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## CITY OF JERSEY CITY DEPARTMENT OF HUMAN RESOURCES

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### VEHICLE USE POLICY

#### I. INTRODUCTION

The City of Jersey City (the “City”) provides vehicles for use by its employees in performing their job duties. Additionally, the City authorizes its employees to use their personal vehicles when necessary to conduct City business. This Policy sets forth the rules and procedures for the use of vehicles while conducting City business and establishes the minimum driver requirements and protocols to be used while operating City vehicles.

All City vehicles are governed by this Policy **with the exception of vehicles operated by uniformed Police and Fire personnel**. This Policy supersedes and replaces all other vehicle use policies, procedures, practices and instructions you may have previously received in writing or have been verbally told by a supervisor, manager, or Director, except that if this Policy differs from the protocol in any labor agreement that governs the terms and conditions of your employment, the protocol in the labor agreement shall govern. This is a zero tolerance Policy. All violations of this Policy will be reviewed and subject to disciplinary action up to and including termination.

#### II. DEFINITIONS

**Authorized Volunteer:** A non-employee who willingly agrees to perform a service or function for a Department/Office of the City with the knowledge and approval of the Department/Office head or his/her designee.

**Automobile Liability Insurance:** Insurance that protects the insured against financial loss because of legal liability for automobile-related injuries to others or damage to others’ property by an automobile.

**City Business:** For the purposes of this Policy, any activity that is requested, authorized or required to further the interests and business of the City of Jersey City.

**City/Municipal Vehicle:** For the purposes of this Policy, a City vehicle includes all types of motorized devices owned by the City of Jersey City.

**Controlled Substance:** For the purposes of this Policy, controlled substance is as defined in the New Jersey Controlled Dangerous Substances Act, N.J.S.A. § 24:21-1 et seq.

**Crash:** An impact - the striking of one body against another; a collision of a vehicle with another vehicle, pedestrian or object resulting in damage, injury or death.

**Emergency Responder:** A City employee designated by the Business Administrator, Corporation Counsel, or the Mayor as having 24-hour duties that require the employee to respond to time-sensitive incidents threatening the safety and security of City residents, City facilities, or other interests of the City.

**Employee:** For the purposes of this Policy, an employee is an officer, employee, agent or person acting on behalf of a Department/Office of the City in any official capacity, with or without compensation.

**Independent Contractor:** Any individual who, in the exercise of independent employment, contracts to provide services according to his/her own methods and is subject to a Department/Office of the City's control only as to the end product or final result of his/her work.

**Personal Business:** For the purposes of this Policy, any activity which furthers the personal, recreational, financial or familial interests of an employee and does not enhance or benefit the interests of the City of Jersey City. Personal use includes, but is not limited to transporting children, relatives or friends, or engaging in personal errands such as stopping at the grocery store, the dry cleaners, stopping at a bank or a shopping mall.

**Scope of Duties:** Performing any duties which a Department/Office of the City requests, requires or authorizes an employee to perform regardless of the time and place of performance.

### III. AUTHORIZED USE OF CITY VEHICLES

#### A. Authorized Drivers

1. Only a full or part-time employees or seasonal employee of the City of Jersey City acting within the scope of his/her duties may operate a City vehicle of any type.
2. In order to be authorized to operate a City vehicle, an operator must possess a valid U.S. Government Driver's License<sup>1</sup>. The license must be the appropriate license issued for the operation of the specific vehicle.
3. Only an employee who has obtained written authorization from the Director of his/her Department/Office may operate a City vehicle of any type.
4. Each City Department/Office must supply signed copies of this Vehicle Use Policy from each employee authorized to operate City vehicles along with copies of valid driver's licenses for each such employee to the Office of Risk Management.
5. In the event that an employee's driver license is suspended for any reason, that employee must promptly provide written notice of the suspension to the Director of his/her Department **within two business days**. The Department must forward a copy of that notice to the Corporation Counsel and Office of Risk Management. The employee shall not operate City vehicles during the term of the suspension.

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<sup>1</sup> Any employees who do not have New Jersey licenses may be required to produce out of state records demonstrating fitness to perform driving duties, as required by this policy.

6. Volunteers and non-City Personnel are at all times prohibited from driving a City vehicle.

**B. Authorized Passengers**

1. City employees, elected officials, board or commission members and any other government employee, agent or authorized volunteer who is involved in an activity which furthers the business of the City of Jersey City shall be considered an authorized passenger in a City vehicle.
2. Employees or independent contractors, business professionals, professional service providers and any other persons while involved in an activity which furthers the business of the City of Jersey City shall be considered an authorized passenger in a City vehicle.
3. Clients of City agencies or institutions; prisoners or individuals being transported by a peace officer shall be considered an authorized passenger in a City vehicle.
4. No one may ride in a City vehicle for personal business reasons. Spouses, children, relatives and friends of employees are prohibited from riding in a City vehicle. Members of an employee's family participating in a City business function, however, are authorized to ride in a City vehicle with the approval of the Department/Office head.

**C. Vehicle Use**

1. City vehicles are not to be taken home by any employee at any time unless the employee has been deemed an Emergency Responder. Limited exceptions may be granted by the Business Administrator for emergencies, which include but may not be limited to public safety operations and snow storms.
2. All City employees must sign out vehicles for each use. Any vehicle signed out must be returned promptly after the completion of the specified use. Each Department/Office will be responsible for maintaining a sign-out log for employee use of City vehicles. This log shall contain the following information:
  - a. Employee's name
  - b. Department
  - c. Time taken
  - d. Time returned
  - e. Starting and ending mileage
  - f. Vehicle number
  - g. Reason for vehicle usage, including all locations visited.
3. Each Department Director or his or her designee shall maintain copies of the sign out logs and made available to the Office of Risk Management, Automotive Division, Business Administration and/or Corporation Counsel upon request.

4. The Department of Public Works will establish and maintain a system for tracking the location of City vehicles. Employees should be aware that the City reserves the right to track the location of City vehicles and/or keep a log of the locations of City vehicles.
5. Transporting animals, plants, hazardous materials, or any personal items which are not specifically required for the employee's scope of duties is strictly prohibited. Service or therapy dogs for individuals with disabilities are excluded from this provision.
6. The transportation of weapons in a City vehicle is prohibited, except for:
  - a. Certified Peace Officers carrying their service weapons.
  - b. Employees who possess weapons which are requested, authorized, or required to perform job-related functions.

**D. Driver Responsibility**

Anyone driving on City business shall ensure that they drive in a safe and appropriate manner. Each driver is responsible for ensuring that he or she:

1. Complies with all laws and regulations relating to the operation of motor vehicles, including driving in accordance with the posted speed limits and the use of seatbelts by all occupants.
2. Maintains a valid driver's license and provide notice of a suspended license to the Department/Division where employed.
3. Maintains at least the state minimum level of automobile liability insurance on any non-City vehicle driven on City business.
4. Is physically and mentally capable of safely operating a vehicle.
5. Manages his or her environment to minimize distractions that could impact his or her ability to safely and appropriately operate the vehicle, including but not limited to the use of cell phones and other electronic or hand-held devices.
6. Within one business day, report all citations, including but not limited to, parking violations, moving violations and/or arrests, which occur while driving on City business, to the Department/Division. The Department/Division will notify Risk Management, Automotive, and the Law Department.
7. Within one business day, report all vehicle issues to the Department Director or designee and Automotive.
8. Provide receipts for tolls, parking fees and other related costs for reimbursement.

9. Payment of any fines or legal costs associated with citations incurred while operating a City vehicle or non-City vehicle shall be the sole responsibility of the driver.
10. All drivers of City vehicles or non-City vehicles being operated for City business must be eighteen (18) years of age or older.

**E. Municipal Shared Vehicles**

1. The Department of Public Works may maintain a pool of vehicles for work-related use to be shared by multiple employees, offices and/or divisions. (“shared vehicles”).
2. Shared vehicles must have appropriate vehicle sharing technology installed to monitor and track use of the vehicle, including its location.
3. Shared vehicles must have a specifically designated parking/storage area. These vehicles must be returned to those areas after each use and may not be left at any other locations.
4. Any employee may use shared vehicles located at the employee’s primary work address.

**F. Smoking**

1. Smoking is prohibited in all City vehicles.
2. Employees in violation of this provision will be subject to a \$250 cleaning/detailing fee

**G. Drug or Alcohol Use**

1. Employees are prohibited from operating a City vehicle while under the influence of drugs or alcohol.
2. Employees shall refrain from knowingly operating a City vehicle after taking prescription drugs or over-the-counter medications which may cause drowsiness or affect the employee’s alertness and/or driving ability.
3. Employees are prohibited from possessing any illegal controlled substances in a City vehicle. Employees shall not transport an open container of alcohol in a City vehicle. Law enforcement and regulatory agencies are exempt from this provision only when the transportation of alcohol or illegal controlled substances coincides with the course and scope of duties or in the enforcement of State or Federal law.

## **H. Crash**

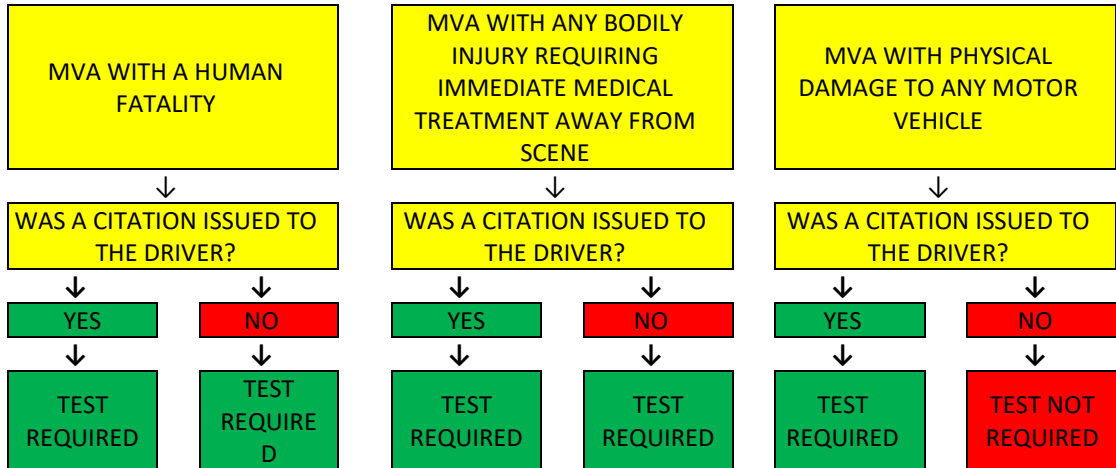
Any time a city owned or leased vehicle strikes or is struck by another vehicle, strikes a fixed object or strikes or is struck by a pedestrian, regardless of the magnitude, the operator must:

1. Immediately call Police and wait at the scene for the Police to arrive. You must also call and inform your supervisor of the accident.
  - a. The Supervisor shall promptly notify the Division Head, who shall promptly notify the Risk Management, Automotive, and Liability Investigator, if known. The Liability Investigator shall investigate all facts of the crash. The Supervisor/Division Head shall review the Mandatory Post Accident/Incident Testing Policy and proceed accordingly with testing if needed.
2. Obtain all relevant information from other driver(s) or person(s) involved in accident including: name, address, driver license number, license plate, vehicle make, model and year and insurance information.
3. Provide other driver(s) and person(s) requesting insurance information with the appropriate insurance card and inform them that claims should be addressed to: City of Jersey City, Risk Management, 280 Grove Street, Room 320, Jersey City, NJ 07302.
4. Prior to leaving the accident scene, the driver shall obtain the police report file number from the responding Officer and bring the vehicle to the Automotive Division for inspection, photographs of damage and if necessary repairs. The Automotive Division is located at 13 Linden Avenue East, Jersey City, NJ 07305. In the event that the Automotive Division is not open, the operator should notify the Director or designee who will then notify the Automotive Director that the vehicle was involved in an accident and provide the location of the vehicle.
5. Within 24 hours of the crash, the Department Director, or designee, should complete the Motor Vehicle Accident Report ("MVAR"), provide a copy of the operator's license and the police report file number to the Law Department, Risk Management, and Automotive.
6. Failure to report crashes in compliance with the above requirements may result in claims being charged to the budget of the Department/Office and/or the employee directly, when allowed by law.
7. All City employees are required to report all citations issued against them while operating a City vehicle to his or her Department. The Department Director or designee must then forward a report to Risk Management, the Automotive Division, and the Law Department.

- 8. Failure to report any citation or summons in accordance with these provisions may result in immediate suspension or revocation of driving privileges for the employee.

**I. Mandatory Post Accident / Incident Testing**

Post MVA, drug and/or alcohol testing will be performed as soon as possible at the request of the Supervisor, Division Director, and/or Department Director in conjunction with Department of Human Resources as indicated and based on the direction in the Chart below:



**NOTE: Notwithstanding the Chart above, all City employees shall be required to submit to drug or alcohol testing if there is a reasonable basis to suspect that the employee is under the influence of alcohol, illegal substances or drugs, including prescription or over-the-counter medications.**

**J. Accident Review Committee**

The purpose of the Accident Review Committee (“ARC”) will be to determine, for each accident, why the vehicle accident occurred and whether the accident was preventable or non-preventable. The ultimate goal for the committee is to prevent losses by recommending corrective action for drivers to discourage future accidents.

**Composition**

The ARC shall consist of a three (3) member panel including: (1) the Director of the Division of the Automotive Maintenance, (2) the City Risk Manager or designee and (3) the Department Director or designee of the driver involved in the accident being reviewed. In the event that multiple departments are involved in an MVA, the ARC shall review each department and its driver separately. In other words, only one Department Director or designee may sit on the ARC for a particular accident review. The meeting schedule of the ARC shall be determined by the Risk Manager and shall be scheduled on an as needed basis.

## **Duties and Responsibilities**

1. Review all vehicle accidents.
2. Make a determination as to whether the accident was preventable or non-preventable, based on the factors outlined in paragraph (a) below.
  - a. The ARC shall review all available information including but not limited to; MVA Report, driver statement, environmental and mechanical factors, traffic and construction.
  - b. Factors to be considered in determining corrective action to be taken include; preventability or non-preventability of the accident, nature of the accident, number of accidents by the driver, past performance of driver, and any other issues of importance as determined by the ARC.
3. The Risk Manager will inform the Business Administrator and the driver's Department Director of the ARC's findings related to each accident reviewed. The ARC will indicate whether the MVA was preventable or non-preventable and will recommend disciplinary/corrective action.
4. The Risk Manager or designee shall notify the driver, in writing, of the ARC's findings upon final approval from the Business Administrator of its recommendations.
5. The Risk Manager shall notify Human Resources of any disciplinary action recommended by the Business Administrator and Human Resources shall issue the disciplinary action to the driver accordingly.



## **Disciplinary Action**

If the MVA is found to be preventable, disciplinary action may include, but not be limited to; re-training of driver, written and/or verbal reprimand, suspension (with or without pay) or termination of employment.

Any finding of a preventable accident in a City vehicle review will result in:

- a. A verbal warning or written warning; and
- b. Attendance at a Driver Safety Course, Traffic School or undergoing specific re-training, as deemed appropriate by the ARC.

A Second finding of a preventable accident in a City vehicle within a three (3) year period<sup>2</sup> from the date of the preventable accident immediately preceding the current accident under review will result in:

- a. The employee being placed on probationary driving status for 12 months. While on probation the employee's driving will be closely monitored and driving may be limited at the discretion of the Department Director or designee. Any employee on driving probation who is involved in a vehicle accident or receives a motor vehicle violation or summons, involving a City vehicle or use of personal vehicle while on City business, will immediately have driving privileges suspended. Appropriate action will be taken to remove the employee from a position that requires driving and appropriate disciplinary action may be taken against the employee. ; and
- b. Attendance at a Driver Safety Course, Traffic School or undergoing specific re-training, as deemed appropriate by the ARC.

A third or more finding of a preventable accident during the tenure of the employee will result in:

- a. A major disciplinary action (e.g., suspension of 6 days or more up to and including termination); and/or

Suspension of City driving privileges and transfer/demotion to a job not requiring the ability to drive.

## **Motor Vehicle Record Checks**

All employees authorized to drive vehicles owned, leased, or controlled by the City or use their personal vehicles to conduct business on behalf of the City, may have their Motor Vehicle Record (MVR) reviewed by the Risk Manager or designee prior to

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<sup>2</sup> All three (3) year periods noted in this section shall be prior from the date of current MVA under review.

entrustment of a City vehicle or personal vehicle used to conduct City business and annually thereafter. The MVR will result in a driver rating.

Drivers with acceptable, marginal or probation grading as defined in this Policy, may be allowed to operate City vehicles or their personal vehicles to conduct business on behalf of the City.

Drivers with marginal or probation grading may have their MVRs reviewed more frequently. Additional violations or accidents may result in the suspension of driving privileges to conduct City business.

Drivers with unacceptable driving records will not be permitted to operate a City vehicle or personal vehicle to conduct business on behalf of the City.

- a. Acceptable: No moving violations and/or preventable accidents over the last 36 months.
- b. Marginal: Up to 2 moving violations and/or preventable accidents in the last 36 months, regardless of the number of instances (e.g. 1 moving violation and 1 preventable accident).
- c. Probation: Up to 3 moving violations and/or preventable accidents within the last 36 months, regardless of the number of instances (e.g. 2 moving violation and 1 preventable accident).
- d. Unacceptable: (i) 4 or more moving violations and/or preventable accidents or a combination thereof resulting in such within the last 36 months regardless of the number of instances (e.g. 2 moving violation and 2 preventable accident), or (ii) 3 or more moving violations and/or accidents within the past 12 months, regardless of the number of instances, from the date of current MVA under review, (iii) or any of the violations listed below:
  1. Driving while under the influence (DWI or DUI)
  2. Leaving the scene of an accident
  3. Reckless driving violations
  4. Homicide or assault through the use of a motor vehicle
  5. Drivers who currently have a revoked or suspended license

Any driver with an unacceptable MVR may appeal to the ARC in an attempt to demonstrate that mitigating circumstances are present that would warrant the City granting them driving privileges.

#### **K. Duty to Cooperate**

Any employee who fails to cooperate in the administration of this Policy will be subject to disciplinary action, up to and including termination. Failure to cooperate includes:

1. Refusing to consent to testing, to submit a sample, or to sign required forms.

2. Refusing to cooperate in any way (e.g., refusing to courteously and candidly cooperate in an interview or investigation, including any form of untruthfulness, misrepresentation or misleading statements or omissions.);
3. Any form of dishonesty in the investigation or testing process.
4. Refusing to submit to testing upon reasonable suspicion.
5. Refusing a retest at a time of the City's choosing whenever any test results in a finding of a dilute sample.