

# EXHIBIT A

## Gaston County Driving Policy

### Objective: Driving Authorization

The objective of this policy is to define who is authorized to operate County owned vehicles and within what capacity. Only Authorized Drivers will be allowed to drive County vehicles. This policy does not supersede any department specific vehicle or driving policy as long as the department policy is more stringent than the County-wide policy.

### Definitions:

1. **Vehicle** – Any County-owned, leased, or operated vehicle, or a personal vehicle used for County Business.
2. **Authorized Driver** - Any County employee driving County owned vehicles or personal vehicles on County business as an essential function of the job that meets the criteria of this policy, verified by their driving history, with documentation of Driving Authorization.
  - a. Temporary employees are not eligible to be authorized drivers, unless insurance coverage is specified within their contract.
  - b. Interns are not eligible to be authorized drivers.
3. **Driving Authorization** - Authorization granted for an individual to be designated as an Authorized Driver based on a review of the driver's Motor Vehicle Record (MVR) conducted by their department director or their designee. Additionally, drivers must complete the required training to operate each specific class of vehicle.
4. **Motor Vehicle Record (MVR)** - An individual's driving history obtained from the State where the applicant/employee driver's license is or was issued or through agencies with license to obtain these reports on the County's behalf.
5. **Driving Offense** - Is an unlawful act that occurs while driving a motor vehicle. Driving offenses can be classified as misdemeanors or felonies and are usually governed by state motor vehicle codes. Driving offenses include, but are not limited to, speeding, tailgating, reckless driving, and distracted driving.
6. **Incident** - Any unplanned event involving a vehicle or equipment used for County business that disrupts operations. This includes near-misses, unsafe conditions, or unsafe behaviors.
7. **Accident** - A specific type of incident that results in injury, illness, death, or property damage. Accidents are unintentional and often involve harm to individuals or assets.
8. **Preventable Accident** – An accident that could have been avoided had the employee exercised reasonable caution.
9. **Non-preventable Accident** – An accident occurring despite the employee having exercised reasonable caution.
10. **Motor Vehicle Accident** - Any occurrence involving a motor vehicle, unless properly parked, including non-collision occurrences and collisions with individuals or objects.

11. **Driving While Impaired (DWI)** - As defined by state in general statutes. For North Carolina it is defined under General Statute 20-138 as driving while under the influence of an impairing substance, or an alcohol concentration of 0.08 or more for any vehicles, 0.04 or more for commercial vehicles, or any amount of Schedule I controlled substance.
12. **DWI Conviction** - Conviction or guilty plea to any of the following North Carolina Statutes or similar from other States:
  - a. N.C.G.S. § 20-138.1. Impaired driving,
  - b. N.C.G.S. § 20-138.2. Impaired driving in commercial vehicle,
  - c. N.C.G.S. § 20-138.3. Driving by person less than 21 years old after consuming alcohol or drugs,
  - d. N.C.G.S. § 20-138.5. Habitual impaired driving.
13. **Take-home Vehicle** - A County vehicle assigned to be driven to and from an employee's place of residence and their assigned work location.

**Responsibilities:**

1. Department directors or their designee are responsible for:
  - a. Completing the Driver Authorization process.
  - b. Ensuring that each employee who is covered by this policy has the proper class of driver's license and proper endorsements for the class and type of vehicle that they will be operating.
    - i. A Commercial Driver's License (CDL) is required and must be current for every County employee who operates a motor vehicle designed or used to transport passengers or property in the following instances:
      1. If the vehicle has a gross weight rating of 26,001 or more pounds.
      2. If the vehicle is designed to transport 16 or more passengers, including the driver.
      3. If the vehicle transports hazardous materials and is required to display a placard in accordance with the Hazardous Materials Transportation Act (49CFR Part 172, Subpart F).
  - c. Complying with the appropriate Human Resources policies concerning background checks.
  - d. Ensuring that each employee that needs to drive a County vehicle as part of their essential duties has received the proper drivers training, to include the proper training on fueling vehicles.
  - e. Review their department's authorized driver's MVR annually.
2. Legal is responsible for:

- a. Consulting with departments on driving accidents and issues to handle investigations, review trends, and advising on determining the most appropriate action.
- 3. Risk Management is responsible for:
  - a. Maintaining a master list of all employees who are Authorized Drivers.
  - b. Consulting with departments on driving accidents and issues to handle investigations, review trends, and advising on determining the most appropriate action.
  - c. Obtaining motor vehicle records (MVR) of Authorized Drivers and future Authorized Drivers
- 4. Employees are responsible for:
  - a. Informing direct supervisors, within one business day of conviction of any driving offenses.
    - i. This includes all driving offenses, whether in County or personal vehicle, on or off duty.
  - b. Inform direct supervisor within one business day of any suspension or revocation of their driver's license.
  - c. Following all state, federal and county rules with regard to driving a vehicle.
  - d. Informing their direct supervisor IMMEDIATELY of any incident involving a County vehicle.
  - e. Driving defensively as to prevent accidents despite the incorrect actions of others or adverse road conditions.

**New Applicants/Promotions & Transfers Procedures:**

- 1. For applicants, promotions, or transfers, if driving is an essential job function, an MVR must be ordered and reviewed before a final offer of employment, promotion, or transfer is made.
- 2. Department directors or their designee must review the applicant's driving history, as shown on the MVR, and determine eligibility. CDL drivers must be qualified to operate the vehicle for the job they are being considered.
- 3. The applicant's overall driving record, including accidents, shall be used to determine if a Driving Authorization will be issued.
- 4. If the candidate does not qualify, no authorization will be issued. If failure to obtain an authorization results in an adverse employment action, the appropriate letters (Pre-Adverse Action and Adverse Action Letters) must be issued, as required by the Fair Credit Reporting Act.

**Authorized Drivers - Authorization Requirements, Training, Monitoring and Reporting**

- **Authorization Requirements**
  - a. Valid driver's license for the state in which they reside.
  - b. Properly classed driver's license for the vehicle in which they will be operating.

- c. Acceptable Motor Vehicle Record (MVR) in each state where the applicant has held a driver's license in the past three years.
  - i. Any serious violation within the past three years is considered unacceptable. This includes:
    - 1. Excessive speeding, typically 15 MPH over the speed limit.
    - 2. Operating the vehicle under the influence of alcohol or narcotics, or refusal of drug/alcohol test.
    - 3. Driving with a suspended, revoked or invalid license.
    - 4. Reckless driving or negligent driving.
    - 5. Speed racing, hit and run, or fleeing law enforcement
    - 6. Refusing to stop or fleeing from a law enforcement officer.
    - 7. Vehicular homicide or assault
  - ii. License suspension or revocation
- d. Moving Violations and preventable collisions in accordance with the chart below in the past three years.

# of Preventable Accidents	# of Moving Violations (other than serious)			
	0	1	2	3
0	Acceptable	Acceptable	Acceptable	Borderline
1	Acceptable	Acceptable	Borderline	Unacceptable
2	Acceptable	Borderline	Unacceptable	Unacceptable
3	Borderline	Unacceptable	Unacceptable	Unacceptable

*Note: Borderline drivers may be granted temporary authorization at the Department Director's discretion.*

- **Training**

- a. All drivers must complete the Gaston County Driving Policy training, as well as the four (4) driving courses in NeoGov prior to becoming an Authorized Driver. To remain an authorized driver, drivers must complete the four (4) driving courses in NeoGov annually.
  - i. Aggressive Driving and Road Rage
  - ii. Defensive Driving
  - iii. Driving in Adverse Weather
  - iv. Driving with Distractions
- b. Drivers must complete the fueling training and sign the Fuel Card User Agreement.
- c. If departments have their own vehicle policy, follow training guidelines outlined in those policies, as well as those listed above.

- **Motor Vehicle Record Monitoring**

- a. Motor vehicle records of Authorized Drivers must be reviewed annually by Risk Management, their department director, or their direct supervisor.

- i. Risk Management is responsible for obtaining the motor vehicle records.
  - ii. If a violation or suspension is indicated by the Motor Vehicle Record monitoring system, Risk Management and/or the Department Director or their designee can suspend the driver's authorization.
    - 1. Driving Authorization suspensions must be documented to the employee using the Written Notice of Driving Authorization Suspension.
  - iii. If a driver's license is suspended or revoked, the driver may not obtain new authorization until the driver's license is reinstated.
- b. Motor vehicle records of Authorized Drivers may be reviewed periodically to confirm or deny a possible license suspension, revocation, or conviction(s) for accidents and/or motor vehicle violations.
- **Review of Driving Trends** - An employee with an overall driving record or accident history that reveals a pattern which may impair that employee's ability to safely operate a County vehicle may have their Driving Authorization suspended or revoked by the Department Director in consultation with Risk Management and Legal.
  - a. Driving trends are evaluated annually.
- **Reporting**
  - a. Moving Violation Convictions - Employees convicted of any offense that results in immediate suspension of their driver's license must notify their supervisor or manager and may not operate any County vehicle or use a personal vehicle on County business.
    - i. Conviction of an offense that results in the immediate suspension or revocation of an employee's driver's license could result in termination, due to the inability to perform essential job duties.
  - b. DWI Charges - If an employee with Driving Authorization is charged with DWI and their driver's license is suspended, Risk Management and/or the Department Director or designee is to suspend the authorization immediately.
    - i. An additional DWI conviction within three years of any previous DWI conviction date will result in permanent revocation of the County Driving Authorization.
    - ii. If limited driving privileges are granted by a Judge, Driving Authorization will not be granted for use of a County vehicle.
- **Discipline** – Failure to follow the training and reporting guidelines listed above may result in disciplinary actions referenced in the Personnel Policy.

### **Vehicle Usage Guidelines**

- 1. County vehicles are to be driven only by authorized County employees, unless otherwise specified by the County Manager.

2. County vehicles are to be used exclusively for County business, unless approved for other use by the County Manager.
3. Drivers must observe all traffic laws and regulations, including seatbelt usage, speed limits, and all policies and procedures of the County, while operating a County vehicle.
4. Drivers and passengers of County owned or leased vehicles shall follow all County policies, to include but not limited to the tobacco policy.
  - a. Use of tobacco products including cigarettes, vaping, e-cigs, smokeless tobacco, etc. is prohibited in County vehicles.
  - b. No alcoholic beverages may be carried or consumed in County vehicles.
  - c. Firearms are not allowed in County vehicles (exception: County Police and Sheriff).
  - d. Construction materials or other goods not related to County business.
5. Employees will not operate their vehicles in such a way as to cause public criticism or nuisance. This includes vehicle parking when not in use and keeping the vehicle clean.
6. Unauthorized passengers, family, friends, or other parties not directly related to County business are not allowed in County vehicles.
7. Employees are expressly prohibited from making any cosmetic or mechanical modifications to any County owned vehicle without the approval of the Fleet Services Division. Fleet Services reserves the right to remove any or all modifications that may impair the vehicle's safety or usefulness and cosmetic changes that are not in keeping with County policy.
8. Drivers are responsible for maintaining adequate fuel levels in County vehicles and should refuel before the tank drops below one-quarter full.
  - a. Drivers are required to use their assigned, individual fuel PIN for all County vehicle fuel purchases.
    - i. Fuel PINs are assigned to individual employees and must not be shared. If a driver does not have a fuel PIN, they must contact Fleet Services directly to obtain one.
    - ii. Fuel cards are assigned to specific vehicles and must not be used to fuel other vehicles or equipment. If a fuel card is lost, the driver must contact Fleet Services to request a replacement.
9. It is the Assigned Driver or Department Designee's responsibility to ensure that preventative maintenance, recalls, or any other services are coordinated with Fleet Services.
  - a. If a warning light appears on the dash of the vehicle, the Driver or Department Designee must notify Fleet Services immediately.
  - b. If the required service is outsourced to a third-party, at no time shall Drivers or Departments be in contact directly with a vendor, all communication should be coordinated with Fleet Services.
10. All accidents, or incidents should be reported to the supervisor immediately. The driver of the vehicle involved in the accident is to notify law enforcement, as well as complete any associated documentation and submit it to Risk Management.

- a. If the vehicle is inoperable, the vehicle is to be towed to Fleet Maintenance, utilizing the contracted vendor.

### **Take Home Vehicles**

Certain positions have on call and incident response requirements or travel requirements which necessitate the designation of assignment of County vehicles for after-duty hours and/or commuting use.

1. Permitted Use of County Vehicles:
  - a. Department directors or designees may assign County-owned vehicles to be used in the performance of official duties and not for personal use (except for commuting and incidental stops). Transporting other County employees to and from work is permissible.
  - b. County vehicles may not be used to transport non-County employees except as necessary to conduct County business.
2. A Department Director or their designee may assign a take home vehicle for the convenience of the County.
  - a. A Department Director or their designee must consider the following conditions for assigning a County vehicle for take home use:
    - i. The job regularly requires the employee to go directly from home to a worksite (and from worksite to home) without first going to a standard work location and the nature of the employee's work requires the use of a County vehicle.
    - ii. After normal duty hours, job requirements include one or more of the following:
      1. Use of special vehicle mounted equipment or equipment routinely carried in the vehicle.
      2. Response to emergency situations.
    - iii. Public Health and Safety Requirements: When unity of command and 24-hour emergency response preparedness require a reserve pool of off-duty, approved staff to respond in an official capacity.
  - b. County vehicles assigned to take home must:
    - i. Be parked at a location that is within a 45-mile radius of the Administration Building.
    - ii. An employee is expected to park the vehicle at their primary residence
      - 1. Exception: a location approved by the Department Director or their designee.
  - c. At no time should a Gaston County vehicle be parked at any location that may reflect negatively on the County or that is not consistent with upholding a positive public image unless it is in line with performance of official duties.
3. The assignment of a County take-home vehicle may result in taxable income to the employee pursuant to IRS rules. Typically, qualified non-personal use vehicles (such as an ambulance,

bus or other vehicle whose design would make the vehicle unlikely to be able to be used personally) are exempt from taxation, while use of other vehicles may result in the attribution of taxable income.

### **Accidents**

The operator's department must respond to any vehicle accident involving a county employee or vehicle that is owned/leased by Gaston County or a personal vehicle operated by a county employee conducting county business. This department must gather information as outlined in this policy and forward it to Fleet, Risk Management and Legal. All accidents will be reviewed direct supervisors, department directors, Fleet Management, Risk Management and Legal.

### **Responsibilities:**

1. Department response to any accident:
  - a. The operator, if physically capable, must notify law enforcement
  - b. The operator, if physically capable, must immediately notify their department director or supervisor of any vehicle accident.
  - c. Departments must collect information needed to submit a HR 100 Supervisor's Incident Investigation Report with all pertinent information and submit it to Fleet Services, Risk Management, Legal and MET.
  - d. An ACORD Automobile Loss Form should be completed for any incident that involves another vehicle.
  - e. An ACORD General Liability Form should be completed for any incident that results in property damage.
  - f. In addition to the HR100 Supervisor's Incident Investigation Report, an HR 101 Employee Injury Report must be completed for any County employee who is injured. Any employee with a serious injury should be transported by Emergency Medical Services (EMS) to the nearest emergency care facility. Employees requesting treatment for minor injuries that do not require EMS should be coordinated with Risk management to identify the nearest facility for treatment.
  - g. Take photographs of the accident scene and send to Fleet Services, Risk Management and Legal along with the vehicle accident report forms.
  - h. Department directors should determine if the employee is required to complete a drug/alcohol test, per Gaston County drug testing policy.
    - i. Exception: If departments have internal drug and alcohol policies, they must follow all testing guidelines stated in these policies.
  - i. The law enforcement agency investigating an accident outside of Gaston County may require that the County vehicle be towed to a local facility. In this case, Fleet Services will make arrangements to have the vehicle transported to the County facility.
  - j. Vehicles involved in an accident must be driven (if safe to do so) or towed to Fleet Services for assessment of needed repairs.



- i. Fleet Services will determine if the vehicle is safe to continue to operate until repairs can be completed.
  - k. Complete the Incident Investigation Closeout Report.
- 2. Fleet Services:
  - a. Secure any vehicle involved in an accident that requires the vehicle to be isolated.
  - b. Determine if the vehicle is safe to continue to operate or if it should be towed to Fleet Services for inspection and repairs.
- 3. Personal Vehicles Used
  - a. County Employees who drive their personal vehicles on County business must maintain the minimum liability insurance coverage required by their State of licensure. Gaston County does not provide coverage for damage to personal vehicles used for County business. Employees must immediately notify their supervisor of any accident while operating their personal vehicle on County business. In addition to these requirements, employees are responsible for following the reporting requirements to their insurance carrier as outlined in their personal auto insurance policy.