
CITY OF LONG BEACH

VEHICLE USAGE POLICY

I. SCOPE AND APPLICABILITY

The City of Long Beach (the “City”) provides vehicles for various departments and employees for the purpose of conducting City business when deemed necessary and/or appropriate. This policy shall apply to all City departments, except for the police and fire departments which shall have their own respective vehicle use policies.

II. PURPOSE

The purpose of the City Vehicle Usage Policy (the “Policy”) shall be as follows:

1. To establish and maintain rules and procedures to promote responsible, safe, and accountable use of both City-owned and non-City vehicles by City employees in conducting City business.
2. To protect the City’s investment in its inventory of City vehicles.
3. To ensure City vehicles are utilized in a manner that is appropriate and aligned to the values and business of the City.

III. DEFINITIONS

1. **Vehicle.** The term "Vehicle," as used in these guidelines includes, but is not limited to, cars, sport utility vehicles, all-terrain vehicles, utility vehicles, trucks, backhoes, and front-end loaders.
2. **City-owned Vehicle.** “City-owned Vehicle” means any Vehicle owned, leased, rented, utilized and/or maintained by the City of Long Beach in order to conduct City business.
3. **Private/Personal Vehicle.** “Private/Personal Vehicle” means any Vehicle owned or leased by an employee or by a non-City party.
4. **Employee.** The term “Employee” shall include all officials, officers, employees, interns and volunteers of the City of Long Beach, as well as any contractor(s) hired by the City who are authorized to operate City equipment.

IV. LICENSE REQUIREMENTS

The license requirements of the City are as follows:

1. Employees driving either a City-owned Vehicle or a Private/Personal Vehicle to conduct business on behalf of the City must possess a valid New York State Driver's License at the time of appointment and, must maintain that license throughout employment. Proof of such license must be on file with Civil Service and the Police Department. Failure to possess or maintain such license shall disqualify an employee from driving a City-owned Vehicle or a Private/Personal Vehicle to conduct City business. In some instances, failure to possess or maintain a valid drivers' license may constitute failure to meet the minimum qualifications of employment and may subject an Employee to separation from employment.
2. Any employee who has a probationary license, a suspended license, a revoked license, a restricted use license, a conditional license, and/or a junior license is prohibited from operating a City-owned Vehicle or a Private/Personal Vehicle to conduct City business. Employees must immediately notify his or her immediate Department Head who within 24 hours will notify the City Manager and Corporation Counsel of any change in license status that would impact their eligibility to operate a City-owned Vehicle or a Private/Personal Vehicle to conduct City business. In some instances, failure to possess or maintain a valid drivers' license may constitute failure to meet the minimum qualifications of employment and may subject an Employee to separation from employment.
3. If an Employee is authorized to utilize a Private/Personal Vehicle to conduct business on behalf of the City, said employee shall maintain insurance coverage that meets New York State requirements. Employees will be required to annually file the attached acknowledgement form. When filing the acknowledgement form the employee shall also provide to the City a valid insurance card, as of the date of the filing, and must maintain such insurance when utilizing a Private/Personal Vehicle to conduct business on behalf of the City.
4. All Employees who operate City-owned Vehicles or Private/Personal Vehicles to conduct City business shall have:
 - a. No more than two (2) moving violations in the past three (3) years;
 - b. No more than two (2) safety belt violations in the past three (3) years;
 - c. No more than two (2) at fault accidents in the past three (3) years; and/or
 - d. No more than six (6) points on an employee's license under New York State Law.
5. Additionally, an Employee shall not drive a City-owned Vehicle or a Private/Personal Vehicle to conduct City business if any of the following violations appear in the employee's Motor Vehicle Report ("MVR") within the past three (3) years:
 - a. Leaving the scene of an accident;
 - b. Reckless driving;

- c. Driving under the influence of, or with ability impaired by, alcohol or drugs;
- d. Hit and run;
- e. Vehicular homicide or assault;
- f. Participating in an unlawful speed contest; and/or
- g. Eluding or attempting to elude a police officer.

V. COMMERCIAL DRIVERS

An Employee who operates a City-owned Vehicle which requires a Commercial Driver’s License (“CDL”), must obtain and maintain such license throughout employment. Proof of such license must be on file with the City Clerk, Civil Service, and Police Department.

In accordance with the Federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the City within ten (10) days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the Employee was driving.

VI. LOSS OF DRIVER’S LICENSE

An Employee who is required to possess a driver’s license or CDL license in order to perform certain job duties and responsibilities must immediately notify his or her immediate Department Head, the City Manager and Corporation Counsel of any change in license status, suspension or revocation. The loss or suspension of the driver’s license or CDL license may affect the employee’s driving privileges and/or employment with the City. At the direction of the City Manager, the City Police Department may utilize the NYS Department of Motor Vehicles’ License Event Notification Service (“LENS”) to monitor activity that may negatively impact an employee’s ability to maintain a required license.

VII. PROCEDURE FOR OBTAINING CITY-OWNED VEHICLE AND REIMBURSEMENT(S) FOR EXPENSES

Procedures for obtaining City-owned Vehicles and reimbursement(s) for expenses shall include:

1. Designation of City-owned Vehicles for use or assignment must fall into one of the following categories:
 - a. “Take Home Vehicles” – This designation is for City-owned Vehicles that are specifically assigned to an eligible Employee, who is permitted to use the vehicle for commuting to work from his/her residence, and vice versa, and to conduct City-business.
 - b. “Travel Vehicles” – This designation is for City-owned vehicles that are available to employees who need to travel offsite for work related matters or training.
 - c. “Work Vehicles” – This designation is for City-owned Vehicles that are utilized by an eligible Employee and can only be used for City-business.
2. **List of Authorized Employees.** The City Manager, upon advice of Department Heads and the Director of Fleet Management, shall annually review and approve a list of non-exempt

Employees authorized to use City-owned Vehicles, inclusive of Employees assigned Take-Home Vehicles and Employees authorized to use Travel Vehicles for City business. In accordance with Chapter 19 of the City's Charter and Code of Ordinances, the City Council may provide exempt Employees with a City-owned Vehicle. In furtherance of that authority, the City Council will annually review and approve the list of exempt Employees authorized to use City-owned Vehicles, including those assigned Take-Home Vehicles and those authorized to use Travel Vehicles for City business. A list of all authorized Employees shall be placed on file with the City Clerk.

3. **List of Assigned Work Vehicles.** Department Heads shall assign Work Vehicles to eligible Employees consistent with the needs of the department and shall have the discretion to change such assignments as departmental need requires.
4. **Assignment of Take-Home Vehicles.** The City Manager has the sole discretion to assign a Take-Home Vehicle to non-exempt Employees who require transportation in order to perform their duties on a daily basis. As provided in Chapter 19 of the City's Code of Ordinances, the discretion to provide exempt employees with a Take Home Vehicle rests with the City Council. Only Employees who actually require a vehicle in order to perform their job duties (*i.e.*, responding to emergencies from home, Commissioners and some department heads) may be assigned a Take-Home Vehicle.
 - a. The assignment of a Take-Home Vehicle may result in taxable income to the Employee pursuant to IRS rules. Typically, qualified non-personal use vehicles (such as an ambulance, bus or other vehicle whose design would make the vehicle unlikely to be able to be used personally) are exempt from taxation, while use of other vehicles result in the attribution of taxable income. Employees assigned Take-Home Vehicles must coordinate with Payroll Department to determine whether they have IRS reporting requirements and how to submit documentation for such reporting.
5. **Process of Utilizing a Travel Vehicle.** Department Heads are responsible for coordinating with the Director of Fleet Management and the City Clerk to acquire a Travel Vehicle from the City Vehicle Pool for authorized employees. Use of a Travel Vehicle must be approved by the Department Head in writing. When no City-owned Vehicles are available, employees may use a Private/Personal Vehicle for City business only with prior approval of the respective Department Head and City Manager. If an employee requires a Travel Vehicle but is not on the list of authorized users, the City Manager must approve the Travel Vehicle assignment in writing prior to the employee's usage of the vehicle.
6. **Non-transferability.** In no event shall any employee or Department Head acquire or transfer to another Department or to another employee, a City-owned vehicle without prior written approval from both the City Manager and the Director of Fleet Management, and also from each respective Department Head whose department is involved in the acquisition or transfer. In the event of such transfer, the City Clerk must be notified.

7. **Mileage reimbursement.** Mileage reimbursements relating to Private/Personal or City-owned Vehicles is subject to the parameters of the City's Code of Ordinances and/or applicable collective bargaining agreement.

VIII. TRAFFIC AND PARKING VIOLATIONS

Employees shall be responsible for any moving/traffic violation(s), parking ticket(s), or violation(s) of any city ordinance(s), state or federal law(s) arising out of his/her operation and/or assignment of a City-owned Vehicle or Private/Personal Vehicle. Employees shall be personally responsible for the payment of any resulting fines and/or penalties. Employees must immediately notify their Department Head of such incidents, with a copy to the City Manager. Certain traffic violations, as described in Section IV, will result in the loss of City driving privileges.

IX. TRAFFIC ACCIDENTS

Any Employee who is involved in an accident with a City vehicle, regardless of severity, shall obtain a Police Accident/Incident Report on the circumstances of the accident and immediately notify their Department Head and/or Director of Fleet Management. The Employee shall file the Police Accident/Incident Report with the Corporation Counsel within 24 hours of the accident, with a copy to the City Manager and Department Head. A copy of the accident report shall be filed with the City Clerk's office as soon as practicable, but no later than 48 hours of such accident.

Employees are expected to cooperate fully with authorities in the event of an accident. However, Employees should make no voluntary statement(s) other than in reply to questions of investigating officers.

X. INSPECTION, CARE, AND USE OF VEHICLES

The inspection and care policies of the City shall include:

1. Each Employee assigned a City-owned Vehicle shall inspect the vehicle each day prior to usage for damage, inoperable lights, safe tires and any other condition that may be a safety hazard. Any issues discovered as a result of such inspection shall be reported in writing to the Department Head immediately.
2. It shall be the Employee's responsibility to report any incidents of malfunction or damage to a City-owned Vehicle to his/her Department Head immediately, who shall in return notify the Director of Fleet Management for appropriate assessment and/or repair.
3. All City-owned Vehicles shall be parked legally and locked when not in use or when unattended, and Employees shall not leave sensitive information or public documents, other than reference material, in the vehicle while off duty.
4. Employees are prohibited from making any cosmetic or mechanical modifications to any City-owned Vehicle without the approval of the Director of Fleet Management. The Director of Fleet Management reserves the right to remove any or all modifications that

may impair the vehicle's safety or usefulness and or cosmetic changes that are not in accordance with City policy.

5. For Employees assigned Take Home Vehicles or Work Vehicles, proper use, care, and cleanliness of City-owned vehicles are the responsibility of the Employee assigned to or utilizing the vehicle, which shall include, but not be limited to:
 - a. Safe operation of the vehicle;
 - b. Ensuring proper and routine maintenance;
 - c. Safekeeping of the vehicle; and
 - d. Cleanliness of the vehicle.
6. Each Employee assigned a City-owned Vehicle when notified or directed is responsible for scheduling or returning such vehicle for routine and preventative maintenance to the City Garage.
7. City-owned Vehicles must be fueled at the City's fueling station, when possible. Reimbursement for any other fuel-related purchases may be denied.
8. Each Employee assigned a City-owned Vehicle is responsible for notifying their Department Head of any suspected vehicle issues as such issues occur.
9. Employees must always operate City-owned Vehicles in a safe and responsible manner, and in compliance with all applicable federal, state and local motor vehicle and traffic laws, rules, regulations and/or ordinances in effect.

XI. ADDITIONAL RULES AND RESTRICTIONS

Additional rules and restrictions relating to City-owned Vehicles shall include:

1. City-owned Vehicles or equipment may not be used for any unauthorized purpose nor to conduct personal, private, or non-City related business.
2. City-owned Vehicles shall not be driven beyond the geographical limits of the City, without approval from the Department Head or City Manager. The use of any City-owned Vehicles to be driven out of Nassau County must be approved first by the City Manager. Take-Home Vehicles may be driven outside the geographical limits of the City only for work-related purposes and for transportation to and from work.
3. City-owned Vehicles will not be used to transport any individual who is not directly or indirectly related to City business.
4. City-owned Vehicles assigned for transportation to and from work must be parked at a City facility when the Employee is on leave for more than three (3) consecutive days. This applies to Take-Home Vehicles as well.

5. Per the City's Drug-Free Workplace Policy, at no time shall any Employee be under the influence of a controlled substance or alcohol while operating a City-owned Vehicle, regardless of the legality of the substance or the Employee driver's actual blood alcohol level. This provision is intended to be construed broadly in favor of the employer.
6. All Employees are absolutely forbidden from smoking and/or vaping while operating a City-owned Vehicle.

XII. VIOLATIONS AND PENALTIES

Violation of this Policy may result in disciplinary action, up to and including termination. Additionally, the City reserves the absolute right to suspend or revoke an Employee's City-owned Vehicle driving privileges for any reason. Employees shall be held personally liable for damage to any City-owned Vehicle used in violation of this policy.

XIII. ANNUAL REVIEW & AMENDMENTS

On an annual basis, or as deemed necessary, the City Council shall review the Vehicle Use Policy and shall approve policy revisions, if any, by formal resolution.

ADOPTED: MAY 24, 2022 BY CITY COUNCIL RESOLUTION #76/22

Vehicle Usage Policy – Attachment 1
City of Long Beach, New York

ACKNOWLEDGMENT OF VEHICLE USAGE POLICY

This form is used to acknowledge receipt of, and compliance with, the City of Long Beach’s Vehicle Usage Policy.

Complete the following steps:

1. Read the Vehicle Usage Policy.
2. Sign and date in the spaces provided below.
3. For Employees who have been authorized, or may be authorized, to utilize a Private/Personal Vehicle to conduct business on behalf of the City, a copy of a valid insurance card that meets New York State requirements must be attached to this form.
4. Return *this page only* to the Office of Corporation Counsel.

By signing below, I agree to the following terms:

1. I have received and read a copy of the Vehicle Usage Policy.
2. If applicable, I pledge to maintain insurance coverage that meets New York State requirements anytime I operate a Private/Personal Vehicle to conduct City business.
3. I understand I am responsible for complying with the Vehicle Usage Policy of the City.

Employee Signature

Employee Title

Employee Names (Printed)

City Department or Agency

Date

Fiscal Year

FOR EMPLOYEES WHO HAVE BEEN AUTHORIZED, OR MAY BE AUTHORIZED, TO UTILIZE A PRIVATE/PERSONAL VEHICLE TO CONDUCT CITY BUSINESS, A COPY OF A VALID INSURANCE CARD MUST BE ATTACHED TO THIS FORM
