



# City of Waukesha HR Policy E2

## Motor Vehicle Use

### I. Purpose

Motor Vehicle use by City Employees while performing work-related duties is a significant potential cause of property damage and personal injury to employees and the general public and is a potential source of liability for the City. Responsible use of motor vehicles while working is essential for the safe and efficient performance of the City's functions.

This Policy applies to all City Employees, including elected officials, Public Works, Fire Department, and Police Department personnel. However, this Policy does not supersede any Departments' policies, procedures, rules, or training. In the case of conflict between such Departmental policies and this Policy, the Departmental policies shall take precedence.

All Employees, as defined below, must read and be familiar with this Policy before operating a Motor Vehicle in the course of City Business.

### II. Definitions

~~Motor Vehicle Accident: An accident or incident whether it occurred while in motion, temporarily stopped or parked, that results in physical damage, and/or property damage, and/or personal injury, regardless of who was hurt, what property was damaged, or who was responsible.~~

~~B. Preventable Accident: Any accident involving a City or personally owned vehicle being driven by any City employee, regular or otherwise, being used on City business which results in physical damage, property damage and/or personal injury, regardless of who was injured, what property was damaged, the extent of the damage, or where it occurred, in which the driver failed to exercise every reasonable precaution to prevent the accident. The following situations, reasons, and types of accidents are among those considered preventable, and are not intended to be an all-inclusive list:~~

- ~~1. A traffic violation.~~
- ~~2. Backing a vehicle without looking.~~
- ~~3. Failure to have vehicle under control.~~
- ~~4. Failure to yield right of way.~~
- ~~5. Vehicle defect known by the driver~~
- ~~6. Improper or illegal parking.~~
- ~~7. Theft of vehicle while keys were in the car.~~
- ~~8. Personal injury to the operator while not wearing seatbelts.~~
- ~~9. Any accident where the driver is determined to have used alcohol or drugs.~~
- ~~10. Unauthorized person operating a vehicle with permission of employee.~~

#### A. Employee

Employee means employees of the City of Waukesha including elected officials, salaried, hourly, full-time, part-time, temporary, provisional, or seasonal employees, and paid interns. Employee does not include volunteers, unpaid interns, or non-employee citizens who may be working on City Business.



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### **B. City Business**

City Business means the performance of duties that are assigned to an Employee or are part of the Employee's job description, in the course of his or her employment, for the accomplishment of City purposes or for the benefit of City residents. City Business does not include personal use or impermissible deviations or detours occurring during the performance of such duties.

### **C. City-Owned Vehicle**

City-Owned Vehicle means any Motor Vehicle that is owned or leased by the City and is covered by the City's automobile liability insurance.

### **D. Motor Vehicle**

Motor Vehicle means any self-propelled vehicle, regardless of whether it is legal for use on public roads or not, and regardless of whether it is owned by the City or another party.

### **E. Motor Vehicle Accident**

An incident in which the operation of a Motor Vehicle being used by a City employee or volunteer in the course of the performance of City Business causes any personal injury or property damage, regardless of the extent.

## **III. General Rules**

Only City Employees may operate City-Owned Vehicles. Non-Employees may not operate City-Owned Vehicles under any circumstances.

City-Owned Vehicles may be used only for City Business and may not be used for personal purposes, except as specifically provided otherwise in this Policy. Personal purposes includes commuting.

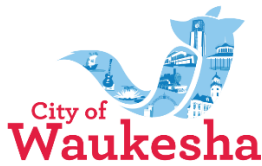
The use of Employee-owned vehicles in the course of City Business is strongly discouraged and is allowed only when absolutely necessary, not on a regular basis, and only with the prior approval of the City employee having supervisory authority over the activity. **Travel by motorcycle or moped is not allowed for work related travel under any circumstances.**

The operation of any Motor Vehicle in the course of City Business is allowed only by those individuals meeting all of the requirements of this Policy, and only in strict compliance with this Policy.

All operation of Motor Vehicles by Employees in the course of City Business shall be done in strict compliance at all times with each of the following:

- All applicable local, state, and federal laws
- All department-specific training, policies, and procedures
- All manufacturers' owner manuals
- This HR Policy E2

Employees operating Motor Vehicles in the course of City Business, and any Employees that are passengers in those Motor Vehicles, shall not have any detectable amount of alcohol, other intoxicants, controlled substances, or controlled-substance analogs in their bloodstream.



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Any damage to a City-Owned Vehicle, no matter how minor, must be reported immediately to the Employee's supervisor.

City-Owned Vehicles may be fueled only at City fueling facilities or by use of a City credit card.

If special training is required in order to operate a Motor Vehicle or any component of the Motor Vehicle, including communications equipment, then the Motor Vehicle cannot be operated by anyone that has not been appropriately trained.

#### IV. Allowable Personal Use City-Owned Vehicle

The Chief of Police, Fire Chief, and Director of Public Works may be given the use of City-Owned Motor Vehicles that may be used for commuting by those individuals, so they have immediate access to those vehicles at all times in the event of emergencies. Such vehicles must be used only for City Business, except that incidental personal uses that do not require a large deviation from City Business are allowed, such as stops for meals that are on the route of City Business. Non-Employees may not be passengers in City-Owned Vehicles except as necessary to conduct City Business. Employees' personal property may not be carried in City-Owned Vehicles, except for items worn or carried on the person of Employees.

#### V. Allowable Use Personal Motor Vehicle

Employees who are required to use a personal Motor Vehicle for City Business are eligible to receive mileage reimbursement subject to approval of their Department Head. The mileage will be paid at the prevailing IRS approved mileage rate. Vehicle expenses must be reported quarterly using the Personal Reimbursement Form.

Employees are required to travel by the shortest or most practical route. Mileage reimbursement is not allowed for travel between the employee's home and their normal work site.

A normal work-site is the location to which the employee is regularly expected to report to work.

#### VI. Driver Qualification

##### A. Licensing

Employees operating Motor Vehicles on public roads in the course of City Business must hold the appropriate state and federal licenses, and proof of licensing must be provided to the Employee's department before operation of any Motor Vehicle in the course of City Business.

Employees must promptly report any change in status of their licenses to their department and the Human Resources Department, including suspensions, revocations, conditions, and any other changes that would limit the Employee's ability to operate Motor Vehicles legally.

If a suspension or revocation of driver's license prevents an employee from performing the tasks ordinarily assigned to the position, then the employee will be placed on unpaid leave of absence for a period of 60 days. If, after the expiration of the 60 days, the employee has not regained a license to drive that allows the full performance of the position's duties, then the employee may be terminated. If the



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suspension or revocation is due to a disability recognized under the Americans with Disabilities Act, then accommodations will be pursued in accordance with that law.

### B. Driving Record

Employees operating Motor Vehicles in the course of City Business must have, and must continue to maintain, an acceptable driving record. All Employees' driving records will be checked and reported by the Police Department. Driving records shall be evaluated according to a point system, with points assessed to Employees for each occurrence of the following offenses:

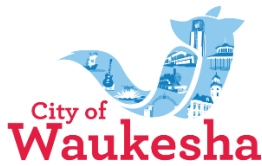
Current revocation, current suspension, expiration, or termination of license	20 points
Conviction under Wis. Stat. §346.62 or municipal ordinance adopting §346.62 for reckless driving within the last 5 years.	10 points
Conviction under Wis. Stat. §346.63 or municipal ordinance adopting §346.63 for operating under the influence of intoxicant or other drug, within the last 5 years.	10 points
Conviction under Wis. Stat. §346.70 or municipal ordinance adopting §346.70 for failure to report motor vehicle accident, within the last 5 years.	10 points
Conviction under Wis. Stat. §343.05 or municipal ordinance adopting §343.05 for operating without a license or with suspended, revoked, canceled, or expired license within the last 5 years.	10 points
Conviction for any felony involving the use of a Motor Vehicle, within the last 5 years.	10 points
Conviction under Wis. Stat. §344.62 or municipal ordinance adopting §344.62 for operating without liability insurance, within the last 3 years.	7 points
Each Motor Vehicle Accident after start of employment by City. Add 5 points if a judgment of negligence was entered against the Employee in connection with the accident.	5 points
Conviction under Wis. Stat. §346.57 or municipal ordinance adopting §346.57 for operating in excess of 15 MPH of the posted speed limit, within the last 5 years.	5 points
Conviction under Wis. Stat. §346.57 or municipal ordinance adopting §346.57 for operating less than 15 MPH of the posted speed limit, within the last 3 years.	5 points
Each Motor Vehicle Accident prior to employment by City.	5 points
Conviction for violation of any provision of Wis. Stats. Chapter 346 or municipal ordinance adopting any provision of Chapter 346 not otherwise specified in this table within the last 3 years.	3 points

The total points accumulated by an Employee or as part of the pre-employment process will mean the following:

**9 or fewer:** Vehicle operation permitted.

**10 to 19:** Vehicle operation permitted only with approval by HR Director.

**20 or more:** Vehicle operation not permitted without City Administrator and/or HR Director approval.



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~~The employee would be expected to seek and obtain an "occupational license" which would give the employee the privilege of driving a motor vehicle during hours and at locations specified in a petition filed with the court.~~

~~If the employee is unable to obtain the occupational license within the sixty (60) calendar day period, their employment will be terminated.~~

~~Leaves of absence exceeding thirty (30) days shall result in an adjustment of the employee's seniority date.~~

~~The City shall terminate from employment any operator of a motor vehicle convicted of operating while under the influence of alcohol or other drugs committed while operating a motor vehicle owned by the City or owned privately for the purpose of City business.~~

### **~~Impaired Driving And Reasonable Suspicion Testing (From E8-A)~~**

~~No supervisor may knowingly allow any employee to operate a motor vehicle if the supervisor suspects that the employee is in an impaired state; under the influence of alcohol or other drugs. The supervisor shall confront the employee and have another supervisor confirm and document the suspicion of impairment. The supervisor shall have the right to utilize every means possible to determine the employee's condition including drug testing. If the employee is determined to be under the influence, the employee is suspended without pay pending an investigation where appropriate disciplinary action would be determined which would be up to and including termination.~~

~~Leaves of absence exceeding thirty (30) days shall result in an adjustment of the employee's seniority date.~~

### **Reasonable suspicion Testing:**

~~If, at any time, there is a reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee will be required to submit to a drug and/or alcohol test. Reasonable suspicion will be determined by two supervisors, if available, however, one supervisor may determine whether there is reasonable suspicion if no other supervisor is available at the time and under particular circumstances. Reasonable suspicion will be based upon observable actions, alone or in conjunction with, other factors including but not limited to:~~

- ~~1. dangerous accident-prone conduct;~~
- ~~2. decreased job performance which is unexplained;~~
- ~~3. unexplained increased absenteeism;~~
- ~~4. complaints from co-employees and other problems with interpersonal relations;~~
- ~~5. drug related signs such as paraphernalia;~~
- ~~6. reduced short term memory;~~
- ~~7. physical symptoms such as bloodshot eyes; dilated pupils; stuffy or runny nose; anxiety; and inability to concentrate.~~



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### **Disciplinary Procedures:**

Any employee who tests positive as a result of a reasonable suspicion drug and/or alcohol test or refuses to be tested will be immediately removed from active duty until such time as the medical review officer is able to provide a final result. If the positive test is confirmed, the employee will be subjected to discipline up to and including termination.

### **Negative but Dilute Test Results:**

Test results reported as negative but dilute, ( $<1.003$  sg &  $<20$ mg/dl creatinine) are inconclusive and will require re-collection and testing immediately upon receiving initial test results. Re-collection will not be observed. The second test result will be final. If a negative but dilute result is reported for the second test and the test was required for a pre-employment exam, the offer of employment will be rescinded. If the second test result is negative but dilute for a random test, reasonable suspicion, or post-accident test, the employee will be subjected to discipline up to and including termination.

### **Collection of Specimens:**

Specimens to be tested will be urine in the case of a drug test and breath in the case of a test for alcohol where there is reasonable suspicion of alcohol misuse or impairment on the job. All testing will take place at the City's contracted testing facility.

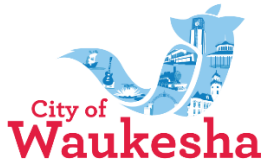
Drug and breath alcohol testing will be conducted by a laboratory certified by DHHS (Department of Health and Human Services) according to DHHS protocol at the City's expense.

### **Drug Testing Procedure:**

All post offer applicants and employees requested to take a test because of reasonable suspicion will proceed to the City's contracted testing facility and will cooperate fully.

Specimens will be screened for six classes of drugs—amphetamines, benzoylecgonine (cocaine metabolites), opiates, semi-synthetic opioids (hydrocodone, hydromorphone, oxycodone and oxycodone) PCP and THC (marijuana metabolites; and confirmation by Gas Chromatography/Mass Spectrometry (GC/MS). However, the City reserves the right to perform tests for other illegal substances as well.

### **Reporting results:**



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~~All test results will be reported to the Human Resources Department. If the test is positive, the medical review officer will contact the applicant or employee. If, when the medical review officer contacts the employee, the employee can provide substantiation of legitimate use, the positive test will be reported to the City as "negative". If no legitimate reason for the positive is found, that positive result will be provided to the City.~~

### **~~Prescription Medication:~~**

~~Nothing in this policy prohibits the appropriate use of prescription medication legally prescribed by a licensed medical provider. It is the employee's responsibility to discuss with the supervisor any effects that a medication may have on their ability to safely perform the duties required of their position. Failure to do so may result in discipline up to and including termination.~~

### **~~Confidentiality:~~**

~~Results of all drug/alcohol tests will be kept separate from personnel files and treated as confidential information and access to such results shall be limited.~~

### **Emergency Snow Plowing (From E8-A)**

~~When employees are called into work for emergency work or a snow plowing operation for other than their regular work hours, they will be required to sign in. The form they are required to sign states that the employee ensures they have not ingested any alcohol or other drug that would impair them in performing the essential function of the job. This information is necessary in order for the City to comply with the law. There will be no exceptions.~~

~~If the employee declines to come into work because he or she has ingested alcohol or other drugs that would impair them they would be technically "out of service" for twenty-four hours from the time (s)he states (s)he ingested alcohol or other drugs. If the next regularly scheduled shift is in excess of four (4) hours from the time the employee ingested alcohol, the employee should report for work at the next regularly scheduled shift. (S)he may report for work as long as (s)he is in a fit physical condition.~~

### **EVIDENCE OF INSURANCE**

~~When employees operate their personal vehicles on a regular basis for City business, evidence of insurance coverage should be obtained. The limits of coverage the employee should have are:  
\$100,000\ \$300,000\ \$50,000~~





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### C. Reporting Violations, Responsibility for Tickets

Employees who operate Motor Vehicles in the course of City Business must promptly report to the Human Resources Department and the Employees' supervisors all citations, tickets, warnings, convictions, penalties, forfeitures, fines, and all other enforcement of motor vehicle laws occurring while the Employee is employed by, or acting as a volunteer for, the City.

Violations of traffic laws are deviations from an Employee's duties and are not part of City Business. Employees are personally responsible for tickets issued to them for violations of traffic laws.

### VII. Vehicle Inspection and Maintenance

Employees shall not operate vehicles that are deemed not safe to operate. Employees shall inspect Motor Vehicles regularly to ensure that tires are in good condition and inflated to the manufacturer-specified pressure, all windows are clean, window wipers are fully functional, all lights are functioning properly, and that the vehicle is in safe operating condition. Any issues noted in City-owned Motor Vehicles must be reported to the Employee's supervisor immediately and corrected before operation. Any issues noted in non-City-owned Motor Vehicles must be corrected immediately and before operation.

Vehicle maintenance and repairs must be coordinated through the Public Works Department. Unauthorized employees are prohibited from performing mechanical work or altering the body, design, appearance or mechanical condition of any City-Owned Vehicle.

City-owned Motor Vehicles shall be maintained according to the manufacturers' recommendations and maintenance schedules, and all replacement parts shall be identical in specification to original-equipment parts.

Motor Vehicles that are not City-owned must be maintained by the Employee according to the manufacturer's recommendations and maintenance schedules, and in compliance with all legal requirements for operation on public roads, at the Employee's expense. Employees shall make their Motor Vehicles available for inspection by City personnel on request. If Employee-owned Motor Vehicles are determined by City personnel not to be safe for operation, the Employee may not operate it while in the course of City Business.

All Motor Vehicles shall be kept clean and free of all unnecessary clutter and debris inside. Snow, ice, and frost shall be completely removed from windows before operation.

These inspection and maintenance requirements are superseded by any department's stricter requirements.

### VIII. Accident Reporting Procedure

#### A. Immediately upon Occurrence

Upon the occurrence of a Motor Vehicle Accident, Employees must follow this procedure:

- Stop immediately, and do not leave the scene until directed to do so by police.
- Call 911 if there is any possibility of personal injury having occurred.





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- Call the Police Department's non-emergency number if it is certain that no personal injury has occurred.
- Follow dispatchers' instructions.
- Cooperate with responding police and emergency personnel.
- If the Police Department determines that no officers need respond, then collect as much information as possible about the incident, including the location, time of day, names of individuals involved, license numbers of all vehicles, and all other pertinent information.
- Do not give statements to any individuals other than police.
- Do not admit fault.
- If vehicle must be towed, contact supervisor and follow instructions

### B. Within 24 Hours after Occurrence

Employees involved in a Motor Vehicle Accident must report to the Human Resources Department within 24 hours after the incident and fill out all required reports and forms.

## IX. Insurance Requirements

Employees using non-City-owned Motor Vehicles in the course of City Business must have liability insurance in force at all times while using the vehicles, with coverage limits not less than the following:

- \$100,000 per person
- \$300,000 per accident Bodily Injury
- \$50,000 per accident Property Damage
- \$300,000 Combined Single Limit

Proof of coverage and limits shall be provided to the Employee's supervisor and to the Human Resources Department before operation of any non-City-owned Motor Vehicle in the course of City Business.

## X. Violation of Policy, Discipline

Violation of any part of this Policy may result in suspension or revocation of authority to operate City Motor Vehicles, or other discipline as determined by the Department Director and the Human Resources Department, up to and including termination.

Failure to follow policies may result in personal responsibility for accidents, without coverage by City insurance or City-provided defense.

Policy approved by the Common Council the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Shawn N. Reilly, Mayor

Attested by Katie Panella Clerk-Treasurer