



Nashville Metropolitan Government ADMINISTRATIVE ORDER

SUBJECT: Use and Assignment Policy	ORDER NO.: 07-09 REVISION NO.: 01
ISSUED BY: Department of General Services	EFFECTIVE DATE: October 1, 2014

1. Governing Authority

Executive Order No. 031

2. Background

The efficient and effective delivery of many services by Metro agencies is dependent upon the availability motor vehicles and equipment. OFM is responsible for ensuring that safe, reliable vehicles and equipment are accessible and efficiently used for Metro business, and such vehicles and equipment should be used only for official business.

3. Applicability

This order applies to all motor vehicles and equipment rented or leased by or titled to any Metro agency. Requests for exemptions from any of the provisions of this order must be submitted in writing to the Director of General Services for review (except as may be otherwise indicated herein).

Use of privately owned vehicles in the performance of official Metro business is governed by the Department of Finance Travel Policy.

4. Definitions

- Abuse – The failure of a vehicle/equipment driver/operator to:
 - observe reasonable caution and care in operation or storage;
 - adhere to the maintenance schedule for said unit;
 - protect it from use by an unauthorized person; or

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- maintain records, logs, or reports for the unit required herein or otherwise.
- Agency – A Metro agency, department, institution, board, bureau, or authority issued vehicles or equipment through OFM.
- Agency Head – An agency’s chief executive officer or designee.
- Agency Fleet Coordinator – Employee designated in each agency to serve as the primary contact and liaison between the agency and OFM and to manage and monitor the agency’s use of vehicles, equipment, and the OFM fuel program (reference General Services Administrative Order 08-14).
- *De Minimis* Use – The casual or incidental use of a vehicle, such as stopping for personal errands or meals while driving the vehicle on official Metro business.
- Equipment – All units managed and maintained by OFM that do not meet the definition of a vehicle.
- Fuel Card – A purchasing card that provides a payment method enabling the cardholder to make purchases for Metro vehicles and equipment (purchases are paid by the fuel card vendor, which then bills Metro for them).
- Fuel Key – A FuelMaster Prokee™ card, which is used to obtain fuel from Metro-owned fuel sites.
- Individual Workday Assignment – The assignment of a Metro motor vehicle to an employee given exclusive control over a its use during the workday or who is the only employee that routinely drives the vehicle.
- Metro – Metropolitan Government of Nashville and Davidson County.
- Misuse – The use of a Metro unit for an unauthorized or prohibited purpose.
- OFM – Department of General Services, Office of Fleet Management.
- Take Home (24-hour) Assignment – The assignment of a Metro motor vehicle to an employee whose duties require 24-hour access to a Metro vehicle and who is given exclusive control over a its use during the workday as well as authority, under certain conditions, to drive it home at the end of the workday (reference Section 9.3.4, below).
- Travel Status – When a Metro employee is traveling outside of Davidson County on official Metro business pursuant to a properly approved Travel Authority.
- Unit – A term for any or all vehicles and equipment subject to this order.
- Vehicle – Any self-propelled, rubber-tired unit capable of being licensed in the state of Tennessee for over the road travel.
- Vehicle Payload – The vehicle’s maximum weight specification for cargo.

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- Units equivalent to a Ford 150/250, GM 1500/2500 or Daimler Chrysler 1500/2500 series vehicle are deemed to have a payload of less than 1 ton.
- Units equivalent to or larger than a Ford 350, GM 3500, or Daimler Chrysler 3500 series vehicle are deemed to have a payload of 1 ton or greater.

5. Driver/Operator Qualifications and Requirements

Any Metro employee with an out-of-state driver license must obtain a valid State of Tennessee driver license within 30 days of the assignment of job duties requiring them to drive Metro fleet unit.

Each Metro agency must maintain the following documentation for every driver/operator of units under its purview (whether an agency employee or a contractor's employee who must drive a Metro motor vehicle or operate Metro equipment).

- proof of age – at least 18 years old, except when carrying passengers in a van or bus, in which case, the driver shall be at least 21 years old;
- evidence of valid driver license appropriate for assigned driving duties (NOTE: any change in driver license status, such as suspension or revocation, must be reported immediately to an employee's supervisor or a contractor's agency contact and to the Agency Fleet Coordinator);
- driver Motor Vehicle Record (updated periodically as may be required);
- certification of the successful completion of a Metro-approved defensive driving course – required prior to driving a Metro vehicle and periodically thereafter (a National Safety Council defensive driving course equivalent is available from and arranged through the Metro Human Resources Department for Metro employees);
- evidence of participation in random alcohol/drug urinalysis testing as required by federal regulations for drivers/operators assigned driving duties requiring a commercial driver license; and
- evidence of the successful completion of a skills test on the use and operation of applicable equipment for those required to operate Metro equipment (or, otherwise, successfully complete training on the use and operation of said equipment as provided by the agency).

6. Acceptable Use

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Metro agencies are responsible for ensuring that units used by employees are operated safely and in accordance with federal, state, and local regulations including applicable, Department of General Services Administrative Orders. Further, employees are ethically obligated to use Metro motor vehicles for official business in an appropriate manner and not and not for personal or any other unauthorized or prohibited use.

Except for employees on travel status or for the purpose of transporting prisoners, the use of Metro owned vehicles shall be limited to travel within Davidson County, or workday travel (no overnight stay) within the six counties contiguous to Davidson County.

6.1 Authorized Use (examples).

- travel between the place where the motor vehicle is dispatched and the place where the official business is performed;
- transport of Metro officers, employees, or guests when they are on official business;
- transport of consultants, contractors, or commercial firm representatives serving the interests of Metro;
- transport of materials, supplies, parcels, luggage, or other items belonging to or serving the interests of Metro;
- transport of any person or item in an emergency situation; and
- travel between the place of dispatch or place of performance of business and the driver's personal residence if it is in accordance with an approved Take Home (24-hour) Assignment and associated requirements.

6.2 Unauthorized/Prohibited Use (examples).

- travel to/from driver's personal residence if it is outside of Davidson County (even if the vehicle is approved for Take Home (24-hour) Assignment);
- driving/operating a Metro fleet unit while drinking an intoxicating beverage, or while under the influence of any drug, including alcohol, which could reasonably be expected to impair one's ability to safely drive/operate the unit;
- transport of alcoholic beverages or illegal drugs of any kind in a fleet unit except as may be required for law enforcement;
- attachment of personal property (*i.e.*, DVD player, stereo components, *etc.*) to a Metro fleet unit;
- any use for personal purposes, other than *de minimis* use;

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- travel or tasks which are beyond the unit's vehicle payload or rated capability;
- transport of families, friends, associates or other persons who are not Metro employees or serving the interests of Metro;
- transport of hitch-hikers;
- transport of cargo that has no relation to the performance of official Metro business;
- transport of acids, explosives, weapons, ammunition or highly flammable material except upon specific Agency Head authorization or in an emergency situation involving an imminent threat to safety of persons or property;
- transport of any item or equipment projecting from the side, front or rear of the fleet unit in such a way which constitutes an obstruction of safe driving, or a hazard to pedestrians or to other motor vehicles;
- travel to sporting events, including hunting and fishing, for any reason other than for purposes of official Metro business;
- placement of bumper stickers or any other signage containing commercial or political advertising on a Metro fleet unit (this prohibition includes any form of marking that could be construed as political in nature, such as the names of elected officials, Agency Heads, *etc.*); and
- transport of any political campaign literature, signs, or other related materials or of any person or persons soliciting votes in any election.

Metro drivers may not be covered by liability insurance when engaging in unauthorized use of Metro vehicles.

7. Driver/Operator Responsibilities

7.1 General Duties. Drivers authorized to use a Metro owned, rented, or leased vehicle must:

- maintain the vehicle use record (log) documenting its usage and mileage history (log data elements must include date, driver name, beginning odometer miles, ending odometer miles, and destination);
- ensure that the vehicle is routinely inspected as required;
- ensure that scheduled preventive maintenance is performed;
- ensure that the overall material condition of the vehicle is maintained (by periodic car wash, vacuum, and other cleaning activities) such that

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it is a good representation of Metro and reflects an official appearance at all times;

- monitor the appropriate gauges on the vehicle to detect maintenance needs and to check and adjust, as necessary, the air pressure of the tires and fluid levels (oil, transmission, hydraulics, steering and engine cooling system) as may be recommended by the manufacturer;
- take the vehicle to an OFM shop as soon as a potential problem with it is discovered;
- park at a Metro facility whenever possible;
- report to the Agency Fleet Coordinator any damage to the vehicle by whatever cause;
- in the case of an accident, notify Metro Legal Department, Claims Division in accordance with its requirements for accident reports;
- ensure that the fuel key and fuel card are accounted for, tagged with the vehicle's decal number, and properly stored;
- ensure that the driver's personal identification numbers (PINs) are properly secured;
- report to the OFM Fuel Coordinator (615-862-5087) any problems with the fuel key, fuel card, or PINs;
- immediately report a lost or stolen fuel key or fuel card to the OFM Fuel Coordinator (615-862-5087), to the Agency Fleet Coordinator, and if a fuel card, to the fuel card vendor's customer service center;
- enter the correct odometer reading when using the fuel key or fuel card; and
- immediately report to the Agency Head about any driver license suspension or revocation or receipt of a traffic or parking citation while operating a Metro vehicle.

7.2 Tolls and Parking Fees. Metro motor vehicles are not exempt from tolls charged on highways or parking fees. Drivers are responsible for paying all tolls and fees and may file for reimbursement of the travel expenses from their respective agency.

7.3 Parking and Traffic Violations. Metro motor vehicle drivers are responsible for operating them in a safe and lawful manner and are responsible for the costs of any traffic or parking tickets issued during their use.

Employees issued a traffic or parking citation while operating a Metro fleet vehicle must immediately report the fact and circumstances to their

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respective Agency Head and Agency Fleet Coordinator within five working days.

8. OFM Fleet Assignments

OFM will assign fleet units, as permitted by available resources, on the basis of need after such need is justified.

In general, the assignment of a motor vehicle is contingent upon the unit being driven for Metro business a minimum number of miles annually (as established by OFM). Every Metro agency is responsible for reviewing vehicle operating data each year to determine whether each assigned vehicle meets the minimum use criteria. Agency management should consider whether or not to reassign or dispose of vehicles not meeting the criteria. The Agency Fleet Coordinator must report conclusions to OFM.

Further, the cost associated with each vehicle authorized for Take Home (24-hour) Assignment must efficiently meet agency objectives for on-call and emergency services. Annually, the Agency Fleet Coordinator must report to OFM findings resulting from the analysis of the use of vehicles authorized for take home assignment to determine compliance with this order.

Periodically, OFM will review a Metro agency's vehicle use analysis (of both minimum miles and take home assignment) conduct its own review. If vehicles are not found to meet minimum miles and take home assignment use criteria, OFM will ask the agency to provide justification for continued assignment or authorization for take home assignment.

9. Agency Individual Use Assignments

The Agency Head must approve and sign documentation of the qualifying conditions that are met for each motor vehicle individual use assignment (including current assignments) under this policy. The Agency Fleet Coordinator is responsible for collecting and reporting to OFM accurate information relating to vehicle individual use assignments as may be required. Such information is subject to review and audit.

9.1 Elected Officials. Some Metro Government elected officials are charged by law with specific administrative responsibilities, and are entitled to exercise authority regarding motor vehicle assignment. Those elected officials who use Metro motor vehicles shall be subject to this order.

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- 9.2 Individual Workday Assignment. In certain circumstances, an Agency Head may assign a Metro motor vehicle to an individual employee (given exclusive control over a its use during the workday) when it is clearly required for proper job performance and use of a personal owned vehicle is not appropriate or efficient.

An Individual Workday Assignment is only justified if one of the following criteria is met:

- Public Safety – the employee is an emergency responder (including fire, police, sheriff and others as deemed appropriate by the respective Agency Head).
 - Annual Business Miles – the vehicle will meet the annual minimum business mile utilization criteria for it as published by OFM.
 - Specialized Configuration/Operations – the employee, in the course of routine duty, must drive a vehicle with special equipment or used to transport equipment too large or heavy or with special features making transfer between vehicles impractical or must drive in sites or under conditions which would endanger privately owned vehicles (examples of appropriate special equipment include cranes, welders, air compressors and service bodies, and for purposes of this requirement, “special equipment” does not include radios, antennas, markings or warning lights).
- 9.3 Take Home (24-hour) Assignment. In certain circumstances, an Agency Head may assign a Metro motor vehicle to an individual employee (given exclusive control over a its use during the workday) and authorize the employee to drive the vehicle home at the end of each workday and back to work again if the driver’s residence is within Davidson County. No employee is authorized to drive a Metro motor vehicle to and from home unless properly approved in advance and in writing by the employee’s Agency Head.

9.3.1 Approval Criteria – A Take Home (24-hour) Assignment may be justified only if all of the following criteria are met:

- an Individual Workday Assignment requirement is met (reference Section 9.2);
- the employee is on-call and must, as a condition of employment, regularly respond directly and travel to the scene of emergencies on a 24/7 basis in a vehicle with special equipment or used to transport equipment too large or heavy or with special features making transfer between vehicles impractical or must drive in sites or under conditions which

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would endanger privately owned vehicles (examples of appropriate special equipment include cranes, welders, air compressors and service bodies, and for purposes of this requirement, “special equipment” does not include radios, antennas, markings or warning lights); and

- the employee will respond and travel to emergency scenes after normal work hours in a minimum of 12 instances per year (the minimum threshold for take home assignment).

(For purposes of these conditions, the referenced emergencies must be of a nature such that, if a vehicle Take Home (24-hour) Assignment is not authorized, the additional response time could endanger life or property of significant value.)

Unacceptable justifications for Take Home (24-hour) Assignment include:

- 24-hour motor vehicle assignment is a generic requirement for a position;
- the employee must attend meetings or other functions during off-duty hours;
- the employee occasionally uses a two-way radio while off duty; or
- the employee is on 24-hour call, but required to report to an emergency during off-duty hours less than the minimum threshold of 12 times a year.

9.3.2 Unmarked Vehicles – Unmarked vehicles are not eligible for Take Home (24-hour) Assignment except those assigned to the police department and engaged in full-time covert (undercover) operations.

9.3.3 Minimize Take Home (24-hour) Assignments – Each agency shall work to minimize the number of employees in a work unit assigned on-call responsibilities and having need to drive Metro vehicles home. When employees can be used interchangeably or no clear-cut geographical assignments are necessary for the on-call work, such assignments might be rotated among the employees so that only one employee or a few employees are on-call and need Take Home (24-hour) Assignments.

9.3.4 Employee Requirements – An employee may only be authorized to drive a Take Home (24-hour) Assignment vehicle home at the end of the workday and back to work again if the residence is within

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Davidson County. (If an employee's home is outside of Davidson County, the vehicle must be parked at the employee's official work station at the end of the day). No employee may use a Metro vehicle for any other purposes unless called out for Metro business after normal work hours as specified in the approval criteria above.

- 9.4. Exception Requests. The Agency Head must sign and submit to the Director of General Services any request for exception to either Individual Workday Assignment or Take Home (24-hour) Assignment policy. The memorandum must indicate the specific approval criteria for which an exception is requested. Requests must be submitted separately for each individual assignment policy exception requested.
- 9.5 Tax Implications of Vehicle Use for Commuting. Typically, authorized use of a Metro vehicle for commuting (approved per the criteria/requirements detailed in Section 9.3.1, above) falls into the "qualified nonpersonal use vehicles" category. As such, it is excludable as a "working condition fringe benefit" under federal tax regulations.

However, the personal use of a government-owned vehicle could constitute a federally taxable fringe benefit if it was authorized by an approved exception or does not meet the conditions for "qualified nonpersonal use vehicles."

For more information, reference *IRS Publication 15-B (2014), Employer's Tax Guide to Fringe Benefits* at: www.irs.gov/pub/irs-pdf/p15b.pdf.

10. Agency Assigned Pool Vehicles

Metro employees not meeting the requirements for an individual workday assignment, but needing to travel for business will be provided access to General Service's motor pool vehicles, pool vehicles assigned to and managed by their agency, or reimbursed for travel expenses under applicable travel policy.

- 10.1 Agency Pool Management. Each agency will be responsible for designating assigned motor vehicles to be used in a shared environment as pool vehicles by assigning them to organizational units for record-keeping and supervisory purposes. The agency motor pool should be located as close as possible to the largest concentration of drivers, and whenever possible, Metro owned motor vehicles should be parked at Metro facilities. The Agency Fleet Coordinator is ultimately responsible for the agency's motor pool and for efficient and economical vehicle use and effective vehicle control.

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- 10.2 Control and Dispatch. Each agency must maintain a system for managing and dispatching its assigned motor vehicles. Generally pool vehicles should be assigned on a workday basis to a work group or crew whose job responsibilities include business trips during normal duty hours. In which case, one member of the work group should be assigned accountability for the vehicle and ensuring that Driver/Operator Responsibilities (Section 7, above), including but not limited to routine inspections, are met.
- 10.3 Record-Keeping. A motor vehicle use record (log) must be maintained to document usage and mileage history of each unit assigned to an agency vehicle pool. The logged data elements must include date, driver name, beginning odometer miles, ending odometer miles, and destination. However, an agency may develop its own of logs, as long as the required information is recorded. The data must be readily available for periodic analysis of vehicle usage.
- 10.4 Rotating Take Home (24-hour) Assignment. An agency pool vehicle may be used for rotating Take Home (24-hour) Assignment. If justified, the unit may be assigned on a rotating basis between various employees on-call after normal work hours. A rotating Take Home (24-hour) Assignment may be justified if all the following criteria are met:
- the employees are on-call and must, as a condition of employment, regularly respond directly and travel to the scene of emergencies on a 24/7 basis in a vehicle with special equipment or used to transport equipment too large or heavy or with special features making transfer between vehicles impractical or must drive in sites or under conditions which would endanger privately owned vehicles (examples of appropriate special equipment include cranes, welders, air compressors and service bodies, and for purposes of this requirement, “special equipment” does not include radios, antennas, markings or warning lights); and
 - the vehicle will be driven to emergency scenes after normal work hours in a minimum of 12 instances per year.

(For purposes of these conditions, the referenced emergencies must be of a nature such that, if a vehicle Take Home (24-hour) Assignment is not authorized, the additional response time could endanger life or property of significant value.)

An employee is only authorized to drive a rotating Take Home (24-hour) Assignment vehicle to the employee’s home and back to work again if the residence is within Davidson County. No employee may use the vehicle for any other purposes unless called out after normal work hours for Metro business as specified in the approval criteria above.

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11. Compliance and Enforcement

All employees share in the responsibility for compliance with this order. Any violations should be brought to the attention of an appropriate agency supervisor. Further, the Agency Fleet Coordinator is responsible for overseeing and managing compliance and ensuring the maintenance of comprehensive documentation demonstrating that the agency is in compliance with all requirements of this order.

Each Agency Head is responsible for the enforcement of this order and may issue policy and procedures that are more restrictive than or supplementary to the requirements of OFM administrative orders, policies, and procedures.

12. Disciplinary Action

Disciplinary action to be taken when employees violate the requirements of this order shall be consistent with policies and procedures set by each agency and, to the extent applicable, the rules of the Civil Service Commission.

13. Order Documentation

Administrative Orders are issued to Agency Heads via email and are posted on the Inside Metro website under General Services.



Nancy Whittemore, Director
Department of General Services

9-2-2014

Date