



TOWN OF NORWOOD PERSONNEL BOARD

#P-405 – VEHICLE USE POLICY

1. Purpose and Scope

The purpose of this document is to outline the Town's policy with respect to:

- Vehicle Uses – Municipal, Personal, and Stipends
- Personal Vehicle Use for Work Related Travel
- Municipal Vehicle Assignments
- Commuting and Imputed Tax
- Vehicle Accident Reporting
- Responsibilities When Driving a Municipal or a Personal Vehicle
- Policy Exemptions

2. Applicability

- 2.1 This policy applies to all full and part-time compensated positions, excluding elected officials and employees of the School Department. Positions covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by Civil Service Law or a collective bargaining agreement.
- 2.2 To the extent permitted by law, individual employment agreements (new, updated or extensions) entered into after the effective date of this policy, with employees whose positions are subject to this policy, must follow all of the provisions of this policy.
- 2.3 This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.

3. Definitions

- 3.1 Please consult the Personnel Definitions Document (#D-100) regarding terms utilized throughout this policy.
- 3.2 Vehicle Stipend – the amount approved by an employee's highest Appointing Authority to compensate an employee for regular and routine use of a Personal Vehicle for work related travel. Vehicle Stipends are considered a salary item and as such, are subject to taxation.
- 3.3 Expense Reimbursement – payment for approved expenses relating to Personal and Municipal Vehicle use upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.
- 3.4 Municipal Vehicle – those automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the Town of Norwood and licensed for travel on a public way.
- 3.5 Personal Vehicle – that vehicle owned or available for private use by the employee.

- 3.6 **Commuting** – the use of a Municipal Vehicle for travel between the employee’s residence and his or her principal work location. Under Internal Revenue Service (IRS) regulations, the benefit of using a Municipal Vehicle for commuting is considered taxable income to an employee and the value of the personal use of the Municipal Vehicle will be included in his or her compensation.
- 3.7 **Electronic Messages** – a piece of digital communication that is designated or intended to be transmitted between a mobile electronic device and any other electronic device; provided however, that electronic message shall include, but not be limited to, electronic mail, electronic message, a text message, an instant message, a command or request to access an internet site, or any message that includes a keystroke entry sent between mobile devices.

4. Eligibility

This section intentionally left blank.

5. Policy

- 5.1 **Municipal Vehicles** - it is the policy of the Town of Norwood that certain positions require employee access to Municipal Vehicles, either during their work shift or on a 24-hour on-call basis. Municipal Vehicles are not Personal Vehicles and are not for personal use. Municipal Vehicles should be viewed as belonging to the citizens of Norwood and are assigned solely for purposes consistent with providing services to those citizens.
- 5.2 **Personal Vehicles** - it is the policy of the Town of Norwood to reimburse employees for reasonable expenses which they incur as a result of Personal Vehicle use on behalf of the Town. Receipts and Expense Reports must be submitted to the Town in a timely manner (within 60 days of incurred expense) in order for employees to be reimbursed for such expenses.
- 5.3 **Vehicle Stipend**
- 5.3.a It is the policy of the Town of Norwood that in the event an employee is required to use his or her Personal Vehicle on a year round basis, and that employee has not been assigned a Municipal Vehicle, the employee’s highest Appointing Authority may authorize the payment of a Vehicle Stipend.
- 5.3.b Stipends may be rescinded with a 90-day written notice from the Appointing Authority that authorized the vehicle stipend.
- 5.3.c Stipends shall not be paid in combination with personal automobile expense reimbursements. Vehicle stipends cover the cost of fuel, repairs, insurance, all operating costs, general wear and tear, and tolls related to all authorized business miles traveled, whether in Town or out of Town.
- 5.3.c.i **Exception:** Authorized out of state personal vehicle travel for employees receiving a Vehicle Stipend may be reimbursed for miles traveled outside the state using the IRS mileage rate, tolls, and reasonable parking fees. Employees shall follow Section 6.1.f to receive such reimbursement.
- 5.3.d Appointing Authorities shall consult the Human Resources Department to identify the approximate yearly miles to be driven to determine the appropriate vehicle stipend amount to be granted/requested.

- 5.3.e It is up to the employee to track their business miles traveled throughout the year to validate the appropriate vehicle stipend to be requested the following year. Such documentation shall be provided to the Finance Commission as part of the annual budget process.
- 5.4 Department Heads are required to act consistent with this policy and ensure this policy is implemented consistently within their department.
- 5.5 In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

6. Provisions

6.1 Work Related Travel of Personal and Municipal Vehicles

- 6.1.a When an employee is authorized to use a Personal Vehicle for work-related travel, he or she shall be reimbursed for mileage at the IRS standard mileage rate, unless covered by contract or stipend. According to the IRS, the standard mileage rate for business purposes is based on an annual study of the fixed and variable costs of operating a vehicle. Employees will be notified by the Human Resources Department of any changes to the IRS mileage rate.
- 6.1.b In accordance with IRS regulations/rulings, the mileage rate is intended to cover, but is not limited to, the cost of fuel, repairs, insurance, all operating costs, and general wear and tear on the Personal Vehicle.
- 6.1.c Reimbursable Expenses
 - 6.1.c.i Municipal Vehicle Use – the Town shall reimburse employees authorized to travel outside of Norwood for tolls and reasonable parking expenses, when receipts are provided.
 - 6.1.c.ii Personal Vehicle Use – in addition to the mileage rate, the Town shall reimburse employees authorized to travel outside of Norwood for tolls and reasonable parking expenses, when receipts are provided.
 - 6.1.c.iii Vehicle Stipends - employees receiving a Vehicle Stipend will not be reimbursed for tolls or mileage, but may be reimbursed for reasonable parking expenses. See Section 5.3.c for further clarification.
 - 6.1.c.iv Employees will not be reimbursed for tolls that are paid by the employee during his or her normal commute to work.
- 6.1.d Employees authorized to use their Personal Vehicle for work related travel are required to show proof to their Department Head, on an annual basis, of the following minimum levels of insurance coverage:
 - Bodily Injury: \$100,000 / \$300,000
 - Property Damage: \$50,000
- 6.1.e Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

- 6.1.f In order to be reimbursed for Personal Vehicle use, employees must complete a Payment Form provided by the Purchasing Department and submitted with appropriate back-up documentation and/or receipts in a timely manner (within 60 days of incurred expense).
- 6.1.g **Driving Record**
 - 6.1.g.i If an employee uses their personal vehicle for work related travel on a regular basis, the employee may be subject to a driving record check. This would occur if the town is made aware of an employee having a driving record that is of a safety concern:
 - 6.1.g.i.1 A copy of the operators Massachusetts driving record shall be obtained by the HR Department to verify the historical driving record of the operator.
 - 6.1.g.i.2 If the operator has an out of state license, then the operator must provide, upon request, a copy of their existing state driving record to the HR Department. Any out of pocket expense in obtaining a copy of the driving record will be reimbursed by the Town upon submission of a receipt, in a timely manner (within 60 days of incurred expense).
 - 6.1.g.ii Driving records shall be reviewed by the HR Department and/or General Manager.
 - 6.1.g.iii Driving records determined to be a safety concern by the General Manager may result in the disapproval of an employee's personal vehicle use for work related travel, after consultation with the appropriate Department Head.

6.2 Assignment of Municipal Vehicles

- 6.2.a Employees are required to have a valid motor vehicle license issued by the Commonwealth of Massachusetts or their state of current residence and must show proof of such valid license to his/her Supervisor or Department Head prior to being assigned a Municipal Vehicle.
- 6.2.b The assignment of Municipal Vehicles for 24-hour use will be made by the General Manager and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved position description provided by the Human Resources Department. The following criteria will be used in the determination of eligibility for 24-hour vehicle use:
 - 6.2.b.i Officially designated on-call status
 - 6.2.b.ii Requirement for frequent emergency availability during non-working hours
 - 6.2.b.iii Issuance of a pager or other communication device
 - 6.2.b.iv Emergency or other equipment contained in the vehicle

Such Municipal Vehicle assignment may be rescinded in writing for good reason or cause by the General Manager.

- 6.2.c Driving Record
 - 6.2.c.i Prior to the assignment of a Municipal Vehicle:
 - 6.2.c.i.1 A copy of the operators Massachusetts driving record shall be obtained by the HR Department to verify the historical driving record of the operator.
 - 6.2.c.i.2 If the operator has an out of state license, then the operator must provide a copy of their existing state driving record to the HR Department. Any out of pocket expense in obtaining a copy of the driving record will be reimbursed by the Town upon submission of a receipt.
 - 6.2.c.ii Driving records shall be provided to or obtained by the HR Department annually thereafter, during the month of January, and reviewed by the HR Department and/or General Manager.
 - 6.2.c.iii Driving records determined to be a safety concern by the General Manager may result in the suspension of Municipal Vehicle assignment privileges, after consultation with the appropriate Department Head.
- 6.2.d Employees assigned a Municipal Vehicle for 24-hour use involving a commute of more than 25 miles one way, shall reimburse the Town for the additional fuel cost as determined by the Town Treasurer. Employees who have been assigned a Municipal Vehicle and have established commuting patterns of more than 25 miles one way prior to July 2006 shall be exempt from this provision, as long as there is no break in assignment of a Municipal Vehicle greater than 6 months, after which the exemption will no longer apply.
- 6.2.e Employees assigned Municipal Vehicles or are provided a Vehicle Stipend or may use their Personal Vehicle for work related travel, will be given a copy of this policy and will be required to sign a confirmation of receipt – document **#D-110 VUP Acknowledgement Form**. See the Human Resources Department for the most current version of Document #D-110 to be utilized.
- 6.2.f Imputed Income Taxation:
 - 6.2.f.i Employees authorized to commute in a Municipal Vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Town Treasurer shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Municipal Vehicles for commuting purposes, and the normal, one-way commuting distance, each December 1st.
 - 6.2.f.ii Employees who are assigned marked and/or unmarked police vehicles, and/or Municipal Vehicles that meet eligibility criteria as defined under 26 CFR 1.274-5T will not be subject to imputed income taxation as a result of the vehicle assignment.

6.3 Responsibilities When Driving A Municipal Vehicle and/or Personal Vehicle For Municipal Business Purposes

Employees who drive a Municipal or Personal Vehicle is responsible, but not limited, to the following:

6.3.a Municipal Vehicle Uses

6.3.a.i Municipal Vehicles may only be used for legitimate municipal business.

6.3.a.ii Individuals assigned a Municipal Vehicle with commuting privileges may make “incidental personal uses” such as stopping at a grocery store or going to the bank, on his/her way home, but only if the stop does not add mileage to the trip.

6.3.a.iii Operators should exercise sound judgment at all times when using assigned Municipal Vehicles and should avoid the appearance of misuse.

6.3.a.iv The Massachusetts Ethics Code and the Town’s Professional Conduct Policy discuss unwarranted privileges. Using public equipment or resources for personal use constitutes use of an official position to obtain an unwarranted privilege not similarly available to others. Misuse of an assigned Municipal Vehicle is an ethics violation.

6.3.b Municipal Vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in Municipal Vehicles. Police Officers transporting individuals in the performance of their normal job duties are exempt from this provision.

6.3.c The use of Personal Vehicles for transporting individual’s unrelated to municipal business shall not occur on town work time.

6.3.d Personal Property Transportation

6.3.d.i Municipal Vehicles shall contain only those items for which the vehicle is assigned.

6.3.d.ii The Town shall not be liable for the loss or damage of any personal property transported in the Municipal Vehicle or for any personal property while using their Personal Vehicle for work related travel.

6.3.e Employees are expected to keep Municipal Vehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their supervisor immediately.

6.3.f Employees assigned Municipal Vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.

6.3.g Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a Municipal Vehicle wear seat belts at all times, if the Municipal Vehicle is so equipped.

6.3.h Employees may not operate Municipal Vehicles or Personal Vehicles being used for work related travel, under the influence of alcohol, illegal drugs, or any controlled substances.

- 6.3.i Material Transportation
 - 6.3.i.i Employees are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in a Municipal Vehicle or in a Personal Vehicle being used for work related travel.
 - 6.3.i.ii The transporting of unopened alcoholic containers is limited to “incidental personal use” as described in section 6.3.a.ii.
 - 6.3.i.iii Police Officers who are required to carry such items in performing their normal job duties are exempt from this provision.
- 6.3.j Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, must maintain a valid motor vehicle license issued by the Commonwealth of Massachusetts or the state of their current residence, which must be provided upon request by a Supervisor during a specific or periodic license check.
- 6.3.k Employees operating a Municipal Vehicle or a Personal Vehicle while on work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.
- 6.3.l Employees who incur parking or other fines/citations while operating or using an assigned Municipal Vehicle or using a Personal Vehicle on work related travel, will generally be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the General Manager.
- 6.3.m Employees who are issued citations for any offense while operating or using a Municipal Vehicle must notify their Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation.
- 6.3.n An employee who is assigned a Municipal Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in his or her Personal Vehicle or in a Municipal Vehicle, must notify his or her Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of Municipal Vehicle privileges.
- 6.3.o No employee may use a Municipal Vehicle for out of state travel without advance approval of the General Manager.
- 6.3.p When utilizing a Municipal Vehicle, employees are required to obtain fuel from designated Municipal fueling facilities, unless fueling is required in the course of out of town travel.
- 6.3.q Smoking is not permitted in a Municipal Vehicle in accordance with M.G.L. c270 s22. Individuals utilizing a Personal Vehicle for work related travel should be considerate of others in the vehicle that do not smoke or are bothered by smoke.
- 6.3.r For the safety of the employee and all those on the road, employees shall refrain from using a hand-held cellular/mobile telephone while the Municipal Vehicle or Personal Vehicle being used for municipal business purposes is moving, unless the employee must place an emergency call or the cellular/mobile telephone is used

with a hands-free device. Employees should pull off to the side of the road to make or receive non-hands-free telephone calls.

6.3.s In compliance with M.G.L. c 90, s 13B, “no operator of a motor vehicle shall use a mobile telephone or any handheld device capable of accessing the internet, to manually compose, send or read an electronic message while operating a motor vehicle.” Employees are required to comply with this regulation while operating a municipal vehicle or while operating a personal vehicle for work purposes.

6.3.t Vehicle Accidents

6.3.t.i In the event that that an employee’s Personal Vehicle is damaged during an approved, work-related trip, and the damage is not due to negligence of the employee, the Town will reimburse the employee to cover the part of the cost of repair, up to a maximum of \$500 or the amount of the deductible, whichever is less, per occurrence. A copy of a police report and evidence of the employee’s vehicle insurance deductible (collision or comprehensive) payment shall accompany any request for reimbursement.

6.3.t.ii When an employee using a Municipal or a Personal Vehicle on work related travel is involved in a vehicle accident, the operator must:

6.3.t.ii.1 Stop the vehicle

6.3.t.ii.2 Obtain the:

- Name(s) and address(es) of the other driver(s);
- Drivers license number(s) of the other driver(s);
- Name(s) and address(es) of the owner(s);
- Registration number(s) of the other vehicle(s) involved;
- Name(s) and address(es) of other driver(s) insurance company(ies); and,
- Name(s) and address(es) of any witness(es) to the accident

6.3.t.ii.3 Not admit liability for the accident, even if the employee believes it was their fault.

6.3.t.ii.4 Immediately report details to the employee’s immediate Supervisor.

6.3.t.ii.5 When any person has been injured and/or when vehicles have suffered significant damage, the local or state police must be called to the scene.

6.3.t.ii.6 Do not move the vehicle in these circumstances until authorized by the police.

6.3.t.ii.7 Unless an injury prevents the operator from doing so, he/she must fill out a Vehicle Accident Report (VAR) within 48 hours of the accident. A blank copy of the form may be obtained from the HR Department or the Town’s web-site.

6.3.t.ii.7.1 The completed VAR shall be filed with their direct Supervisor.

- 6.3.t.ii.7.2 The Supervisor shall ensure all information is in the report and file a copy with the General Manager's Office.
- 6.3.t.ii.7.3 The Supervisor shall also file a copy with the Human Resources Department for placement in the employees personnel file.

6.4 Special Circumstances

- 6.4.a This policy is intended to provide a basic framework governing the use of Personal and Municipal Vehicles in the Town of Norwood and as such cannot contain procedures governing every situation that might arise. Employees seeking clarification of this policy should contact the HR Director. Exemptions from certain provisions of this policy may be authorized by the General Manager under mitigating circumstances, after review by the Department Head. Such exemptions must be documented and signed off by the employee on document **#D-109 VUP Exemption Form**, approved by the General Manager and noted by the Human Resources Director, so as to be placed in the employee's personnel file. See the HR Department for the most current version of Document #D-109 to be utilized.
- 6.4.b Exemptions to the **Vehicle Use Policy** are limited in order for the application of the policy's intention to be consistent and fairly applied to all employees
 - 6.4.b.i Exemptions that will increase the liability to the Town are not allowed. Issues related to insurance coverage, transportation of individuals unrelated to Municipal business, operating a vehicle without a valid motor vehicle license, are examples of what may not be exempted.
 - 6.4.b.ii Exemptions that affect strictly the working conditions of an employee, such as; the assignment of a Municipal Vehicle, the payment of certain fines or citations, or the ability to commute in a Municipal Vehicle, are examples of what may be exempted. Being allowed to commute does not mean you are relieved of the IRS regulation regarding imputed income.
 - 6.4.b.iii The responsibilities of those operating a Municipal Vehicle or a Personal Vehicle for work related travel may not be exempted.
- 6.4.c Exemption Limitations
 - 6.4.c.i The following provides guidance to the General Manager in determining what sections of the Town's **Vehicle Use Policy** may be exempted.
 - 6.4.c.ii Document **#D-109 VUP Exemption Form** of this **Vehicle Use Policy** must be filled out and appropriately signed, approved, and placed in the employee's personnel file for an exemption to be fully authorized.
 - 6.4.c.iii To keep consistency in application and intent, only the following sections of this **Vehicle Use Policy** may be exempted, if the employee provides an adequate mitigating circumstance(s) approved by the General Manager.
 - Section 6.2.b - If the General Manager believes there are extenuating circumstances that require an individual to be assigned a Municipal Vehicle for 24-hour usage, but does not meet the eligibility requirements in this section.

- *Section 6.2.d* - If a compelling business reason is provided and approved by the General Manager that rationalizes why someone should be allowed to commute greater than 25 miles one-way, then it will not be the financial responsibility of the employee to reimburse the Town. However, an exemption to this section does not alleviate the employee from section 6.2.f (Imputed Income Taxation), which is governed by law and handled by the Town Treasurer's office.
- *Section 6.3.d.i* - Municipal Vehicles shall only contain items for which the vehicle is assigned. If this section is exempted, companion section 6.3.d.ii shall not be exempted. The Town shall not be liable for the loss or damage of allowable transported non-work related items.
- *Section 6.3.p* - Deals with obtaining fuel from designated Municipal fueling facilities.

6.4.d Only the 4 sections in Section 6.4.c.iii of this *Vehicle Use Policy* may be exempted. All other sections of the policy may not be exempted, whether or not agreed upon by the General Manager. Exemptions for persons employed under individual contract agreements with the Town require a contract amendment approved by the appropriate appointing authority.

6.4.e By allowing exemptions from the *Vehicle Use Policy*, the General Manager has determined that any of the above exemptions listed on approved document **#D-109 VUP Exemption Form** are needed for the employee to perform his/her job responsibilities more effectively or that the indicated exemptions will not inhibit the employee from further meeting his/her job responsibilities.

7. **Applicable Laws / Statutes**

7.1 M.G.L. c 90, s 13B – use of mobile telephone or any handheld device.

7.2 M.G.L. c 270, s 22 – Smoking is prohibited.

The following documents associated with and attached to this policy may change to meet the needs of the Town or new requirements of law. The HR Director may make the necessary document changes without changing the intent or content of this policy. Please consult the Human Resources Department for the most current version:

- #D-109 – VUP Exemption Form (section 6)
- #D-110 – VUP Acknowledgement Form

PERSONNEL BOARD

For the Personnel Board: *David E. Hajjar*

12 / 10 / 2014

David E. Hajjar, Chairman
 Anne Haley, vice-chair
 Willard Krasnow
 Patterson Riley
 John E. Taylor



Town of Norwood

#D-109 - Vehicle Use Policy Exemption Form

Employees seeking an exemption from provisions of the Town's Vehicle Use Policy must submit this form to their Department Head for review, and then to the General Manager who may authorize limited exemptions to this policy under documented mitigating circumstances and in accordance with allowed policy exemptions [see Section 6.4.c]. This form also gets noted by the Human Resources Director and placed in the employee's personnel file.

Employee Name: _____
FIRST LAST M.I.

Department: _____ Title: _____

List specific policy sections for exemption consideration and indicate why needed (attach add'l paper if reqd):

Four horizontal lines for listing policy sections and reasons for exemption.

Employee Signature: _____ Date: ____/____/____

Concur w/Request Do Not Concur w/Request (please explain below)

Three horizontal lines for explaining non-concurrence.

Reviewed: _____ Date: ____/____/____
Department Head Signature Print Name

Exemption Request Approved Exemption Request Disapproved (please explain below)

Three horizontal lines for explaining exemption request status.

Appointing Authority Signature _____ Date: ____/____/____
Print Name

Noted by HR Director and completed form placed into employee's personnel file.

HR Director Signature _____ Date: ____/____/____
Print Name



Town of Norwood

#D-110 - Vehicle Use Policy Acknowledgement

This policy, outlining the Town’s requirements for all employees of the Town of Norwood has been written to provide information and guidance for our employees. The Town reserves the right to change, add to or delete any part of this policy, at any time, as it deems appropriate. The Town reserves the right to waive or vary any term of this policy, as it deems appropriate at any time in order to achieve its desired goals, including driving safely, driving with appropriate licenses and providing guidelines and standards while conducting business for the Town.

If changes are made to this policy, the Town will notify employees as soon as possible after the appropriate public hearing. Changes which are required by law will be effective with or without notice to employees.

This Policy does not, and may not be construed to create a contract with any employee.

With your signature below, you represent that you have read this acknowledgement, that you have received a copy of the Town’s Vehicle Use Policy, and that you have read and understand this policy.

I acknowledge that I have received and read the Town’s **VEHICLE USE POLICY**.

Please be advised that if you refuse to acknowledge receipt of this policy by signing below, your refusal will be documented and you are still obligated to follow and comply with this policy.

Employee Name [please print]

Employee Signature

Date: ____ / ____ / ____

 Employee _____ was unwilling to sign this document
[print name of employee]
_____ (HR Initials) ____ / ____ / ____.