



Administrative Policy
MOTOR VEHICLE USE

AP No.	AP 2-2
Effective Date:	Upon Approval

1. POLICY STATEMENT

It is the City of Houston's (City) policy to: (1) ensure motor vehicle assignment, storage, use, and operation practices are consistently applied in City departments; (2) establish minimum driver qualifications, compliance criteria and consequences of disqualification; and (3) establish criteria for assignment and home storage of City Vehicles. Nothing in this Administrative Policy shall be construed to waive or limit any defense or immunity of the City or any employee under the Texas Tort Claims Act or any other applicable law.

2. POLICY PURPOSE

The purpose of this policy is to: provide uniform operating rules, compliance guidelines, and procedures in motor vehicle assignment and use to help ensure driver and passenger safety, protection of the public, disciplinary equity, and efficient use and maintenance of vehicles.

3. SCOPE

This Administrative Policy (A.P.) applies to all employees whose job duties require or involve use of City or privately-owned vehicles while on City business and to all employees whose job duties require them to operate motor-driven equipment. All employees shall follow this Policy and the procedures in this Policy when operating and using a vehicle; riding in a city vehicle or vehicle on city business; or requesting and approving vehicle assignment and/or home storage.

4. DEFINITIONS

Alcohol, Alcohol Possession and Alcohol Use: All have the meaning ascribed to them Executive Order 1-12 Amended Controlled Substance & Alcohol Abuse.

Authorized Passengers: Passengers who are in the course and scope of official City business. For further amplification, refer to Section 5.2.

City Motor Vehicle Incident/Disqualification Review Committee (Committee): A five-member citywide committee that reviews appeals from the Departmental Motor Vehicle Incident/Disqualification Review Panel's determinations as to the cause of a motor vehicle incident or the disqualification of an employee from driving.

City Vehicle: A motor propelled device designed to transport or convey one or more persons, which is owned or leased by the City. A trailer, or other attached component, is considered part of a City Vehicle when the trailer or component is attached or connected to the vehicle.

Civil Infractions: Any act committed in connection with the operation of a vehicle that constitutes a hazard to traffic and is prohibited by federal, state, or City ordinance, such as City of Houston Code of Ordinances - Chapter 26, Articles II – VI, "Parking," and results in an infraction or fine that does not appear on a Driver's state driving record.

Controlled Substance: Has the meaning ascribed in Executive Order 1-12 Amended Controlled Substance & Alcohol Abuse.

Approved:

Handwritten signature of Dylana Turner in black ink.

Date Approved:

1/19/2021

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Conviction(s): A formal judgment of guilt entered by a court or, if adjudication of guilt has been withheld, where: 1) A judge or jury has found the person guilty or the person has entered a plea of nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and 2) The judge has ordered some form of punishment, penalty (including the payment of a fine), or restraint on the employee's liberty to be imposed. Any reference to a term of imprisonment of a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part. Deferred judgments, nolo contendere pleas, probation, and pretrial diversion pleas are considered convictions under this policy. Any guilty plea and fine paid that is later expunged is considered a conviction under this policy.

Course and Scope: Performing one's assigned duties in furtherance of the City's interests as defined in Section 401.011(12) of the Texas Labor Code.

Departmental Motor Vehicle Incident/Disqualification Review Panel (Panel): A three-to-five-member department panel consisting of a cross-section of employees who review the department's determination of causation of an incident or disqualification of an employee's driving privileges.

Disqualification: The action of disqualifying or the state of being disqualified.

Driver: An employee who operates a City Vehicle or a privately-owned vehicle on City business.

Emergency Home Storage: A vehicle assigned for home storage during inclement weather or other events when it is deemed necessary by the Mayor or Mayor's designee.

Employee: For the purposes of this policy, all individuals engaged in the performance of duties for or on behalf of the City whether hired, appointed, elected, full or part time, temporary, volunteers, contractors or grant-funded without limitations as to municipal or classified service. This category includes temporary employees working for temporary agencies, City Hall fellows, and interns. The inclusion of persons not paid directly by the City (such as contractors, temporary employees working for temporary agencies, etc.) in the definition of employee for purposes of this A.P. does not render them employees for purposes of the Texas Unemployment Compensation Act, Title VII, and the Texas Torts Claims Act, as to elected officials, nor should their inclusion in this definition be construed as a waiver of the City's immunity.

Essential Function: A duty that the employee holding a City position must be able to perform as a function of that position. For purposes of this A.P., a function is considered essential if (1) the employee spends significant time performing the function or (2) although the function may account for only a relatively small amount of time, or is to be performed infrequently, it must be accomplished to meet department needs.

Home Storage: See expanded definitions in Section 5.3 of this document.

Idle: The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

In-Town Travel: Travel in City vehicles or privately-owned vehicles that are within 10 miles of the corporate geographic limits of the City of Houston, and de minimis travel between such incorporated limits or within incorporated areas totally within the City of Houston geographic limits in whole or in part.

Motor Vehicle Incident:

- (1) A collision between a City vehicle or a privately-owned vehicle being operated by a Driver on City business and another vehicle;
- (2) A collision between a City vehicle or a privately-owned vehicle being operated by a Driver on City business and a person, property, or an object;
- (3) A City vehicle upset or upset of a privately-owned vehicle being operated by a Driver on City

- business (e.g. a vehicle tipping or turning over);
- (4) An incident involving a City vehicle or a privately-owned vehicle being operated by a Driver on City business that causes or results in personal injury to anyone; or
- (5) An incident involving a City vehicle or a privately-owned vehicle being operated by a Driver on City business that causes or results in any damage to public/private property.

Motor vehicle incident also includes events where there is a collision which involves a City vehicle with no apparent or visible damage, where there is damage to public/private property but the property owner does not file a claim, and when there is no apparent or claimed personal injury.

Moving Violation: Any act committed in Texas or out of state, in connection with the operation of a vehicle which constitutes a hazard to traffic and is prohibited by federal or state law or local ordinance and results in a conviction. This term does not include convictions for status offenses such as the operation of a vehicle without evidence of vehicle registration or a current vehicle inspection sticker, immediate possession of a valid driver's license (assumes the employee has one but was not in his/her possession at the time), nor does it apply to vehicle defects or citations for parking violations. Citations issued for not having proof of financial responsibility of a privately-owned vehicle will not be used for disqualification purposes unless the vehicle is driven on City business and the employee fails (after reasonable time and/or opportunity) or refuses to obtain insurance.

Multiple Moving Violations: When one or more moving violations and a motor vehicle incident arise out of the same event or occurrence, they shall be considered together as a single event for purposes of application of this Administrative Policy. Participation in a defensive driving course may remove a moving violation associated with an incident but shall not remove a motor vehicle incident from the City's records.

Out-of-Town Travel: Travel that extends more than ten miles beyond the incorporated geographic limits of the City excluding de minimis travel between such incorporated areas or within incorporated areas within the City of Houston geographic limits in whole or in part.

Resolution Period: The one to 60 calendar day maximum period in which a driver has been disqualified.

Serious Bodily Injury: Bodily injury that creates or involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, serious permanent disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a bodily injury that causes death.

Temporary Home Storage: A City vehicle assigned for home storage for a period not to exceed 30 days to cover situations such as, to attend after-hour meetings, out-of-town City business, or City-authorized events and functions.

Unauthorized Passengers: Any person(s) whom the operator would not have reason to carry as a passenger in the course and scope of the operator's normally assigned work responsibilities (refer to Section 5.2).

5. POLICY DETAILS

5.1 Assignment and Use of City Vehicles

5.1.1 Employees, by nature of job assignments and/or responsibilities, may be assigned City vehicles at the discretion of the department director or director's designee. City vehicles are provided for City business purposes only. Personal use of City vehicles is strictly prohibited (refer to Sections 5.2.25 and 5.3.2.4 for exceptions).

5.1.2 No employee has any right or entitlement to the use of a City Vehicle, even if his/her essential functions require mobility. Even if an employee is not disqualified and/or his/her driving privileges are not removed, an employee may be denied assignment of or continued use of a City vehicle, if, in the judgment of the department director or director's designee, it is in the best interest of the department.

- 5.1.3 City vehicles may be assigned to individual employees or a group of employees (pool) when a City vehicle is required to perform assigned duties. The need and uses for assigned vehicles and names of employees assigned to the City vehicle must be documented on the prescribed form ES-1 Equipment Storage / Assignment / Disposal Data Form.
- 5.1.4 When transferring vehicles between departments, receiving vehicles or equipment between departments, disposing of vehicles, or assigning vehicles for home storage, the following processes must be followed:
 - 5.1.4.1 When receiving new vehicles or requesting disposal of vehicles, each department fleet coordinator is responsible for the inspection of the vehicle or disposal request and must sign off on the ES-1 Equipment Assignment or Disposal. The department fleet coordinator is responsible for sending the ES-1 to FMD for approval. FMD will finalize and update its inventory database software.
 - 5.1.4.2 When disposing of a vehicle, or transferring a vehicle between one department and another, the department requesting the disposal/transfer must submit an ES-1 signed by the owning department director (or designee) to the FMD. With a transfer, the receiving and owning departments must have both directors (or directors' designee) jointly and legibly sign the ES-1 form and submit it to the FMD, who will record the changes in the vehicle inventory database software, ensuring that ownership, assignment and costs are appropriately documented.
 - 5.1.4.3 Each department director or designee is responsible for approving a home storage request for his or her respective employees, which approval must be indicated on the ES-1 form signed by the director or designee. The department fleet coordinator must send the ES-1 to FMD for processing in the vehicle inventory database software.
 - 5.1.4.4 The department director or designee is responsible for submitting an ES-1 Equipment Storage / Assignment / Disposal Data Form to the Fleet Management Department (FMD).
- 5.1.5 Employees are not eligible for mileage reimbursement for the period of time during which they are assigned a City vehicle.
- 5.1.6 Unless an exemption applies (see, e.g., Texas Transportation Code § 721.005), no City vehicle shall be operated without appropriate identification affixed thereto, in compliance with Texas Transportation Code § 721.004, which requires the name of the City to be printed on each side of a City vehicle and the name of the city department having custody of the vehicle.

5.2 Use and Operation of Vehicles

- 5.2.1 It shall be in keeping with the intent of this A.P. that each department director may impose additional restrictions or rules on the operation and use of City Vehicles if such restrictions contribute to the safety of the general public, employees and/or to the functional operation of the department itself.
- 5.2.2 Improper use of a City vehicle by any person which could or does result in a safety hazard, personal injury, property damage, or any damage to the City vehicle is strictly prohibited.
- 5.2.3 Employees shall comply with all federal, state, and local laws while operating City vehicles or privately-owned vehicles on City business.
- 5.2.4 Employees who drive City vehicles or privately-owned vehicles on City business must possess and carry a current valid driver's license, permit, operator's or Commercial Driver License (CDL), as applicable, and must present it upon request to any authorized person.

- 5.2.5 Employees who operate their privately-owned vehicles on City business shall carry proof of financial responsibility at all times the vehicle is in operation and must present evidence of current insurance coverage upon request to any authorized person.
- 5.2.6 Driver shall perform a pre-trip inspection on a City vehicle prior to initial operation each day it is driven and report any unsafe condition or other disrepair. If a City vehicle becomes disabled, malfunctions, or some other operational defect occurs while driving the vehicle, the employee shall report the disrepair immediately to his/her supervisor. In the event a City vehicle can still be operated safely without harm to the vehicle, its passengers, or others, the City vehicle may be driven to a repair facility.
- 5.2.7 Driver shall accurately report all trips taken and all correct mileage for each leg of travel from the time the employee leaves a City location with a City vehicle until its return to the same location. If the vehicle is equipped with a geographic positioning system (GPS), which automatically records this information, no report is needed.
- 5.2.8 Departments shall oversee the use of pool City vehicles through documentation to include at least the name and employee number of the driver, the date and time checked out and returned to the parking location, and destination. Each pool City vehicle shall have a documented pre-trip and post-trip inspection for safe operability and existing damages performed by the Driver prior to operation.
- 5.2.9 The Fleet Management Department shall oversee the use of a centralized, shared motor pool (FleetShare) through an automated reservation system. Shared motor pool City vehicles shall be maintained and managed by the Fleet Management Department and made available for use by all city employees who are qualified to drive City vehicles and approved by their supervisor.
- 5.2.10 Qualifications for driving a City vehicle, like records of a driver safety course (DSC) [see Section 5.8.1.8], shall be reviewed and maintained by the employee's department, not the Fleet Management Department, for participants in the shared motor pool.
- 5.2.11 No City vehicle shall be placed in motion until the Driver and all passengers have fastened all available restraints, such as seat belts and shoulder harnesses, according to state law.
- 5.2.12 Vehicles with obstructed views require a person to act as spotter, guiding the Driver while in reverse. Vehicles equipped with rear-facing / backup cameras are exempt from the requirement to have a person act as a spotter.
- 5.2.13 Drivers shall not operate a City vehicle where the Driver's vision is obstructed by broken or cracked glass, dirt, frost, ice, dew or other condensation on windows or mirrors.
- 5.2.14 Drivers shall not operate a City vehicle where the vehicle's door does not close properly, or the door must be secured by means other than normal design.
- 5.2.15 Employees shall not make any modifications to City vehicles or City vehicle mounted equipment without prior written authorization from the appropriate department official; employees shall not place a decal or sticker on the exterior of a City vehicle without the approval of the Fleet Management Director and Mayor or Mayor's designee.
- 5.2.16 Supervisors shall not allow a Driver to operate an unsafe City vehicle, use a City vehicle for other than its designed purpose, or issue any directives that may cause the driver or passengers to violate this policy.
- 5.2.17 In the event of a motor vehicle incident, the supervisor of the employee involved in the motor vehicle incident is prohibited from estimating the damages. Rather, the damages must be estimated by qualified department or city personnel who do not directly supervise the employee involved in the motor vehicle incident. Where necessary or appropriate to obtain an appraisal of damage, such appraisals shall be performed by the City's outside independent appraiser or

other qualified internal resource, if available.

- 5.2.18 In accordance with City of Houston Code of Ordinances Chapter 21, Article IX, Section 21-238, it is the policy of the City of Houston that smoking is not allowed in City Vehicles, including electronic smoking devices (such as e-cigarettes and vaping devices).
- 5.2.19 No personal or City issued radios, stereos, or other devices utilizing earphones shall be worn or operated by any Driver while driving. The use or operation of other personal or City-issued electronic devices, such as media players, smart phones/tablets or other devices used for texting, etc., while driving is prohibited except for the following: (1) where used in conjunction with a hands-free device, (2) to activate a function that plays music, (3) to navigate using a global positioning system or navigation system, (4) to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application; or to read an electronic message that the employee reasonably believes concerns an emergency. Fire and law enforcement officers are allowed to utilize electronic devices while driving when usage is within course and scope of an official emergency response or communication, if the device is essential for the nature of the emergency response and another employee is not available to utilize the device. Non-emergency usage of electronic devices while driving is prohibited except as described above. Department Directors have the discretion to impose greater restrictions than are provided with respect to that department's operations.
- 5.2.20 Unless prohibited by departmental policy, drivers are permitted to use cellular phones in hands-free mode. Except when using a cellular phone in hands-free mode in accordance with the employee's departmental policy, drivers are strictly prohibited from reading or sending text messages while driving.
- 5.2.21 "Vehicle abuse" shall include, but shall not be limited to:
- 5.2.21.1 Excessively racing a cold engine;
 - 5.2.21.2 Riding a clutch;
 - 5.2.21.3 Continuing to operate a City vehicle or item of equipment when instruments or warning lights indicate a malfunction or a deficit of operating liquids;
 - 5.2.21.4 Continuing to operate a City vehicle that is producing unusual noises or is difficult to control;
 - 5.2.21.5 Overloading a City vehicle or item of equipment, and/or using the City vehicle or equipment for purposes other than those for which it was designed; or
 - 5.2.21.6 Introducing incorrect fuel, such as diesel rather than gasoline, or incorporating any foreign substance, such as water into the oil system, into a City vehicle or equipment.
- 5.2.22 In limited circumstances, when it is absolutely necessary to transport Employees in the back of a truck, such Employees shall sit in the bed of the truck with their backs against the truck cab or headboard. No part of the Employee's body shall hang over the side or rear of the truck body. Such transport of Employees shall be kept to an absolute minimum and used only when there is no alternative. No City Employee shall ride or allow others to ride in the back of a truck traveling in excess of 30 miles per hour.
- 5.2.23 Drivers hauling any type of cargo shall ensure that the cargo is properly secured and that the height of the cargo is such that it shall safely pass under obstructions such as under/over passes along the intended route before placing the City vehicle in motion.
- 5.2.24 Employees who drive City vehicles shall keep the interior clean and free of debris.

- 5.2.25 Employees who drive pool or assigned City vehicles may not use them for personal errands or other personal transportation purposes. Employees may use the City vehicle for transportation to and from a meal break only if his/her personal vehicle is not available at the City work site at meal break time, and there are not adequate eating establishments within close walking distance to the work location. City vehicles should not be taken home for meal breaks. Other employees may accompany the driver to a meal break so long as all passengers are going to the same location at the same time. This limited exception does not authorize any other use of a City vehicle for personal reasons such as stops for banking, cashing checks, dry cleaning, shopping, day care or any other personal errands.
- 5.2.26 An employee who is using prescription or non-prescription medication or substances having side effect(s) that may hinder or impair safe driving shall not drive on City business.
- 5.2.27 Employees shall not drive a City vehicle or a privately-owned vehicle on city business while under the influence of alcohol or any controlled substance that would impair driving.
- 5.2.28 Employees shall pay all tolls and/or parking or other fees associated with driving a City vehicle and utilizing such services. Employees shall be personally liable for any citations or violations of this provision. Tolls and parking fees (but not fines, penalties, costs, or citations) may be reimbursed upon presentation of appropriate documentation. If the employee fails to pay the fine in the required time frame, the department shall be charged the appropriate fee for unpaid fine. It is the department's responsibility to collect unpaid fee(s) and fines from the employee.
- 5.2.29 With the exception of some HPD and HFD vehicles, Drivers of city vehicles are not exempt from paying tolls on county or state toll roads. City vehicles accessing any toll road must have the toll road authority EZ tag, or the Driver must stop and pay the toll at the toll booth.
- 5.2.30 Employees shall be responsible for paying all fines and penalties stemming from moving violations or other fines received while on duty or when operating City vehicles or privately-owned vehicles on City business. Even if paid by the employee, such violations may be used to determine whether the employee may continue to drive a City vehicle.
- 5.2.31 No employee shall cause or allow an internal combustion engine of a City vehicle that is within his or her custody or control to idle for more than five (5) consecutive minutes in a one-hour period when the City vehicle is not in motion or when a secondary engine (if applicable), is not being used for its primary function. No employee shall switch the City vehicle engine off and back on in a manner that would serve to comply with the five-minute limitation, but defeat the intent of this restriction, which is to reduce emissions, fuel consumption, and vehicle motor and other engine wear caused by engine idling. Exceptions to this rule include:
- 5.2.31.1 The City vehicle is prohibited from movement due to traffic conditions over which the driver has no control;
 - 5.2.31.2 The City vehicle is being used in an emergency or law enforcement capacity;
 - 5.2.31.3 The City vehicle is being used as a primary power source for another device such as a power take-off (PTO) unit;
 - 5.2.31.4 The City vehicle is being operated for maintenance or diagnostic purposes;
 - 5.2.31.5 The City vehicle is being used in transit operations, such as a bus to transport passengers, in which case the engine may be allowed to idle for up to 30 minutes; or
 - 5.2.31.6 The City vehicle is idling to protect employee health or safety.

5.3 Vehicle Home Storage

- 5.3.1 Employees who are required to report directly to various field work sites or placed "on call" or providing special repair or emergency services after normal working hours may be assigned a City vehicle for home storage at the discretion of the department director or by the Mayor or Mayor's designee when it is beneficial to the City to do so.
- 5.3.2 Authorizations for home storage of City vehicles shall be approved only for employees who live within a 30-mile radius of City Hall.
- 5.3.2.1 With the approval of the Mayor or Mayor's designee, department directors are given discretion to authorize home storage outside the established radius for employees whose job functions are critical to department operations, such as maintenance mechanics who perform emergency repairs to City facilities and must transport their tools and equipment to the facility.
- 5.3.2.2 With the approval of the Mayor or Mayor's designee, department directors may establish a home storage mileage radius that differs from this A.P., provided that specific criteria and justifications are included, and they are handled consistently.
- 5.3.2.3 Home storage limitations shall not be circumvented by allowing an employee to leave the City vehicle in a facility, whether controlled by the City or not, or to be assigned to a work site where he/she does not perform his/her regular duties.
- 5.3.2.4 Home storage vehicles may not be used for personal errands or other personal transportation purposes. An employee who drives a home storage vehicle to work may use the city vehicle for transportation purposes to commute to and from work with what would normally be an unauthorized passenger(s) only if the passenger(s) is (are) immediate family living in driver's household (limited to spouse/significant other, and children) or are city employees and live in a five-mile radius to the city vehicle driver's residence and works in a city location within a five-mile radius of the city vehicle driver's work location.
- 5.3.3 Employees whose job responsibilities require the assignment of a City vehicle shall complete and submit an ES-1 to the employee's department director for review and approval. The ES-1 shall be resubmitted annually. Failure to submit the required information shall result in the revocation of the City vehicle assignment. Any change in job responsibilities and/or the assigned employee shall require that another ES-1 be submitted and approved.
- 5.3.4 City vehicles assigned for home storage shall be available for participation in carpools approved by a department director in support of efforts to comply with the mandates of the Clean Air Act.
- 5.3.5 Temporary and emergency home storage assignment shall be approved by the department director or designee. For FleetShare vehicles, the employee's department director or the director's designee must submit a written request for temporary home storage of FleetShare vehicles to the Fleet Management Department director or designee for approval. In the event temporary or emergency home storage assignments exceeds 30 calendar days, the employee shall comply with the requirements of Section 5.3.8 and Section 5.5 of this A.P. unless exempted by the Mayor (or designee).
- 5.3.6 Home storage requests, approvals, and quarterly vehicle use reports shall be completed and maintained by each department director or designee which are subject to audit. Quarterly reports shall be prepared by each department director or designee for the preceding three months. Quarterly and annual reports shall include the data shown below and are subject to review.
- 5.3.6.1 Vehicle shop number.

- 5.3.6.2 Assigned employee including employee number.
- 5.3.6.3 Odometer reading at the beginning and end of the quarter.
- 5.3.6.4 Total vehicle miles for the quarter.
- 5.3.6.5 Total home storage miles for the quarter.
- 5.3.6.6 Total City business miles for the quarter.
- 5.3.6.7 Total days vehicle was used for the quarter.

Changes to the data collected in the quarterly or annual reporting may be made without requiring revisions to this A.P.

- 5.3.7 Employees shall report odometer readings necessary to complete the quarterly report. Employees who fail to submit the required information may have vehicle assignments revoked.
- 5.3.8 Home storage vehicles are subject to the director's approval, and as such, employees are responsible for maintaining records of all vehicles assigned for home storage. Charges for personal use of vehicles may be applicable as determined by the Finance Department director.
- 5.3.9 Department directors, the Mayor or the Mayor's designee are required to review home storage assignments annually. Directors are required to determine:
 - 5.3.9.1 Whether the employee is exempt or not exempt from paying the home storage payroll deduction fee.
 - 5.3.9.2 Home storage address matches the address information on employee's Texas driver's license.
 - 5.3.9.3 Whether the employee is in compliance with the non-owned vehicle insurance addendum requirements [see Section 5.5.1.2].
 - 5.3.9.4 If employee lives beyond the 30-mile radius from city hall, and if so provide the exemption justification.
- 5.3.10 Department directors, the Mayor or the Mayor's designee are responsible for revoking home storage assignments in cases where employees have failed to adhere to the policies and procedures outlined herein.
- 5.3.11 Employees who are assigned home storage privileges will be required to authorize a bi-weekly deduction to their paycheck to reimburse the City for non-City business driving, unless exempted by the Mayor or the Mayor's designee.
 - 5.3.11.1 Employees will authorize or cancel this deduction with the Home Storage Payroll Deduction Authorization/Cancellation Form. This form must be submitted to an employee's payroll representative prior to the next payroll change deadline in accordance with A.P. 2-5 Authorization and Reimbursement for Local and Out-of-Town Travel and Travel Related Expenses (Revised).
 - 5.3.11.2 Bi-weekly deductions are withdrawn post-tax.
 - 5.3.11.3 Employees who pay this deduction will not be subject to imputed wages for vehicle home storage.

- 5.3.11.4 Employees assigned a temporary home storage vehicle will not be required to authorize deductions from their paycheck unless they exceed 30-days of home storage privileges in any given 30-day period.
- 5.3.11.5 Employees assigned an emergency home storage vehicle will be exempt from the home storage deduction during the period of emergency or for 30-days, whichever is greater.
- 5.3.12 Finance Department will review and modify as needed home storage rates at the beginning of each fiscal year.
- 5.3.13 All approved home storage vehicles shall have a GPS tracking device installed on the vehicle unless exempted by the Mayor or the Mayor's designee.
- 5.4 Information detailing occasional use mileage for privately owned vehicles can be found in Administrative Procedure 2-5 Authorization and Reimbursement for Local and Out-of-Town Travel and Travel Related Expenses (Revised).
- 5.5 Insurance and Liability
 - 5.5.1 Authorized Use
 - 5.5.1.1 The City shall provide automobile liability insurance coverage, on a self-insured basis, for all insurable claims for third party injury or death and property damage resulting from the authorized use of a City vehicle. In addition, the City shall self-insure physical loss or damage to its vehicles arising out of or connected with business use of City vehicles as authorized in this A.P.
 - 5.5.1.1.1. Employees who drive their privately-owned vehicles on City business shall also receive the benefit of the City's coverage to the extent of all insurable third-party injury or death and third-party property damage claims resulting from the use of such privately owned vehicle on City business. This coverage does not insure physical loss or damage to the employee's own vehicle even if used on City business.
 - 5.5.1.1.2. Any personal injuries sustained by an employee while operating a City vehicle or a privately owned vehicle on City business in the course and scope of the employee's job duties or assignments shall be covered by the City on a self-insured basis to the extent permitted by state and local law.
 - 5.5.1.2 All employees who are assigned a home storage vehicle must, at their personal expense, purchase and maintain an insurance addendum clause, currently referred to as non-owned rider coverage, with at least the minimal insurance required by state law for property damage and personal injury for vehicles operated by private individuals. The employee's department director or designee shall inspect the insurance addendum before assigning a home storage vehicle to an employee and during the annual review required by Section 5.3.9.
 - 5.5.1.3 The City does not provide insurance coverage for damage to an employee's privately-owned vehicle used on City business. No employee shall operate his/her privately owned vehicle on City business without being in compliance with the provisions of the Texas Transportation Code Chapter 601. Employees shall have proof of financial responsibility in their possession at all times while operating his/her privately owned vehicle on City business.
 - 5.5.1.4 Employees who rent a vehicle to conduct City business shall also refer to A.P. 2-5, Authorization and Reimbursement for Local and Out-of-Town Travel and Travel

Related Expenses (Revised), for governing policies.

- 5.5.2 Personal Liability - The employee shall be personally responsible for any and all injury, death and/or property damage alleged to have been caused by that employee arising out of or connected with any unauthorized use of a City vehicle. An employee may be held personally liable for damage(s) to a City vehicle and may be required to make full restitution to the City for repair costs in cases of sole negligence or intentional conduct of the employee or vehicle abuse. Each department shall set up criteria and procedures for reimbursement that shall be approved by the City Attorney or designee before the department implements them.
- 5.5.3 Indemnity - To the extent that an employee may be represented by legal counsel at City expense or indemnified, the provisions of Chapter 2, Article X, Sections 2-301 through 2-307 of the City Code of Ordinances shall apply.
- 5.5.4 Citations issued for not having proof of financial responsibility of a privately-owned vehicle will not be used for disqualification purposes unless the vehicle is driven on City business and the employee fails (after reasonable time and/or opportunity) or refuses to obtain insurance.

5.6 Review of Driving Records

- 5.6.1 Sources of Information - All driving record information shall be obtained from City records, the Texas Department of Public Safety (DPS) and/or other legally authorized interstate or intrastate source.
- 5.6.2 Review Prior to Appointment - Prior to hire, promotion, reclassification or transfer to a position for which driving is an essential function, the HR Department shall obtain the driving record of the applicant/employee to determine if the minimum qualifications to drive on City business are met under Section 5.8. If the applicant/employee does not meet the minimum qualifications to drive on city business and driving is an essential function of the job, the applicant/employee shall not be hired, promoted, reclassified or transferred to the position. If driving is not an essential function of the position and if the applicant/employee is hired, promoted, reclassified, or transferred to the position, he/she shall not be allowed to drive on City business.
- 5.6.3 Periodic Review - Each department shall annually obtain from HR the current motor vehicle record (MVR) of each employee who drives on City business to determine if the employee is qualified to drive on City business.
 - 5.6.3.1 Upon the City's request, any employee who resides in another state must provide, at the employee's expense, a copy of the employee's MVR, or in the alternative, execute an authorization for the release of the employee's MVR from the state in which the employee resides.
 - 5.6.3.2 Refusal or failure to comply with said request for the employee's MVRs shall subject the employee to automatic disqualification from driving on City business.
- 5.6.4 If an employee is promoting or transferring from another department, the department receiving the employee will verify with the Human Resources Department that the employee has not been granted a one-time exemption for DWI/DUI.

5.7 Event Reporting Requirements

- 5.7.1 Employees who drive on City business shall immediately report to their supervisor any condition (medical or otherwise) or any medication that would affect the employee's ability to drive safely.
- 5.7.2 If a motor vehicle incident occurs: each employee who drives on City business shall (1) report the motor vehicle incident to his/her supervisor immediately after its occurrence; (2) complete a Driver's Report of Vehicular Incident (Driver's Report of a Motor Vehicle Incident); and (3) submit

the form to his/her supervisor. Each driver must keep a complete motor vehicle incident packet (Driver's Report of a Motor Vehicle Incident, Supervisor's Report of Motor Vehicle Incident, Procedures for Motor Vehicle Incident, Legal Claims Notice of Damages Letter) in the glove compartment of each City vehicle.

- 5.7.2.1 The employee shall report the motor vehicle incident to the investigating law enforcement officer on the scene or in person (or online) to the appropriate law enforcement authority in the jurisdiction in which the motor vehicle incident occurred within twenty-four (24) hours of its occurrence.
 - 5.7.2.2 The employee shall provide the incident report number provided by law enforcement to his/her supervisor immediately upon receipt.
 - 5.7.2.3 The supervisor shall complete the Supervisor Investigation Report of Vehicle Incident (Supervisor's Report of Motor Vehicle Incident) within 72 business hours of the report of a motor vehicle incident and file it with the department safety officer/advisor or as otherwise detailed in a department or citywide policy.
- 5.7.3 Any employee who is operating a city vehicle or driving a personal or leased vehicle on city business shall be subject to controlled substance and alcohol testing after any incident that involves:
- 5.7.3.1 human fatality;
 - 5.7.3.2 any person(s) transported to a medical facility as a result of the incident;
 - 5.7.3.3 citation(s) being issued to the employee who was operating the city vehicle;
 - 5.7.3.4 disabling damage to any motor vehicle requiring a tow away; and/or
 - 5.7.3.5 at the discretion of the department director or designee.
- 5.7.4 Each employee who drives on City business shall report to his/her supervisor immediately, if on-duty, or upon return to work if any potentially disqualifying event/s occur off-duty, such as citations for moving violations or motor vehicle incidents. At a minimum, each employee who drives on City business shall report any of the following:
- 5.7.4.1 Moving violation conviction(s);
 - 5.7.4.2 A conviction for DWI/DUI, entering a deferred adjudication program or like program nationwide for DWI/DUI, or flying/boating while intoxicated;
 - 5.7.4.3 A felony conviction including intoxication assault or intoxication manslaughter, etc., involving the use of a motorized vehicle;
 - 5.7.4.4 A cancellation, revocation, or expiration of the employee's license without immediate renewal or reinstatement;
 - 5.7.4.5 Any suspension of an operator's license, or a temporary (60/120 day) suspension, or out-of-service order of a CDL, for any reason including but not limited to suspension for nonpayment of child support, habitual violations, medical reasons, criminal mischief, fraud, or drug offenses, etc., or as set forth in Texas Transportation Code Chapter 521 (driver is required to keep records up to date); or
 - 5.7.4.6 A suspension, cancellation, revocation, or expiration of the employee's personal liability insurance on his/her privately owned vehicle used for City business or non-owned rider

coverage.

5.7.5 Upon disclosure by an employee as required in Section 5.7, the supervisor shall require the employee to present all court documents and MVR reports necessary for the department to evaluate whether a potentially disqualifying event has occurred.

5.7.6 Should a civil infraction (such as a toll road violation) occur in a City Vehicle, it is the department's responsibility to administer corrective action to the employee, as appropriate. The civil infraction will not count toward the disqualification criteria (refer to Section 1.8). Upon notice of the civil infraction fine, the employee will be given 10 business days to pay fine and provide proof of payment to his/her supervisor. If the employee fails to pay the fine in the required time frame, the Department shall be charged the appropriate fee for unpaid fine. It is the Department's responsibility to collect unpaid fee(s) from the employee.

5.7.7 Any failure to report, as listed in Section 5.7, will subject that employee to corrective action, up to and including indefinite suspension/termination.

5.8 Driver Qualifications and Disqualification

5.8.1 Qualifications - Subject to the provisions of Section 5.2, unless an alternate criteria applies under a policy as authorized in Section 5.8.3, no employee shall be qualified to drive on City business if he/she:

5.8.1.1 Does not have a current, valid driver's license, (including any necessary endorsements or additional licensing requirements for the position) from the applicant/employee's state of residence;

5.8.1.1.1. No temporary or provisional commercial driver's license will be accepted. No "out-of-service order" (as defined in Texas Transportation Code Section 522.003, as amended from time to time) may be in effect for any CDL driver;

5.8.1.2 Does not obtain a Texas Driver's license within 30 calendar days of establishing residency in Texas;

5.8.1.3 Has been convicted of a felony involving the use of a motor vehicle within a period of 36 months prior to a motor vehicle review conducted by the City;

5.8.1.4 Has been convicted of DWI/DUI, or entering a divert/deferred adjudication or similar program nationwide for DWI/DUI within 36 months prior to the motor vehicle review conducted by the City;

5.8.1.5 Has any combination of moving violations inside or outside the jurisdiction of Texas totaling three or more within 36 months prior to the motor vehicle review conducted by the City;

5.8.1.6 Has any combination of motor vehicle incidents, inside or outside the jurisdiction of Texas, where the employee is at fault in the incident, totaling three or more incidents within 36 months prior to the motor vehicle review conducted by the City. The first vehicle incident involving no personal injury or property damage of any kind shall not count towards the three or more incidents; however, each subsequent vehicle incident involving no personal injury or property damage of any kind shall count towards the three or more incidents; or

5.8.1.7 Has any combination of any of the events described in sections 5.8.1.5 or 5.8.1.6 (e.g. moving violations or motor vehicle incidents) totaling three or more within 36 months

prior to the motor vehicle review conducted by the City.

- 5.8.1.8 Prior to driving on City business, an employee shall have completed a nationally recognized driver safety course (DSC) of a minimum of four hours and every three years thereafter. In interim years, departments shall provide additional driver safety training or awareness programs that are consistent with A.P. 2-21 Employee Safety and Health.
 - 5.8.1.9 If employees are in need of defensive driver training for ticket dismissal purposes, the training shall be obtained during personal off-duty time.
 - 5.8.1.10 An employee who is a DSC instructor does not have to complete the minimum four-hour nationally recognized DSC every three years if he/she maintains the required certification to teach. The instructor must submit a copy of his/her recertification license to his/her supervisor annually.
 - 5.8.1.11 A copy of the DSC certificate of completion must be maintained at the department level. At its discretion, the Controller's Office may request a copy of the DSC certificate of completion from the department.
- 5.8.2 Disqualifications – In addition to the qualifications in 5.8.1 above, the following conduct is strictly prohibited, shall result in driver disqualification, and shall be grounds for corrective action up to and including indefinite suspension:
- 5.8.2.1 Consumption of alcoholic beverages or alcohol use in a City vehicle, whether on or off duty;
 - 5.8.2.2 Alcohol possession or possession of alcoholic beverages in a City vehicle, provided, however, it is an exception to this provision if (a) the alcohol or alcoholic beverage is being transported in connection with a City-sponsored event, (b) the transport of the alcohol or alcoholic beverage is approved by the employee's Department Director or designee, and (c) the alcohol or alcoholic beverage is in the vehicle's glove compartment or similar storage container that is locked, the trunk of the vehicle, or the area behind the last upright seat of the vehicle, if the vehicle does not have a trunk, to the extent transport in this manner is permitted by law.
 - 5.8.2.3 A positive drug or alcohol test result, the use of any controlled substance in a City vehicle or possession of any controlled substance (unless authorized for the employee by lawful medical prescription) in a City vehicle or privately-owned vehicle being used for City business;
 - 5.8.2.4 Driving while under the influence of alcohol in a City vehicle on or off duty;
 - 5.8.2.5 Falsification of any information in any report required to be provided by this A.P; or
 - 5.8.2.6 A DWI/DUI conviction or entering a divert/deferred program for a DWI/DUI offense shall result in mandatory removal of the employee's driving privileges and shall subject the employee to other administrative or corrective action as warranted.
- 5.8.3 With the advance written approval of the Mayor or his/her designee, department directors of the Houston Police Department and Houston Fire Department may establish driver qualifications and disqualifications that differ from the criteria in Sections 5.8.1 and 5.8.2 of this Administrative Policy, provided the Department Director issues a departmental policy that specifies the qualification and disqualification criteria applicable to the employees in that department. Each departmental policy authorized under this subsection must be reviewed and approved by the

Human Resources Director or designee and the City Attorney or his designee before it is implemented and used in the issuing department.

5.8.4 When an employee fails to maintain his/her qualifications to drive, he/she shall be disqualified from driving on city business.

5.8.5 Upon reasonable suspicion or after a vehicle incident, the involved employee shall be removed from driving for city business until results of the mandated controlled substance/alcohol test are complete.

5.8.6 Off-Duty DWI/DUI Exemption

5.8.6.1 Using the Driver Disqualification Exemption Application form, the Department director, at their sole discretion, may (but is not required to) permit an employee (on a one-time basis only) who would otherwise be disqualified from driving on City business as a result of an off-duty DWI/DUI conviction occurring after driver qualification, to continue to drive on City business provided that:

5.8.6.1.1. The employee is not otherwise disqualified from driving duties for any reason;

5.8.6.1.2. The employee has no prior on-duty or off-duty DWI/DUI or convictions;

5.8.6.1.3. The employee agrees to undergo follow up alcohol and controlled substance testing at least once each month for twelve months after the date the exemption is granted and as otherwise required by E.O. 1-12 Amended Controlled Substance & Alcohol Abuse, including without limitation, any Last Chance Agreement;

5.8.6.1.4. The results of all of the employee's alcohol tests administered pursuant to this section or in accordance with any other alcohol testing policy are less than 0.04 grams of alcohol per 210 liters of breath; and

5.8.6.1.5. The employee tests negative for all controlled substance tests administered pursuant to any City policy or executive order.

5.8.6.2 This exemption does not apply to any employee with a commercial driver's license whose CDL license has been suspended for an off-duty DWI/DUI conviction in any vehicle.

5.8.6.3 Consequences of Failed/Positive Test Results - Any positive controlled substance test result or alcohol test at or over 0.04 grams per 210 liters of breath on any test administered pursuant to this section shall result in immediate revocation of the exemption and disqualify the employee from driving in accordance with other provisions of this A.P. In addition, the employee shall be subject to corrective action up to and including indefinite suspension/termination.

5.8.7 Consequences of Disqualification

5.8.7.1 If driving is not an essential function of the position, and if an employee is disqualified from driving on City business and not indefinitely suspended, the employee may be allowed to remain in his/her position but will not be allowed to drive on City business.

5.8.7.1.1. The employee must continue to perform all the essential functions of his/her job; none of them may be modified or removed because the employee is prohibited from driving; and

5.8.7.1.2. No one has authority to permanently authorize the use of or modify the essential functions of another employee to chauffeur the disqualified employee in the performance of his/her duties. The department director has the authority to authorize a one-time exemption for a limited period of time for an employee to chauffeur the disqualified employee in the performance of his/her duties.

5.8.7.2 If driving is an essential function of the position, and if an employee is disqualified from driving and the department director decides not to indefinitely suspend/terminate the employee, he/she may grant the employee a resolution period from the date the employee is disqualified to independently find another non-driving position within the City. During this resolution period the following shall apply:

5.8.7.2.1. Since the employee is disqualified and prohibited from driving, the employee shall not be allowed to continue to drive on City business in any capacity.

5.8.7.2.2. A disqualified employee has no right and is not entitled to a modification of essential job functions, or an accommodation such as a chauffeur. Neither the City nor the department is required to find another position or create a new position to accommodate an employee who has been disqualified from driving on City business.

5.8.7.2.3. During any resolution period granted, the disqualified employee may appeal the disqualification or cause finding of a motor vehicle incident within 10 business days of the receipt of the Form 1, Notice of Determination of Cause or Disqualification to the Departmental Motor Vehicle Incident/ Review Panel, using Form 2, Request for Review by Departmental Review Panel. A separate appeal may then be made to the City Motor Vehicle Incident Disqualification Review Committee using Form 5, Appeal to City Motor Vehicle Incident Disqualification Committee. Participation in the appeal process does not extend or abate the specified resolution period of the disqualified employee's employment status with the City, even if one or both appeals are not completed. Both processes may proceed concurrently.

5.8.7.2.4. The disqualified employee may apply for a vacant or posted position anywhere in the City, including the employee's own department, for a non-driving position for which the employee qualifies.

5.8.7.2.4.1. The employee shall be given reasonable opportunity during regular City business hours to seek, apply for and/or interview for another position with the City. Reasonable opportunity shall not exceed two hours on any given City business day and only if the employee regularly works the day shift, Monday through Friday. No City time shall be given if the employee is not regularly working during City business hours. No overtime shall be authorized to allow afternoon or evening shift employees to apply. Verification of attendance off-site may be requested to confirm compliance with this provision.

5.8.7.2.4.2. The employee may apply and, if all criteria are met, the disqualified employee may be referred (without preference) for possible selection to any posted position.

5.8.7.2.4.3. If the employee qualifies and is selected for the posted position, the employee may, if applicable, seek a voluntary reclassification, transfer, or demotion.

5.8.7.2.4.4. Neither the City nor the employee's department is required to provide training or any other upgrade or enhancement of the employee's skills. The employee is solely responsible for requesting and obtaining all training, licenses, or other requirements needed to qualify for another position.

5.8.7.3 If, after the resolution period has ended, the employee's status is not resolved:

5.8.7.3.1. If the employee qualifies for a vacant nondriving position within the department, but elects not to take the position, the department director (at his/her sole discretion) may involuntarily reclassify, transfer, or demote the disqualified employee to the nondriving position. If the employee later becomes qualified again for the driving position, he/she would have to apply and compete on an equal basis for the position with other applicants.

5.8.7.3.2. The employee may voluntarily resign his/her position and apply in the future for his/her former or another driving position without preference once the employee is in compliance with this A.P. and becomes qualified to drive on City business.

5.8.7.3.3. The employee may voluntarily resign his/her position and apply for another non-driving position that may be posted at any time in the future for which the employee is qualified; or, if none of the above are elected;

5.8.7.3.4. The department director may request that the Civil Service Commission involuntarily remove the employee from his/her position without prejudice to the employee's right to apply without preferential referral for his/her former or another driving position after he/she qualifies to drive in the future or for any other position in the City for which he/she may qualify.

5.8.7.4 Driving privileges removed pursuant to this section are not subject to restoration by any outside action, including the granting of an occupational license.

5.9 Motor Vehicle Incident/Disqualification Reviews

5.9.1 The Department Motor Vehicle Incident/Disqualification Review Panel reviews appeals by employees relating to whether the employee caused a motor vehicle incident and/or is disqualified from driving on City business and not indefinitely suspended.

5.9.1.1 Each department director shall appoint a Motor Vehicle Incident/Disqualification Review Panel that shall meet as needed to review employee appeal requests to determine whether just cause exists to affirm the department's determination that the employee caused a motor vehicle incident and/or whether the employee is disqualified from driving under Section 5.8.

5.9.1.2 The department review panel shall be composed of no less than three but no more than five members who shall represent a cross-section of employees in the department including management. The safety officer or a departmental designee in each department shall be the coordinator of the panel. Departments may develop a "pool" of qualified employees who could serve as needed on a rotation or any other reasonable basis so long as they do not incur overtime or compensatory time.

- 5.9.1.3 Panel members shall be trained by HR as to this A.P. and may also be trained on other issues that are helpful in fulfilling their tasks on an objective, informed basis including, but not limited to, defensive driving, motor vehicle incident investigation training, or other safety-related courses.
- 5.9.1.4 The panel shall establish written operating rules and procedures to ensure orderly processing of and consistent reviews by the panel. A copy of the rules shall be given to the employee at the time the request to appeal the department's determination to the Panel is filed.
- 5.9.2 Review – Whenever a department director or designee determines that an employee caused a motor vehicle incident or whenever a department director or designee determines that an employee has become disqualified due to motor vehicle incidents and/or moving violations, the employee shall be given a written Form 1 Notice of Determination of Cause or Disqualification by the department director or designee. Verbal notification is not sufficient.
- 5.9.2.1 The employee has 10 business days from the date of receipt of the Form 1 Notice of Determination of Cause or Disqualification to file a Form 2 Request For Review by Departmental Review Panel. The department shall provide the form. The employee shall file the form with the department's safety office or with the department director or designee if the department has no designated safety office. Refer to Section 5.9.1 for further explanation of the review panel.
- 5.9.2.2 If an employee files Form 2, Request For Review by Departmental Review Panel, the Department Review Panel Coordinator shall give the employee at least five (5) business days advance notice of the date and time of the scheduled Departmental Review Panel meeting. The employee is to be notified using Form 3 Notice of Departmental Review Panel Meeting. Such panel review meeting is to be convened no later than forty-five (45) calendar days after the date the Department Review Panel Coordinator receives the Form 2 Request For Review by Departmental Review Panel.
- 5.9.2.3 At least 48 business hours before the scheduled review panel meeting, the employee shall furnish to the department director's designee or safety office a copy of the Driver's Motor Vehicle Incident Report (Driver's Report of a Motor Vehicle Incident), the Supervisor's investigation report (Supervisor's Report of Motor Vehicle Incident), and if available, police reports, statements of witnesses, diagrams, photographs, and other relevant documents, statements, or reports to be considered by the Departmental Review Panel.
- 5.9.2.4 At the review panel meeting, the employee shall be given adequate time to present his/her case.
- 5.9.2.5 Within ten (10) calendar days following the date the Departmental Review Panel Meeting concludes, the employee must be notified in writing of the panel's determination using Form 4, Notice of Departmental Review Panel Determination.
- 5.9.2.6 To make an informed determination, the panel may request additional information, or take additional time up to a maximum of 14 business days to notify the employee of the Panel's decision.
- 5.9.2.7 If the Department Director or designee or employee disagrees with the panel's determination of cause or disqualification, the Department Director or designee or the employee may file an appeal of that determination to the City Motor Vehicle Incident/Disqualification Review Committee, which appeal must be within 10 business

days of the appellant's receipt of Form 4 Notice of Departmental Review Panel Determination.

- 5.9.2.8 The appeal must be filed with the Chairperson of the City Motor Vehicle Incident/Disqualification Review Committee at the Human Resources Department by using Form 5 Appeal to City Motor Vehicle Incident/Disqualification Committee.
- 5.9.2.9 The Chairperson of the City Motor Vehicle Review Committee or his or her designee shall serve the confirmation of the appeal and hearing date upon the employee and the department using Form 6 City Motor Vehicle Incident/Disqualification Committee Hearing Confirmation. Such hearing is to be convened no later than sixty (60) calendar days after receiving the Form 5 Appeal to City Motor Vehicle Incident/Disqualification Committee.
- 5.9.3 A City Motor Vehicle Incident/Disqualification Review Committee is established to hear and consider appeals of determinations of Departmental Motor Vehicle Incident/Disqualification Review Panels as to the cause of a motor vehicle incident or driver disqualification.
 - 5.9.3.1 The five-member committee shall be composed of a designated chairperson from the safety section of the HR Department, a designated departmental representative from the particular department involved with the appeal, a disinterested community person from the Houston area selected by the chairperson upon approval of the HR Director, and one representative each from management (generally pay grade 24 and above) and from non-management employee ranks (generally pay grade 23 and below) from a non-appealing department.
 - 5.9.3.2 The Chairperson shall appoint one person from each of the four designated categories to serve as a Review Committee for each hearing day. The appointments shall be made on a rotating availability basis from pools of ten qualified persons who meet the designated criteria in each category and have been qualified by the Chairperson from lists of recommendations proposed by management and non-management.
 - 5.9.3.3 The community, management, or department representatives may be selected by the HR Director or designee on a random, rotating availability basis from pools of eligible, disinterested, qualified persons who meet the minimal training and other criteria as long as each person who is assigned to an appeal has no relationship to the employee or the department involved in the appeal.
 - 5.9.3.4 Committee members shall be trained as to this A.P. and on other issues that are helpful in fulfilling their tasks on an objective, informed basis including, but not limited to defensive driving, motor vehicle incident investigation training, or other safety-related courses.
 - 5.9.3.5 The Committee shall also include, if needed, an attorney from the Legal Department who shall serve as an ex-officio (non-voting) advisor to the Committee to ensure compliance with federal, state and local laws, city policy and ordinances, and this A.P.
 - 5.9.3.6 The Committee shall hold regular meetings at a time and place indicated in a notice which is to be provided to the employee and the department at least five (5) business days before the scheduled meeting date and time.
 - 5.9.3.6.1. The Committee shall establish written operating rules and procedures to ensure the orderly review of appeals submitted to the Committee. The Committee may limit its agenda and the time allocated to each hearing. The Chairperson of the City Motor Vehicle Review Committee or his or her

designee shall give a copy of the rules to the employee or department representative at the time the appeal is filed.

5.9.3.7 Appeal - The Chairperson shall conduct the administrative appeal hearings and allow the parties a fair and adequate opportunity to be heard. No cross-examination will be allowed. All questions are to be directed to the Chairperson, who shall determine whether the question should be answered by the party. Committee members may also ask questions.

5.9.3.7.1. The proceedings shall be recorded and kept as a permanent record for three years. All proceedings shall be confidential to the extent allowed by law. All records and documents produced at meetings shall be maintained by the safety office of the Human Resources Department as the official repository of all documents related to appeals.

5.9.3.7.2. The Committee may consider only the one issue being appealed and may not review or reconsider any previous issues/determinations, even if they have not been previously appealed.

5.9.3.7.3. The appellant has the burden of proof to challenge the department review panel's determination. The same documents and evidence presented to the review panel shall be provided to the committee by the appealing party at least 48 business hours before the scheduled meeting date and time. Neither party may present new evidence or additional witnesses, unless they were not available through any fault or negligence on the part of the presenter at the time of the department review panel determination. No character affidavits or written character statements are allowed.

5.9.3.7.4. The parties may have a representative of their choosing to be present in the proceedings; however, the Chairperson of the City Motor Vehicle Review Committee shall introduce the rules of conduct shall before the hearing and must be followed during the hearings. Hearings shall be conducted in such a manner that no attorneys are necessary to represent the employee or the department. The employee's representative may not be a City employee.

5.9.3.7.5. A quorum shall require all five members to be present throughout the proceedings. Committee members will deliberate and reach a decision after the close of the hearing. Decisions shall be made by majority vote; the chairperson votes only in the case of a tie vote. All votes shall be recorded on the form provided by the chairperson (see – Form 7 City Motor Vehicle Incident Disqualification Committee Ruling). The meeting minutes and final vote shall be recorded using Form 8, Minutes of the City Motor Vehicle Incident Disqualification Committee Hearing.

5.9.3.7.6. The chairperson shall provide a copy of the Committee's decision to the parties within 10 business days after a final decision by the committee is declared. The committee's decision as to causation or disqualification is final. If not done previously, the department director may impose corrective action, up to and including indefinite suspension/termination, or take any other administrative action against the disqualified employee upon receipt of the final ruling of the committee.

5.9.3.7.7. To make an informed determination, the Committee may request information, or extend time up to a maximum of 14 additional business

days to notify the employee and department of the Committee's decision.

- 5.9.3.7.8. These appeal proceedings may not extend the maximum resolution period following disqualification and removal of driving privileges set forth in Section 5.8 above.

5.10 Corrective Action

- 5.10.1 Nothing contained in this A.P. shall be construed as affecting the right of the Mayor or a department director to impose other administrative and/or corrective action upon an employee and/or to refuse to hire, promote, reclassify, or transfer any applicant/employee because such person caused a motor vehicle incident and/or was convicted of a crime.
- 5.10.2 Whenever there is a violation of any provision of this A.P., one or more moving violations and/or motor vehicle incident, such that corrective action is warranted, the department director shall impose corrective actions in accordance with applicable departmental policies, taking into consideration any and all prior corrective actions and the employee's work history, as well as any and all mitigating or aggravating circumstances. Corrective action may include indefinite suspension/termination.
- 5.10.3 Even if an employee is not disqualified and/or his/her driving privileges are not removed, an employee may be denied assignment or continued use of a City vehicle, or permission to drive on City business, if, in the judgment of the department director, it is in the best interest of the department. For example, a driver may be denied permission to drive on City business pending adjudication of an off-duty DWI/DUI indictment or entering a DWI/DUI divert/deferred adjudication program or like program nationwide.
- 5.10.4 In the event that an employee, while on-duty, has been found by the Authority of Last Resort to have caused a motor vehicle incident that also results in Serious Bodily Injury then, notwithstanding any other provision contained in this A.P., the department director shall administer corrective action for the employee, up to and including indefinite suspension/termination.
- 5.10.5 An employee who has been found by the Authority of Last Resort to be at fault in a motor vehicle incident while on City business regardless of previous driver safety course (DSC) attendance, the employee shall be required to successfully complete an approved DSC within 60 calendar days of the motor vehicle incident.
- 5.10.6 An employee who is found by the Authority of Last Resort to have caused damage from a motor vehicle incident while on City business may also be administered corrective action up to and including indefinite suspension/termination.
- 5.10.7 For purposes of subsections 5.10.4, 5.10.5, and 5.10.6, the Authority of Last Resort shall refer to the Department Director, unless the Director's decision is appealed to the Panel, in which case the term refers to the Panel, unless the Panel decision is appealed to the Committee, in which case the term refers to the Committee.
- 5.10.8 An employee administered corrective action for violation of any provision of this A.P. shall have all applicable rights afforded by the City Charter and/or the Code of Ordinances.

5.11 Any documentation required by this A.P. shall be maintained by the department.

6. REFERENCES

- A.P. 2-5 Authorization and Reimbursement for Local and Out-of-Town Travel and Travel Related Expenses (Revised)
- A.P. 2-21 Employee Safety and Health
- City of Houston Code of Ordinances – Chapter 2, Article X, Sections 2-301 – 2-307
- City of Houston Code of Ordinances – Chapter 21, Article IX, Section 21-238
- City of Houston Code of Ordinances – Chapter 26, Articles II – VI
- City of Houston Code of Ordinances – Chapter 45, Article XIX
- Executive Order 1-12, Amended Controlled Substance & Alcohol Abuse
- Executive Order 1-32, CDL Drivers Alcohol & Controlled Substance Testing
- Texas Labor Code Ann. § 401.011(12) (Vernon 2015)
- Texas Health & Safety Code Ann. § 481.001 et seq. (Vernon 2017)
- Tex. Penal Code Ann. § 49.01 et seq. (Vernon 2011)
- Texas Transportation Code Ann. Chapter 521 (Vernon 2018)
- Texas Transportation Code Ann. § 522.003 (Vernon 2018)
- Texas Transportation Code Ann. Chapter 601 (Vernon 2011)
- Texas Transportation Code Ann. § 721.004 et seq. (Vernon 2011)
- Travel Expenses Summary Report & Log

7. RELATED DOCUMENTS

- Attachment 1 - Driver's Report of a Motor Vehicle Incident § 5.7.2; § 5.9.2.3
- Attachment 2 - Supervisor's Report of Motor Vehicle Incident § 5.7.2; § 5.7.2.3; § 5.9.2.3
- Attachment 3 - Form 1 Notice of Determination of Cause or Disqualification § 5.8.7.2.3; § 5.9.2
- Attachment 4 - Form 2 Request For Review by Departmental Review Panel § 5.8.7.2.3; § 5.9.2.1 § 5.9.2.2
- Attachment 5 - Form 3 Notice of Departmental Review Panel Meeting § 5.9.2.2
- Attachment 6 - Form 4 Notice of Departmental Review Panel Determination § 5.9.2.5; § 5.9.2.7
- Attachment 7 – Form 5 Appeal to City Motor Vehicle Incident/Disqualification Committee § 5.8.7.2.3; § 5.9.2.8; § 5.9.2.9
- Attachment 8 - Form 6 City Motor Vehicle Incident/Disqualification Committee Hearing Confirmation § 5.9.2.9
- Attachment 9 - Form 7 City Motor Vehicle Incident/Disqualification Committee Ruling § 5.9.3.7.5
- Attachment 10 - Form 8 Minutes of the City Motor Vehicle Incident/Disqualification Committee Hearing § 5.9.3.7.5
- Attachment 11 - Home Storage Payroll Deduction Authorization/Cancellation Form § 5.3.11.1
- Attachment 12 - Driver Disqualification Exemption Application § 5.8.6.1

8. POLICY SPONSOR

Department: Human Resources Department