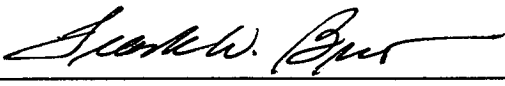


**CITY OF BOULDER**  
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**POLICIES AND PROCEDURES**

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**DRIVING**

**EFFECTIVE DATE: 11/2005**

  
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**FRANK BRUNO, CITY MANAGER**

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**I. POLICY**

It is the policy of the City of Boulder to ensure that all employees operating City vehicles or personal vehicles while on City business are legally licensed. It is also the policy of the City that all City employees, while driving in the course and scope of their employment shall operate vehicles in a safe manner, and exercise appropriate caution and respect for all applicable motor vehicle regulations including local, state, and federal regulations governing the operation of motor vehicles in order to protect the safety and property of citizens and employees, and in order to avoid any potential City liability.

**II. POSSESSION OF LICENSE AND PROOF OF INSURANCE**

Standard employees must have a current, appropriate Colorado driver's license whenever they operate any motor vehicle or equipment while in the course of their City employment, regardless of whether the vehicle or equipment is owned by the City, the employee, or a third party. The license classification must meet or exceed State and Federal requirements. Seasonal and Temporary employees hired into positions which require driving and who are not legal residents of the state of Colorado must have a current, appropriate driver's license for the state in which they reside.

On a regular basis, at least quarterly, supervisors must visually inspect the driver's licenses of employees whose job duties require driving to ensure that they are currently valid. On an annual basis, supervisors or their designees are responsible for forwarding a list of employees required to drive to the Human Resources Safety Coordinator or designee. (A designee may also be substituted by the Human Resources Safety

Coordinator in all references below.) These employees will receive notice requesting them to release or obtain their motor vehicle records by a specified date through the Department of Revenue, Motor Vehicles Unit (or similar agency if records exist outside the State of Colorado) and either provide a signed release or provide these records to the Human Resources Safety Coordinator. The City can obtain motor vehicle records through the Colorado Motor Vehicles Unit at no cost as a government agency when the employee signs a release of those records. Alternately, employees may obtain Colorado motor vehicle records through any Division of Motor Vehicles Office at a minimal cost.

These motor vehicle records shall be stored in the Human Resources Department, and restricted access will be granted only to those who have a business need to review the information. Persons in the employee's immediate supervisory chain will be informed by the Human Resources Safety Coordinator whether the license is valid, invalid, or in jeopardy. Specific information about points or types of infractions will not be released to the department and supervisors unless the Human Resources Safety Coordinator deems it is necessary in order to provide a safe work environment and/or more specific driving remediation training. In such cases, the Safety Coordinator will first inform the affected employee of the need to do so.

Employees whose licenses are in jeopardy will be required to attend a driving class. A license in jeopardy is defined as one or more convictions involving eight or more points or three moving violation convictions of any type or a license restricted due to moving violations in the past 24 months.

Police and Fire and Commercial Driver's License supervisors must follow respective department procedures.

Supervisors must also verify that employees using their personal vehicles or rental vehicles to conduct City business have proof of current automobile liability insurance coverage that is in compliance with the State of Colorado Financial Responsibility Act. Proof of insurance should be available in the vehicle. The minimum amount of insurance coverage required by the State is \$25,000 per person and \$50,000 per accident for bodily injury and \$15,000 property damage.

### **III. CELL PHONE USAGE**

Employees should take appropriate precautions when using a cell phone while driving, such as pulling over or using a hands-free device. For further information, please refer to Guidelines for Use of Wireless Communication Devices in Vehicles located on the Human Resources intraweb site under Policies, Procedures and Guidelines.

#### IV. OBLIGATION TO REPORT

- A. City Vehicles - Accidents, vehicle damage, or violations which occur in City vehicles must be immediately reported to the Police, followed by the employee's supervisor or designate, and the Risk Manager. Photos of all involved vehicles must be taken at the accident scene. See the Damage Reporting Procedure for instructions on the reporting procedure
- B. Personal Vehicle while on City business - Accidents which occur in a personal vehicle while on City business must be reported to the employee's supervisor or designate immediately. See the Damage Reporting Procedure for instructions on the reporting procedure.
- C. License Suspensions, Restrictions, or Revocations - For employees whose job duties require driving, either regularly or occasionally, driver's license suspension, restriction or revocation must be immediately reported to the employee's supervisor or department head. The employee's failure to notify his/her immediate supervisor, or designate, on or before the time he/she next reports to work that his/her driver's license has been suspended, revoked, or restricted in any way, will be cause for disciplinary action, up to and including termination. The supervisor or department head shall notify the Human Resources Department immediately.

#### V. PROCEDURES

- A. City of Boulder employees who commit traffic offenses while driving a City vehicle or a personal vehicle while on City business are expected to be personally responsible for any resultant fines or other penalties.
- B. When the City becomes aware that an employee has committed a traffic offense or performed unsafe vehicle operations in a City or personal vehicle while on City business, the employee's supervisor or designate will initiate such action against that employee as may be appropriate, in a manner generally consistent with the principles of progressive discipline. The objective of such action will be to ensure that City employees exercise appropriate driving skill and caution such that the public's safety and property is protected. Circumstances which show reckless disregard or gross negligence for the safety of self and others or of the law will be cause for disciplinary action, up to and including termination.
- C. The City will use information received from all credible sources, including photo-radar and/or photo-red light violations, in initiating disciplinary action against a

City employee for alleged driving misconduct.

- D. This policy and related procedures shall be applicable to and enforced by each City department. However, an individual department is not precluded from utilizing a more stringent or more detailed policy in this area as long as that policy is consistent with this general City policy and is based on the department's business needs.
- E. Suspension, restriction, or revocation of an employee's driver's license prohibits that employee's operation of any City or personal motor vehicle for City business.

## VI. DISCIPLINARY ACTION

Supervisors shall hold employees accountable for all aspects of responsible vehicle operations. Disciplinary actions taken in this policy may be in addition to actions taken by the judicial system or the Department of Revenue.

### A. Driving Offenses or Unsafe Operations:

Disciplinary action may be imposed upon an employee for traffic offenses or unsafe vehicle operations under the following circumstances:

1. It shall be presumed that driving misconduct has occurred if a court makes a finding that an employee has committed a driving offense, or if an employee admits guilt of a driving offense in any court action, or if an employee pays a fine or other penalties in connection with alleged driving misconduct.
2. Even if the conditions in paragraph 1. are not satisfied, a department may find that an employee is responsible for driving misconduct. A department may make such a finding only after an employee is provided an opportunity to respond to evidence of driving misconduct and is provided an opportunity to present a defense to the allegations.
3. Any disciplinary action initiated against an employee for alleged driving misconduct will be subject to those procedural protections made relevant by state law, federal law, city policy and any applicable collective bargaining agreement terms.

### B. License Suspensions, Restrictions, or Revocations:

1. An employee whose driver's license is suspended, restricted, or revoked will be subject to disciplinary action. Depending on the specific circumstances involved, discipline may include termination, suspension, demotion, or transfer to a non-driving position.
  - a. For employees whose job duties regularly require driving, at the City's discretion, and contingent upon the availability of such a position, the employee may be placed in a position which does not require a driver's license and for which the employee is qualified. Such placement will be for no longer than 90 days and will result in at least a 5% reduction in pay. However, under no circumstances may the employee's rate of pay exceed the alternative position's salary range maximum.
  - b. This option shall only apply for the first loss of license while employed in a driving required position, and only for a loss of license that is anticipated to be no longer than 90 days duration. Any subsequent loss of license while the employee holds a driving required position will result in immediate termination.
  - c. Such alternate placement and salary reduction will be recorded as disciplinary action.
  - d. Whenever the license is again valid, if less than or equal to 90 days, the employee shall be reinstated to his/her former position and pay.
  - e. At the end of the 90 day period, if the employee does not have a valid Colorado Driver's License, he/she will be terminated from that position with no call-back or re-hire rights for that position.
2. Should the employee's position require a commercial driver's license, and should the commercial license not be eligible for reinstatement at the end of the 90 day period, regardless of the status of the employee's non-commercial license, the employee will be terminated effective immediately upon loss of license.
3. Terminated employees may apply for any vacancy for which they are qualified and which does not require a driver's license.

4. For employees whose job duties only occasionally require driving, the duty to notify the supervisor of the suspension, revocation, or restriction of license, and the attendant consequences for failure to do so, as described in paragraph 1. above, shall apply. However, any action imposed for the actual loss of license will be directly related to the detrimental impact on the performance of required job duties.
5. An employee whose license has been suspended for any substance related offense will be required to successfully complete alcohol or drug screening as provided by the City prior to returning to employment with the City. The employee may also be required to successfully complete alcohol or drug treatment prior to returning to employment. For additional information on the City's policy related to substance offenses refer to the Alcohol and Drug Use Policy.

#### **VII. ADDITIONAL CERTIFICATION REQUIREMENTS**

The City may require written and practical examinations to determine an employee's ability to operate a specific vehicle or type of equipment.

#### **VIII. CONSTRUCTION AND INTERPRETATION**

Employees who have questions concerning the interpretation or application of this policy should contact the Human Resources Department or the Safety Manager.

#### **IX. EXCEPTIONS/CHANGE**

This policy supersedes all previous policies covering the same or similar topics. Any exception to this policy may be granted only by the Human Resources Director or the City Manager. This policy may be reviewed and changed at any time.