

**UTAH DEPARTMENT OF HUMAN SERVICES**

**POLICY AND PROCEDURES**

**Policy: 01-12**

Effective Date: June 15, 2010  
Revision Date: August 15<sup>th</sup>, 2018

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**SUBJECT: APPROPRIATE VEHICLE USE**

**RATIONALE:** To provide guidelines for Department staff regarding the use of vehicles, both state and personal vehicles used for state business. Also establishes standards for DHS Driver Safety Committee as required by State Rule 27-7-5

**I. DEFINITIONS:**

- A. The "Driver Safety Committee" is a committee that meets monthly to review accidents in State Vehicles and Major Threshold Violations, and to determine appropriate disciplinary action if any. The committee is comprised of management representatives from the Divisions and Institutions within the Department of Human Services. The Committee shall include the DHS Risk Manager, a Fleet Manager, and a representative of the Department of Human Resource Management (DHRM) and must have a minimum of five voting members at each meeting.
- B. A "State Vehicle" is any motor vehicle owned, operated, or in possession of the Department of Human Services, including but not limited to State Fleet vehicles and rentals.
- C. A "Major Threshold Violation" is a violation sufficiently serious to be brought before the Driver Safety Committee for review. A Major Threshold Violation may be comprised of one major violation, or multiple Minor Threshold Violations, as described below.
- D. A "Minor Threshold Violation" is a violation which by itself is not sufficiently serious to be brought before the Driver Safety Committee for review.
- E. A "Telematics Violation" is a violation of posted speed limits as recorded by Fleet global positioning systems (GPS). A major telematics violation is defined as driving more than 20 miles per hour above posted speed limits for more than 30 seconds or exceeding 90 miles per hour. A minor telematics violation is defined as driving more than 10 miles per hour above posted speed limits for more than 30 seconds or driving without using seatbelts.
- F. "Aggravating Factors" are factors of a driving violation that negatively affect the Committee's evaluation of an employee's driving performance. These factors include but are not limited to:
  - i. whether the violation caused bodily harm, or had a high likelihood of causing bodily harm;
  - ii. whether the violation resulted in damage to the vehicle or property, or had a high likelihood of such damage; and
  - iii. whether the violation damaged the reputation of the State, Agency or Institution, or had a high likelihood of such damage.
- G. "Mitigating Factors" are factors of a driving violation that positively affect the Committee's evaluation of an employee's driving performance. These factors are likely to be rare but may include circumstances that explain the employee's driving behavior. The Committee will make a reasonable attempt to verify the validity of any mitigating factors presented.

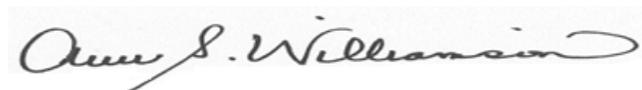
## II. POLICY AND GUIDELINES:

- a) Employees must follow all applicable State laws, rules, and policies.
- b) Reimbursement for private vehicle use will be at the lower of the reimbursement rates authorized by State Finance policy.
- c) Any overnight use of a state vehicle must be pre-approved. See attached form.
- d) Employees will be subject to review by the Driver Safety Committee for any major threshold violations and possible suspension of driving privileges as described in Fleet Administrative Rule R27-7-5.
- e) Employees may also be subject to disciplinary action for inappropriate use of a state vehicle independent of actions taken by the Driver Safety Committee. Serious violations may result in corrective action, suspension, or termination of employment.
- f) Information reviewed by the Driver Safety Committee shall include: Drivers' License information provided to the DHS Risk Manager, telematics data collected by GPS systems, and reports of accidents and damage to state vehicles.
- g) No DHS employee may operate a state vehicle without a valid driver license and Fleet Operator ID. If any Division or Institution is notified that the employee's license is no longer valid, the Agency may not permit the employee to operate any state vehicle, until the employee's license and Operator ID are reinstated.
- h) Any of the following is a Major Threshold Violation, and shall be reviewed by the Driver Safety Committee:
  - i. three preventable accidents within any 36-month period, as determined by the Committee;
  - ii. three or more cited moving violations while driving a state vehicle in any 12-month period;
  - iii. any citation for reckless, careless or negligent driving, including excessive speed violations;
  - iv. any driving violation related to alcohol, or to drugs that are non-prescribed or taken contrary to medical instructions;
  - v. impaired driving of a state vehicle;
  - vi. any driving violation resulting in injury or death;
  - vii. any felony-related driving violation;
  - viii. any hit and run violation;
  - ix. operation of a moving state vehicle while using a handheld wireless communication device;
  - x. any other driving violation determined by the Committee to pose a significant risk to the safety or loss prevention of state vehicles, passengers, or the public;
  - xi. abuse, neglect, misuse, or illegal operation of a state vehicle;
  - xii. validated citizen complaints as determined by the Committee;
  - xiii. three "minor" telematics threshold violations within a 12-month period;
  - xiv. one "major" telematics threshold violation as determined by the Committee, considering any aggravating factors outlined in Section R27-7-5(8) of the Utah Administrative Code.

- i) After the Committee determines an employee has committed a Major Threshold Violation, the employee's driving privileges will be suspended as soon as possible after the completion of the Committee's review. The length of the suspension will increase if the violation is determined by the Committee to involve Aggravating Factors. In the presence of valid Mitigating Factors, the Committee may vote to excuse a single violation.
  - i. The first Major Threshold Violation shall result in suspension of driving privileges for no less than two work days, unless the Committee determines there are Aggravating Factors, in which case the suspension shall be no less than 14 calendar days.
  - ii. A second Major Threshold Violation within twelve months of the first shall result in suspension of driving privileges for a minimum of 14 calendar days, unless the Committee determines there are Aggravating Factors, in which case the suspension shall be no less than 30 calendar days.
  - iii. A third Major Threshold Violation within twelve months of the second shall result in suspension of driving privileges for a minimum of 30 calendar days, unless the Committee determines there are Aggravating Factors, in which case the suspension shall be no less than 60 calendar days.
  - iv. A fourth Major Threshold Violation within twelve months of the third shall result in suspension of driving privileges for a minimum of 60 calendar days, unless the Committee determines there are Aggravating Factors, in which case the suspension shall be no less than 120 calendar days.
  
- j) The Committee shall document its review, including explanation of any Aggravating or Mitigating factors which influenced its determinations, and any loss of driving privileges determined by the Committee. The Committee's decisions are binding but may be appealed to the Driver Eligibility Board.
  
- k) The employing Division, Institution, or Office, in cooperation with DHRM, shall determine whether loss of driving privileges constitutes employee's inability to perform their work. If driving is an essential function of their work, the employee may not be permitted to continue in that position. The employee may not be permitted to use a personal vehicle to perform their work during any suspension of driving privileges.
  
- l) In addition to any penalties imposed by the Department of Human Services, the employee may be subject to additional disciplinary actions imposed by the state Driver Eligibility Board. Either the Committee or the Driver Eligibility Board may suspend the employee's driving privileges for up to three years.

References:

Utah Administrative Code, Rule R27-7. Safety and Loss Prevention of State Vehicles. (Available online at <https://rules.utah.gov/publicat/code/r027/r027-007.htm>.)



Ann Silverberg Williamson, Executive  
Director Department of Human Services

Date: August 15, 2018



State of Utah

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Lieutenant Governor

DEPARTMENT OF HUMAN SERVICES

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STATE MOTOR POOL VEHICLE

SPECIAL USE REQUEST

\_\_\_\_\_ Is hereby authorized to:  
(Print Driver's Name)

Keep a state vehicle overnight on \_\_\_\_\_, 20 \_\_\_\_ . The vehicle is to be parked in close to the employee's home to accommodate early/late travel for a meeting or trip.

Use a state vehicle from \_\_\_\_\_, 20 . to \_\_\_\_\_, 20 . For a special work assignment as outlined below. The state vehicle must be parked off the street, as close to the employee's home as possible.

Work Assignment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date