation generated as a result of the accident.

- No Township employee or volunteer shall operate a Township vehicle while under the influence of alcohol, illegal drugs or prescription medication which may interfere with the safe operation of the vehicle. In addition, smoking, alcohol possession or drug possession is not permitted in any Township vehicle.

- Use of a wireless telephone or electronic communication device to talk or text while operating a Township vehicle is not allowed except under circumstances permitted by law. Use of hands-free communication devices is permitted.

- All employees and volunteers must keep the Township vehicle they are operating clean, and report any malfunction or damage to the Department Head.

- Passengers in a Township vehicle are limited to other employees or volunteers, Township officials or authorized Township guests. Department Heads may also have immediate family members as passengers, with approval from the Township Administrator.

- Any violation of the provisions set forth herein regarding the use of Township vehicles shall constitute sufficient grounds for disciplinary action, up to and including termination.

IV. AUTHORIZED DRIVERS

All employees and volunteers who operate Township vehicles must have a current Vehicle Operators License valid in the State of New Jersey, appropriate to the type of vehicle the employee or volunteer is required to operate.

V. RULES PERTAINING TO UNMARKED (NON-POLICE, FIRE OR PUBLIC SAFETY) VEHICLES

- After obtaining approval of the Township Administrator, Department Heads shall assign Township vehicles in accordance with this policy. The Department Head may assign a Township vehicle during non-working hours for the timely handling of an unforeseeable situation or emergency without prior approval of the Township Administrator.

- Each Department Head shall maintain a current listing of departmental vehicles with assigned employee-operators of each vehicle.