



WASHOE COUNTY

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CM/ACM X
Finance X
DA X
Risk Mgt. X
HR X
Other

STAFF REPORT
BOARD MEETING DATE:
JULY 28, 2015

DATE: July 14, 2015
TO: Board of County Commissioners
FROM: Celeste Wallick, Risk Management Analyst, Risk Management Division
328-2662, cwallick@washoecounty.us

THROUGH: Joey Orduna Hastings, Assistant County Manager and Interim Risk Manager, 328-2000, jhastings@washoecounty.us, and the Washoe County Safety Committee

SUBJECT: Approve the Safety Committee's recommended revisions to the "Driver Selection and Training Policy" and the "Driver Selection Form", including renaming the documents to "Driver Policy" and "Authorization to Request Driving Record" and approve a new supporting document entitled "Communication/Electronic Device Use." (All Commission Districts).

SUMMARY

The operation of vehicles is indispensable in conducting Washoe County business and multiple employees are driving at all times. When an employer entrusts an employee to operate a motor vehicle on its behalf, the employer may be directly responsible for the employee's actions. Vehicle collisions are potentially the most costly losses that can be incurred when property damage, injuries, and liability suits are taken into consideration. Therefore, Washoe County must endeavor to choose and train employees who will best demonstrate appropriate behavior while performing driving tasks.

Washoe County has an expectation that employees who drive vehicles in the performance of their job duties perform that task in a safe and lawful manner. Washoe County has a responsibility to define what a safe and lawful manner means, notify employees of the expectations and actions that are required to be a County Driver, and provide assistance to employees. The updates to the policy and supporting documents that are being presented in this board item are to increase protection for employees, members of the public, and Washoe County.

AGENDA ITEM # 501

Washoe County Strategic Objectives supported by this item:

Sustainability of our financial, social and natural resources

Safe, secure and healthy communities

Valued, engaged employee workforce

PREVIOUS ACTION

A search by the County Clerk's Office resulted in references to prior driving policies dating back to the 1990's. The date when the initial policy was approved by the Board of County Commissions is unknown, but there have been several documented revisions to the Washoe County Driver's Selection and Training policy. The last recorded revision was approved by the Board of County Commissioners on January 31, 2011.

BACKGROUND

Within the current policy, the Safety Committee is responsible for establishing reasonable standards for driver selection in order to ensure that qualified drivers are selected and that proper employee counseling, training, or corrective measures are recommended concerning employees' driving. The Safety Committee also is responsible for reviewing accident reports and related information including driving records and may provide recommendations to the department head concerning drivers whose driving qualifications do not meet the standards set forth.

The Safety Committee reviewed the current policy and suggested revisions that include clarification of the responsibilities of all associated parties, as well as the reasonable acceptable standards for a person to become or remain a County Driver.

The Driver's Selection Form, which is used to request driving records from DMV, was also reviewed. Suggested changes will balance business needs with employee privacy rights regarding the release and disposition of information.

There is also a recommendation to clarify the use of communication and electronic devices while driving as the current policy's instruction does not fully address all department's needs. A new form called the Communication/Electronic Device Use form will allow departments the control to instruct their employees on when communication or other electronic devices may be used.

The Human Resources Department and individuals within the District Attorney's Office were consulted and provided input to the proposed revisions. These revisions are being presented to the Board of County Commissioners with the support of these two Departments.

To summarize it is also recommended that:

-The Driver's Selection and Training Policy be renamed to the Driver Policy

-The Driver Selection Form be renamed to Authorization to Request Driving Record

The Risk Management Department, through the Washoe County Safety Committee, supports the requested changes and requests approval of this agenda item in whole. Staff further recommends the policy and supporting documents will become effective immediately. Risk Management will be responsible to communicate the changes to departments and employees.

FISCAL IMPACT

There is no up-front financial impact. The goal is to reduce traffic related losses which would be of financial benefit to Washoe County of an undetermined value.

RECOMMENDATION

Should the Board agree, Staff recommends that the Board approve the Safety Committee's recommended revisions to the "Driver Selection and Training Policy" and the "Driver Selection Form", including renaming the documents to "Driver Policy" and "Authorization to Request Driving Record" and approve a new supporting document entitled "Communication/Electronic Device Use".

POSSIBLE MOTION

Should the Board agree with Staff's recommendation, a possible motion would be: Move to Approve the Safety Committee's recommended revisions to the "Driver Selection and Training Policy" and the "Driver Selection Form", including renaming the documents to "Driver Policy" and "Authorization to Request Driving Record" and approve a new supporting document entitled "Communication/Electronic Device Use".

DRIVER POLICY TO REPLACE DRIVER SELECTION AND TRAINING POLICY

General Statement of Policy

The operation of vehicles is indispensable in conducting County business. The manner in which each vehicle is used directly affects Washoe County. Lives are at stake, and vehicle collisions are potentially the most costly losses we can incur when property damage, injuries, fatalities, and liability suits are taken into consideration. It is expected that persons who drive a vehicle on behalf of Washoe County will operate vehicles in a safe and lawful manner and maintain a good driving record.

Whether an employee is to drive a County vehicle, or their personal vehicle to conduct County business, they are covered under this Policy. They will hereafter be referred to as "County Drivers".

Employees with Class A or Class B licenses and operate County vehicles within those categories are to abide by the requirements of this Policy as well as Department of Transportation regulations and any other requirements for Commercial Drivers. Employees who drive equipment, either on or off recognized roadways, are covered under this policy.

Although it is legal in Nevada to use a hands-free communication device while driving, County Drivers are prohibited from talking on a cell phone (Hands Free or Not) or using other communication or electronic devices while driving. The directive is to make or take calls and manipulate controls of electronic devices when the vehicle is stopped and out of a lane of traffic. Communication devices include cell phones, two way radios, satellite radios, etc. Other electronic devices that may lead to distraction include, but are not limited to, radio/CD players, iPods, MP3, GPS units, laptop or other computers, etc.

Departments may make exceptions to allow the use of radios or hands free devices under certain circumstances (i.e. emergency response). Departments must establish the criteria when communication or other electronic devices may be used and notify those affected employees through written documentation on when the exception(s) may be made. Completion of the COMMUNICATION / ELECTRONIC DEVICE USE form to document the departments exceptions and instructions is required. Any exceptions given by departments will NOT include texting while driving, which is against Nevada law and strictly prohibited at all times and under all circumstances.

Consumption of alcohol or a controlled substance anytime immediately prior to, or during the workday, is unacceptable whether the individual is impaired or not. Prescription medication is to be monitored by County Drivers to ensure they are safe to operate motor vehicles.

PURPOSE

This policy was created to:

- Notify County Drivers what standards are required to be allowed to operate a vehicle while conducting County business and inform County Drivers that action(s) may be taken for failure to maintain acceptable driving standards

- Notify County Drivers that driving records will be obtained, reviewed, and retained
- Specify responsibilities

SECTION 1. Responsibility

This policy shall be the joint responsibility of the Board of County Commissioners, County Manager, Department Heads or designees, County Drivers, Safety Committee, Human Resources, and Risk Management.

The Board of County Commissioners will:

- Provide authorization to the responsible parties to perform actions under this policy

The County Manager is responsible for:

- The leadership of this County Policy
- Initiating and directing actions to be taken by County employees

Department Management will:

- select County Drivers based on essential job functions, and department needs
- ensure that documentation is submitted to request driving records of County Drivers within their area
- arrange for employees to attend Defensive Driving training
- take prompt, appropriate action whenever they are notified of circumstances which may affect a person's ability to be a County Driver

County Drivers will:

- adhere to the Driver Policy and the Communication / Electronic Device Use directives
- immediately notify their department head whenever there is a situation which may affect their ability to operate a vehicle or be a County Driver, which includes, but is not limited to; a citation either during or off work hours that results in a suspension, cancellation or revocation of license, or a medical condition or use of a prescription medication which could impair the drivers ability to safely operate a vehicle

Risk Management will:

- Conduct, or arrange for, Defensive Driving courses
- Request and review driving records from the Nevada Department of Motor Vehicles (DMV)
- Provide information to other responsible parties as indicated within this Policy

Human Resources will:

- Identify driving activities as essential functions
- Assist department management with employment issues as needed

The Safety Committee will:

- establish standards for County Drivers
- review accident reports and related information and provide recommendations as requested
- Review the Driver Policy and referenced forms annually and update as needed

SECTION 2. Drivers Training

Employees are required to participate in a County held Defensive Driving class within three (3) months of their hire date into a position where they will be a County Driver and attend Defensive Driving classes once every three (3) years thereafter if still conducting activities as a County Driver, as well as periodic refreshers when directed by their Department Management.

Alternative Defensive Driving classes, may be approved by Risk Management in place of the County's Defensive Driving class.

SECTION 3. Standards for County Drivers

County Drivers are required to meet the following criteria:

- Possess a valid Nevada drivers license for the proper class vehicle(s) they are operating, or in the case of an employee who resides in an adjoining state, a valid drivers license of the proper class from that state.
- Pass valid eye tests and physical examinations when a question of fitness to drive arises.
- Pass Defensive Driving courses.
- Demonstrate familiarity and safe driving actions with the type of vehicles assigned. Supervisors, or their designee, may conduct a ride along with the employee in order to assess the County Drivers ability to correctly and safely perform tasks.
- Demonstrate their ability to safely and lawfully operate vehicles. Information to determine their ability to safely and lawfully operate vehicles may be obtained from their own admission, doctor reports, notice of accidents/incidents/citations, driving record reports, and/or witnessed driving actions. Violations as identified in Section 5 of this policy may lead to an employee not meeting the demonstration of their ability to safely and lawfully operate vehicles.

SECTION 4. Driving Records

County Drivers must complete an AUTHORIZATION TO REQUEST DRIVING RECORD Form after being offered employment, every three (3) years while continuing to drive on behalf of the County, and upon the department head, Risk Management, or the Safety Committee's request.

Should a person possess a drivers license from a state other than Nevada, or possess a Nevada drivers license for less than three (3) years, that person will obtain and present a copy of their three (3) year driving record from the state(s) of licensure to their department head within thirty (30) days from request.

The department will ensure the AUTHORIZATION TO REQUEST DRIVING RECORD forms are completed and will review the information provided by the employee, as well as any out-of-state driving records,

to ensure they meet the standards for County Drivers prior to forwarding the form to Risk Management.

Risk Management will request drivers record reports from Nevada DMV and review the report when received. Findings on the report showing violations that are identified within this Policy will be forwarded to the department head.

The department will compare the form and report with the standards established in this Policy and the department head will take appropriate hiring action or employment action as needed.

Completed AUTHORIZATION TO REQUEST DRIVING RECORD forms and the DMV driving record reports will be maintained by Risk Management for three (3) years from the report date.

SECTION 5. Driving Record Review & Appropriate County Action

Unsafe or unlawful actions, as may be found on driving record reports, may be grounds for denying employment to a prospective employee or for employee counseling, training, or other corrective measures.

No person will be allowed to drive as a County Driver if they have a currently suspended, canceled or revoked license. Proof of license reinstatement must be provided to the Department Head and Risk Management. Employees will not drive on County business until the department head authorizes, in writing, that the employee may operate a vehicle on County business.

Employees shall inform their department head within seven (7) calendar days of any citations or convictions for offenses which result in revocation or suspension of their license, or an accumulation of 8 demerit points within the past 12 month period.

Department heads will take appropriate action when advised of citations or convictions, including but not limited to, any of the following, whether as a result of personal activities or while driving on County business:

Suspended, canceled or revoked license;

Manslaughter as a result of operating a vehicle;

Driving under the influence of, or impaired by alcohol, a controlled substance or other drug;

Failure to stop, failure to give information or failure to render assistance in the event of an accident;

Reckless, aggressive, careless or imprudent driving;

Passing a school bus while loading or unloading passengers;

Speed contest, drag racing or exhibition of speed;

Accumulation of demerit points as defined by Nevada laws totaling 8 or more points in the past 12 month period; or,

Failure to have a valid license for the class of vehicle operated

Department Heads will counsel County Drivers upon notification that the following have occurred within the past 12 months:

Three or more moving violations

Two or more moving violations, in combination with an at-fault accident

Two or more at-fault accidents

Sustained complaints on driver activities due to separate incidents

Any moving violation that occurs while on County business

SECTION 6. Accident Review

Risk Management investigates each incident involving a County vehicle to determine if the incident was preventable or non-preventable. The goal is to provide recommendations on how to prevent similar incidents.

“Preventable” means any incident where the County Driver’s actions, or failure to act, contributed to the incident.

“Non-Preventable” means any incident where the County Driver operated the vehicle as safely as possible under the conditions existing at the time of the incident, whose actions or inactions were not the cause of the incident, and the driver did not violate any law or ordinance which contributed to the incident.

At Risk Management’s discretion, reports of significant preventable incidents may be made available to the County Safety Committee for review. Based on the facts of the incident, and/or the employee’s driving record, the Safety Committee may make recommendations for counseling, training, or corrective measures to the Department or Division Head that shall be recorded in the employee’s personnel file.

AUTHORIZATION TO REQUEST DRIVING RECORD

Name _____ Driver's License # _____
PLEASE PRINT (last) (first) (middle) State where license issued _____

Address _____
(street) (city) (state) (zip)

Job Title/Department _____ Hire Date _____

Vehicles driven for County business (circle all that apply) car van truck (type) _____ other (identify) _____

Driving Record

1. At-fault accidents for the past three years. Check here if **None** ()

Date	Description and citations issued
_____	_____
_____	_____

2. Moving violations or convictions (exclude parking tickets) for the past three years. Check here if **None** ()

Date	Description and citations issued
_____	_____
_____	_____

3. Have you ever been denied a license, permit, or privilege to operate a motor vehicle? Yes _____ No _____
If yes, please explain below.

4. Has any driver's license, permit, or privilege ever been suspended or revoked? Yes _____ No _____
If yes, please explain below.

I authorize Washoe County to request and obtain information from the Department of Motor Vehicles pertaining to my driving record for the past three (3) years. Information obtained from a driving record report will be used to determine my ability to drive for the County according to the acceptable driving standards within the Driver Policy, and may affect my employment.

I hereby certify that the foregoing information is true to the best of my belief. I understand that falsification of any of this information may be grounds for denial of employment, my ability to drive on County business, or disciplinary action if employed.

A copy of the driving record report, may be made available to my Department Head, or designee, Risk Management, the Safety Committee, and/or Human Resources, will be retained by the County, and may be included in my personnel file. I have the ability to receive a copy of the driving record report by indicating below.

___ Yes, provide me a copy of the report obtained from the Department of Motor Vehicles

___ No, I am not requesting a copy of the report obtained from the Department of Motor Vehicles at this time

Signed _____

Date _____

COMMUNICATION / ELECTRONIC DEVICE USE

A goal of Washoe County is to prevent incidents that could result in personal injury or property damage. This is a supporting document to the Driver Policy.

Any activity that causes a person to lose focus on the task of driving vehicles, or operating equipment, is considered a distraction. Distractions must be controlled while employees are driving any class of vehicles or equipment on or off roadways. The term "equipment" for purposes of this document will refer to equipment being driven or directly operated by employees, which will include, but not be limited to, forklifts, backhoes, tractors, loaders, cranes, lift trucks, lawnmowers, etc.

Although it is legal in Nevada to use a hands-free communication device while driving, the Washoe County Driver Policy prohibits the use of communication and electronic devices while driving. The directive is to make or take calls and manipulate controls of electronic devices when the vehicle is stopped and out of a lane of traffic. Communication devices include cell phones, two way radios, satellite radios, etc. Other electronic devices that may lead to distraction include, but are not limited to, radio/CD players, iPods, MP3, GPS units, laptop or other computers, etc.

Some job positions or tasks require the use of communication or electronic devices while driving in order to complete County objectives. Examples would be Sheriff's Office and Animal Services personnel who are responding on official business. Universal exceptions may be made by departments for those situations.

Department Heads may make exceptions to allow their employees to use communication or electronic devices while driving vehicles or operating equipment under certain circumstances. Those circumstances are to be documented on the attached form. Use of communication or electronic devices while driving or operating equipment will not be allowed unless specifically documented by the department.

Any exceptions given by departments will NOT include texting while driving, which is against Nevada law and strictly prohibited at all times and under all circumstances.

Department management is responsible for determining when exceptions may be made to allow for communication or other electronic devices to be used when driving or operating equipment, completion of the Communication / Electronic Device Use Form, training for their employees, and monitoring and enforcing the Driver Policy and Communication / Electronic Device Use form for their department.

Employees are responsible for reading and acknowledging receipt of the Drivers Policy and the Communication / Electronic Device Use form and complying with the directions of the County and their department.

COMMUNICATION / ELECTRONIC DEVICE USE FORM

WASHOE COUNTY _____ DEPARTMENT

The above department has determined that the following situations may require employees to use communication and/or other electronic devices while driving or operating motorized equipment. Unless specifically annotated on this form, and properly signed and dated by the Department Head (or designee), use of communication or other electronic devices while driving or operating motorized equipment is prohibited.

1. Cell phones / satellite phones may be used in the following circumstances:

NOTE:

Calls are limited to those requiring an immediate decision or attention in response to County business only. Duration of calls are to be kept to a minimum. Personal calls do not fall under this exception and are not allowed while driving or operating equipment. A hands free device shall be used whenever possible.

2. Communication radios may be used in the following circumstances:

NOTE:

Washoe County's two way radio system is recommended for communication of work related issues. They should not be used in heavy traffic conditions, while navigating intersections, or in school zones. Stop the vehicle out of the path of traffic whenever possible.

3. Other electronic devices may be used in the following circumstances:

Radio / CD players / iPod / MP3: _____

GPS: _____

Laptop or other computers: _____

Other: _____

NOTE:

Devices placed in or around an ear that are not assigned for the job task can disrupt the ability to hear sounds such as siren, horns, backup alarms, etc. and are considered a safety concern and prohibited.

FORM COMPLETED BY (Print Name): _____

POSITION: _____

DATE: _____

SIGNATURE: _____

I HEREBY ACKNOWLEDGE THAT I HAVE READ, RECEIVED TRAINING, AND UNDERSTAND THE DRIVERS POLICY AND THE COMMUNICATION /ELECTRONIC DEVICE USE DIRECTIVE OF THE WASHOE COUNTY _____ DEPARTMENT. I HAVE BEEN GIVEN OPPORTUNITY TO ASK QUESTIONS ABOUT THESE DOCUMENTS AND MY EXPECTED RESPONSIBILITIES AND UNDERSTAND THAT IT IS MY RESPONSIBILITY TO FOLLOW THE REQUIREMENTS OF THESE DOCUMENTS.

Employee Name _____
(PRINT)

Signature _____ Date: _____

Supervisor or Trainer _____
(PRINT)

Signature _____ Date: _____