

RESOLUTION NO. 2021-11
INTRODUCED BY: Mayor Bodnar

**AN EMERGENCY RESOLUTION
ADOPTING AN AMENDED VEHICLE POLICY
FOR MAYFIELD VILLAGE**

WHEREAS, Mayfield Village previously adopted a Vehicle Policy for all drivers of Village-owned vehicles through Resolution 2019-26; and

WHEREAS, it has been deemed in the best interest and for the health, safety and welfare of all Village residents to amend the Vehicle Policy that incorporates the guidelines to be followed by all drivers of Village-owned vehicles; and

WHEREAS, in accordance with the recommendation of the Auditor of the State of Ohio, the Administration deems it appropriate for Council to approve and adopt a formal written policy regarding the use of Village-owned vehicles.

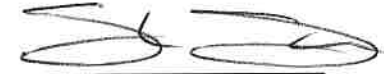
BE IT RESOLVED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. That the Vehicle Policy is hereby and herein adopted to read as set forth in **Exhibit A**, attached hereto and incorporated herein by reference, effective immediately.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meeting of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This resolution is hereby declared to be an emergency measure immediately necessary for the preservation of health, safety and welfare of the residents of Mayfield Village, Ohio, for the reason that it enables the Village to implement a Vehicle Policy for drivers of Mayfield Village vehicles. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not

less than five (5) members elected to Council and approved by the Mayor or otherwise at the earliest time allowed by law.



STEPHEN SCHUTT
Council President

First Reading: April 19, 2021

Second Reading: _____, 2021

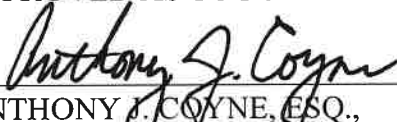
Third Reading: _____, 2021

PASSED: April 19, 2021



BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:



ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST: 

MARY E. BETSA, MMC
Clerk of Council

Vehicle Policy Mayfield Village

Approved by Council on April 19, 2021

This policy and procedure replaces and supersedes any and all prior policies.

I. Purpose

The purpose of this policy is to establish standard requirements and procedures for the Mayfield Village employees who are assigned a vehicle in the course of providing Village services, whether it be on a daily or occasional basis. The intent is to ensure the safety and well-being of Village employees, to facilitate the efficient and effective use of Village resources, to ensure that employees understand their responsibilities while driving a Village-owned vehicle and what steps are required in the case of an accident, to minimize liability exposure by conducting proper investigations and taking appropriate employee action, to monitor the use of Village-owned vehicles, to comply with Internal Revenue Service regulations relating to the use of these vehicles, and to obtain any available Bureau of Workers' Compensation entitlements. This Policy coordinates with all other personnel policies and all workplace policies prohibiting drugs and alcohol.

II. General

Employees may use Village-owned motor vehicles for official business, upon approval of the Mayor or the employee's immediate supervisor. Village-owned off-road machinery, heavy equipment or vehicles, and employees operating them, are covered by this Policy, as are employees driving a non-Village owned vehicle while conducting Village business. Collectively, throughout this Policy, they will be referred to as "Village vehicle(s)."

All drivers must meet the following criteria in order to drive on Village business:

- Must possess a valid Ohio driver's license. Any employee without the appropriate driver's license is prohibited from operating any Village vehicle;
- Be at least 18 years old; and
- Possess a valid Commercial Driver's License if driving a vehicle requiring such.

A. Driver Responsibilities

The following responsibilities apply to any employee who drives Village vehicle on Mayfield Village business:

- Employees are required to comply with all applicable state and local driving laws, parking regulations and all Village policies, procedures and rules and regulations;
- Employees, who are involved in an accident while driving a Village vehicle, shall follow all instructions set forth in Section III of this Vehicle Policy;
- Employees and passengers are required to wear seatbelts at all times;
- Employees are not allowed to use wireless telephones while driving or operating a Village vehicle, unless the telephone is designed and configured to use hands free listening and talking and used in said manner while driving. Employees operating emergency vehicles (Police and Fire Division employees) are exempted from these provisions. Using a cell or mobile phone while driving leads to an increased risk of having an accident. If not using a hands-free listening and talking device:
 - Allow voicemail to handle your calls and return them at your safe convenience.
 - If you need to place or receive a call, pull off the road to a safe location.
 - Keep your hands on the wheel and your eyes and mind on the road while driving.
- Employees shall not use an electronic wireless communication device to write, send or read a text-based communication while driving a Village vehicle;
- Employees are expected to use good judgment at all times while driving a Village vehicle; improper and unsafe operation is prohibited. Employees are to ensure that Village vehicles assigned to them are maintained in a safe and clean operating condition and must report mechanical problems to their supervisor for scheduling of any necessary repairs to the vehicle;
- Employees are prohibited from drug & alcohol use while operating a Village vehicle. The manufacture, distribution, dispensing, possession, purchase, sale, transfer of use of drugs or alcohol is strictly prohibited while on the job, or in the workplace, including on, in or around Village vehicles;
- An employee whose license has been suspended or revoked is responsible to immediately notify their supervisor; The Village will review such suspensions and/or revocations to determine further workplace restrictions or disciplinary action where a nexus is established between such suspension/revocation and the workplace restriction and/or disciplinary action;

- An employee who receives a traffic violation while in possession of or while operating a Village vehicle is responsible to notify their supervisor within forty-eight (48) hours;
- An employee shall be held personally responsible and liable for any tickets received while driving a Village vehicle. All tickets for moving violations and/or parking fines received while driving Village vehicles shall be paid or otherwise resolved promptly by the employee; and
- Employees are subject to any appropriate disciplinary action for driving infractions or violations.

B. Personal Use of Village Vehicles

The Village vehicle is a tool provided to aid the employee in the performance of his/her duties. The Village vehicle is to be used for only for legitimate Village business. Personal use except as defined in the Policy is specifically prohibited. The Village vehicle may not be used for any personal use other than that which is for personal comfort. The term "personal comfort" shall mean acts which are reasonably necessary to the health and comfort of the employee while working such as satisfaction of hunger, emergency or other physical demands or from protecting themselves from excessive cold, which are incidental to employment.

C. Assignment and Use of Village Vehicles on a 24-hour Basis

For Village business and safety reasons, certain employees have been designated to drive a Village owned vehicle to and from their residence. These individuals driving Village vehicles may have occasions where an incidental stop is necessary between business stops. Such use shall not be construed to be in violation of this policy. Village vehicles are assigned to the following employees for use in official business on a 24-hour basis:

- Police Chief
- Fire Chief and Assistant Fire Chief/Fire Marshal
- Service Director
- Building Commissioner

For employees who fall within the provisions of the Internal Revenue Code, the Village will comply with IRS regulations and compute a daily value for the commuting vehicle which will be included in the employee's Form W-2 at the end of the calendar year. The Village will apply the "Commuting Valuation Rule", IRS Reg. 1.61-21(f) where applicable, when computing the daily value.

D. Public Safety/Command Vehicles

Public safety vehicles are considered command vehicles assigned to positions of critical responsibility regarding the operational efficiency of the safety forces. Any member having command responsibility must be able to communicate with the department at all times and is subject to immediate call response. The following employees are assigned command responsibility for the safety forces:

- Police Chief
- Fire Chief

These officers have personal use of their assigned vehicle but are prohibited from using their vehicles for recreational purposes, vacations or in areas out of their immediate call response ability. Public Safety vehicles are excluded from the IRS commuting regulations.

E. Identification of Village Owned Vehicles

Except certain unmarked vehicles used by law enforcement officers, or other exempted vehicles, all Village vehicles are to be labeled with decals affixed to such vehicles and clearly visible to the public showing that the vehicle is owned by Mayfield Village.

III. Accidents

A traffic accident report or police report must be completed for any accident involving a Village vehicle, regardless of the amount of damage or injury caused and regardless if another vehicle is involved. Damage to property also requires the completion of an accident or police report.

A. Employee Responsibility

Employees involved in an accident must:

- Immediately call the Police Department in the jurisdiction where the accident occurred and request assistance;
- Inform the Police Officer responding to the scene that s/he is an employee of the Village. If using a personal vehicle on Village business, the employee must so inform the responding Police Officer;
- The vehicle should not be moved from the scene until the responding Police Department has completed its investigation or report;
- As soon as practicable, notify his/her Department Head of the accident;

B. Department Head Responsibility

Department Heads are responsible for training all employees in their Department about this Vehicle Policy and their responsibilities thereunder. Department Heads involved in an accident or receiving notification about an employee in their Department being involved in an accident must:

- Go to the scene of the accident, if practicable, to assist and assess the situation;
- Notify the Director of Finance and/or the Director of Administration of the accident as soon as possible;
- Investigate the accident, including speaking with the employee(s) involved, and reviewing the traffic accident or police report and any other investigative materials available;
- Determine the cause, to the extent practicable, complete the attached *Department Head Vehicle Accident Investigation Form*, and recommend to the Mayor any corrective action needed. Any corrective or disciplinary action may be taken with or without a recommendation of the Department Head.

IV. Complaint Procedures

Any complaint received concerning Village vehicles, drivers or passengers shall be immediately investigated by the appropriate Department Head. The results of the investigation shall be reported promptly in writing to the Mayor. The report shall contain the following information:

- Name, address and phone number of the complainant;
- Summary of the complaint, name of the Village employee involved; and
- Investigative findings and any corrective action taken.

Mayfield Village Vehicle Accident Investigation Form

Date of Accident: _____ Time of Accident: _____ Location: _____

Name of Employee: _____ Department: _____

Vehicle Involved License Plate: _____ Make: _____ Model: _____

Did the Department Head respond to the scene? Yes ___ No ___

Did Police Respond to the scene? Yes ___ No ___ Police Report Number: _____

Were there any reports of injuries? Yes ___ No ___ Did EMS Respond to Scene? Yes ___ No ___

Was anyone transported to the hospital? Yes ___ No ___

Describe Incident: (Sequence of events, cause, and damage to vehicles).

Describe any injuries:

Recommendations:

Department Head Name: _____ Date Submitted to Mayor: _____

Signature: _____