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GOVERNOR

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COMMISSIONER OF ADMINISTRATION

State of Louisiana
Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

DOA POLICY NO. 13

EFFECTIVE DATE: January 3, 2000

REVISED DATE: July 2, 2010; December 29, 2010; February 1, 2011

SUBJECT: Drivers' Safety Policy

AUTHORIZATION: 
Steven Procopio, Appointing Authority

I. POLICY:

It is the policy of the Division of Administration (DOA) that vehicles driven on state business shall be operated in a safe manner, in compliance with all applicable rules and regulations. Only properly qualified and authorized persons may operate vehicles on state business. State vehicles may only be used for official, authorized purposes; personal use is prohibited.

II. PURPOSE:

The purpose of this policy is to increase the safety of employees, control the use of vehicles used in the performance of State related business, reduce the State's liability exposure, reduce loss expenses, achieve accountability, and meet the requirements of Louisiana Revised Statute 39:1543 by establishing and maintaining an effective Driver Safety Program.

III. APPLICABILITY:

This policy is applicable to all employees in all sections of the Division of Administration, both general and ancillary appropriations.

IV. DEFINITIONS:

Accident Report (DA Form 2041) - A report that is completed for any vehicular accident involving a State Vehicle or any leased, rented, or private vehicle being used on state business.

Authorization and Driving History Form (DA Form 2054) - A record that is maintained by the agency on each employee who drives on state business.

Designee - Individual(s) specifically designated by the section head to act on their behalf.

Driver Safety Coordinator - Individual appointed by the Appointing Authority to plan, organize, direct, and control the Driver Safety Program for the agency.

Engage in a Call - Talking or listening on a cellular telephone.

Guilty Plea - The admission of guilt from the defendant to each charge of the commission of a violation.

High-Risk Driver - A driver is considered high risk if any of the following situations occur on or off duty:

1. Having two (2) of any of the following on separate occurrences within a 12-month period:
 - a) At fault accident(s)
 - b) Guilty pleas and/or nolo contendere pleas for moving violations
2. Having three (3) of any of the following on separate occurrences within a 36-month period:
 - a) At fault accident(s)
 - b) Guilty pleas and/or nolo contendere pleas for moving violations
3. Having a single conviction, guilty plea or nolo contendere plea for operating a vehicle while intoxicated, hit and run driving, vehicular negligent injury, reckless operation of a vehicle or similar violation, within the previous 36-month period.

Moving Violation - A moving violation occurs whenever a vehicle is in motion. Examples of moving violations include: speeding, running a stop sign or red light, driving without a license, making a left turn from the right hand lane.

Nolo Contendere - "No contest" - has the same effect as a plea of guilty, as far as the sentence is concerned, but may not be considered as an admission of guilt for any other purpose.

Official Driving Record (ODR) - A record maintained by the Office of Motor Vehicles on each driver in the State of Louisiana containing history of driver violations and accidents.

State Business - Any legal and lawful activity conducted/engaged in, by an employee or agent of the State of Louisiana, on behalf of and benefiting the state in the course and scope of their duties.

State Vehicle - Any licensed vehicle owned, leased and/or rented by the State of Louisiana.

Unauthorized ("NOT authorized") Driver - A driver shall be considered "NOT" authorized if any of the following occur:

1. Does not meet the minimum driving requirements,
2. Does not complete/pass the ORM-recognized driver course within the allowed time period,
3. Driving privileges are suspended after notification of an accident or citation, or
4. The Authorization and Driving History Form (DA 2054) has not been completed and/or signed by the Section Head/Designee annually.

Vehicular Accident - Any collision in which the vehicle comes in contact with another vehicle, person, object, or animal – which results in death, personal injury, or property damage (regardless of: who was injured, what was damaged or to what extent, where it occurred or who was responsible).

Wireless Telecommunications Device - Any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

Write, Send or Read a Text-based Communication - To use a wireless telecommunications device to communicate by using a text-based communication referred to as a text message, instant message, or electronic mail.

V. GENERAL RULES:

- A. No driver shall operate a State vehicle under the influence of alcohol or drugs, or when his ability to operate a vehicle safely may be impaired by medication, illness, fatigue or injury.
- B. Seatbelts and other proper restraints must be worn by all occupants of State vehicles and state-rented or leased vehicles.

- C. Seatbelts and other proper restraints must be worn by all occupants when an employee is operating a privately-owned vehicle in the course and scope of their job duties.
- D. Utilizing a wireless telecommunications device while driving is prohibited in state-owned or leased and privately owned vehicles. This includes writing, sending, or reading a text based communication and engaging in a call. Use of a wireless telecommunications device is permissible for passengers in such vehicles.

Exceptions:

- 1. Report a traffic crash, medical emergency, or serious road hazard.
 - 2. Report a situation in which the person believes his personal safety is in jeopardy.
 - 3. Report or avert the perpetration or potential perpetration of a criminal act against the driver or another person.
 - 4. Engage in a call or write, send or read a text-based communication while the motor vehicle is lawfully parked.
- E. Vehicle mileage and use logs must be kept for all State vehicles.
 - F. Keys may not be duplicated, unless authorized and must be returned promptly to the department after each use.
 - G. No unauthorized person shall be transported in any State-owned vehicle except in emergencies as defined by applicable laws, promulgated rules or regulations.

VI. PROCEDURES:

A. AUTHORIZATION PROCESS

1. Driving Requirements

All drivers must meet the following minimum standards:

- a) Possess a valid operator's license appropriate for the class of vehicle driven,
- b) Have a minimum of two years licensed driving experience,
- c) Be eighteen (18) years of age or older, and
- d) Does not meet the definition of a high-risk driver.

2. Authorization and Driver History Form

Employees shall complete the Authorization and Driving History form (DA 2054) upon hire and annually by June 1 of each year. The information on this form is used to acquire the Official Driving Record (ODR) from the Department of Public Safety.

3. Official Driving Record (ODR)

- a) The safety coordinator shall obtain and review an ODR from the Department of Public Safety annually. If an employee possesses an out-of-state license, the agency must either acquire a certified copy of the ODR from that state or require the employee to do so at his own expense.
- b) The Authorization and Driving History Form and the ODR are submitted to the section head or designee by the safety manager for review and authorization.
- c) After review of the ODR, the section head or designee shall sign and date the Authorization and Driving History Form.
- d) The safety coordinator shall immediately notify the section head and supervisor of any flags or restrictions that may limit or restrict an employee's ability to drive on official state business.
- e) If an employee is not authorized to drive, the employee, his supervisor, and the section head shall be notified in writing that this employee shall not drive on state business. The immediate supervisor and the fleet control officer shall be notified that this employee shall not be given authority to drive on state business.
- f) Employees with No Insurance (NI) flags on their ODR shall not be authorized to drive their personal vehicle on state business until the flag has been removed.
- g) High-risk drivers shall not be authorized to drive vehicles on state business from the date of discovery for a minimum of twelve (12) months.
- h) Driver Safety Program records shall be maintained for three years at the agency/section location.

B. ACCIDENT REPORTING

Vehicular accidents shall be reported in accordance with DOA Personnel Policy No. 7, *Job Related Automobile Accidents*.

C. REVOCATION AND SUSPENSION OF DRIVING AUTHORIZATION

The Section Head, Safety Coordinator, or the Office of Human Resources may make a recommendation to the Appointing Authority to suspend an employee's driving privileges. The Section Head may direct any employee not to drive for business purposes while a recommendation for suspension is being considered. After receiving notification, or if discovered otherwise, of an accident, citation for a moving violation, or other serious offense pending disposition, the Appointing Authority may suspend the driving privileges of any driver.

D. FLEET MANAGEMENT GUIDELINES

Each agency that provides for the use of state vehicles by employees to conduct official business is expected to adhere to the requirements of the State's Fleet Management Program (Title 4, Part V, subchapter F; Title 34, Part XI of the Louisiana Administrative Code) to include but not limited to:

1. Operators of State vehicles will follow all reasonable procedures to insure the safe and economical use of State vehicles including:
 - a) Locking vehicles at any time they are left unattended.
 - b) Removing credit cards when keys must be left in vehicle at parking facility.
 - c) Parking the vehicle in authorized places where reasonable security is offered and removing from ready visibility any State or personal property within the vehicle.
2. No vehicle may be operated in violation of State or local laws.
3. Use of State vehicles within the official domicile to obtain meals is not permitted except for:
 - a) Investigation personnel actually on duty.
 - b) Field workers between site visits.
 - c) Bona-fide official State business meetings.
 - d) Employees who are required to accompany or be on duty with clients while on travel status.
4. The use of State vehicles for the personal use or benefit of an individual or individuals is not permitted; including but not limited to:
 - a) Personal errands (such as banking business, shopping), and
 - b) Transporting of unauthorized non-state employees, and
 - c) Use of state vehicles while not on official duties (such as leave or lunches).

VII. RESPONSIBILITIES:

The Appointing Authority is responsible for:

Holding the section heads under his supervision accountable for adhering to all aspects of this policy.

Suspending the driving privileges of any driver found to be ineligible.

Section Heads are responsible for:

Implementing the Driver Safety Program.

Stressing the importance of the DOA Driver Safety Program to all employees.

Designating those employees authorized to drive on state business.

Reporting any accident, citation for a moving violation, or other serious offense pending disposition to the Appointing Authority and the Office of Human Resources within two work days.

Making recommendations regarding the suspension of an employee's driving privileges.

Directing any employee not to drive for business purposes while a recommendation for suspension is being considered.

Providing a list of the section's authorized drivers to the DOA Safety Coordinator and Fleet Coordinator by July 1 of each year. Intermittent updates shall be submitted as required.

Safety Managers are responsible for:

Completing the following steps for employees that are authorized to drive:

- a) Verifying that each driver has a valid and properly classed driver's license.
- b) Certifying that each employee has completed an ORM recognized defensive driving course (e.g., LPOST, Loss Prevention instructor-led, National Safety Council, FLI, etc.) within 90 days of hire and every three years thereafter. (Drivers who have convictions on their motor vehicle records shall be required to retake a recognized driving course within ninety (90) days of notification of a conviction.)
- c) Developing and maintaining a list of employees who have been authorized to drive or employees NOT authorized to drive at each office location.

- d) Notifying the appropriate supervisors of which employees have been authorized to drive or not authorized to drive.
- e) Providing a list of section's authorized drivers to the DOA Safety Coordinator and Fleet Coordinator by July 1 of each year. Intermittent updates shall be submitted as required.

Verifying that employees can provide proof of liability insurance if permitted to operate their privately-owned vehicle on state business.

Verifying that the employee has completed and passed an ORM recognized driving course within 90 days of employment and a minimum of every three years thereafter.

Supervisors are responsible for:

Providing time for each authorized employee to complete the ORM on-line Defensive Driving Course (LPOST), ORM instructor-led Defensive Driving Course, or another ORM recognized defensive driving course.

Allowing only authorized employees to drive on state business.

Ensuring that all vehicles provided to employees are in safe operating condition, including the use of a monthly checklist.

Following through that all deficiencies noted during the inspections are corrected and such actions documented.

Ensuring that all accidents and incidents are properly reported and said records are maintained.

Reporting any accident, citation for a moving violation, or other serious offenses to the section head once they become aware of it.

Safety Coordinator is responsible for:

Obtaining/reviewing official driving records (ODR's) and ensuring that employees meet program requirements to be authorized to drive.

Making recommendations regarding the suspension of an employee's driving privileges.

Ensuring that policies and procedures are established and implemented.

Reporting any accident, citation for a moving violation, or other serious offenses to the section head once they become aware of it.

Employees are responsible for:

Complying with all motor vehicle laws and regulations.

Operating vehicles for which they are licensed and insured.

Operating vehicles in a safe manner.

Reporting any unsafe conditions or accident involving state vehicles to their supervisor or designee.

Providing proof of insurance annually for personal vehicles, if used for state business.

Reporting any revocation or suspension of their driver's license to their supervisor no later than their next scheduled workday.

Notifying their supervisor of the final disposition of any citation or court decision.

Reporting any on duty accidents or citations for moving violations to the supervisor on the day it occurs.

Reporting any off duty accidents or citations received for moving violations to their supervisor no later than their next scheduled workday.

Office of Human Resources is responsible for:

Making recommendations regarding the suspension of an employee's driving privileges.

VIII. VIOLATIONS:

Failure to comply with this policy may result in disciplinary action, up to and including termination. Violations include but are not limited to:

- Driving while under the influence of drugs, alcohol or medications;
- Hit and run, including; evading responsibility, or leaving the scene of an accident;
- Driving while driver's license is under suspension or revoked;
- Failure to notify management of license suspension or revocation;
- For driver's with CDL, a violation of any State of Louisiana and/or Federal Department of Transportation regulations;

- Failure to report an accident to management before the end of the driver's workday;
- Failure to notify local police of an accident immediately;
- Poor driving record or high risk driver;
- Leaving the keys in the ignition of an unattended State vehicle or rental vehicle;
- Violation of any of the rules in Section V of this policy.

IX. QUESTIONS:

Questions regarding appropriate authorization to operate a State-owned or State-leased vehicle, or authorization to operate a privately-owned vehicle during the course and scope of State employment, should be addressed through the section head to the Commissioner or his delegated representative.

Other questions regarding this policy should be directed to the DOA Safety Coordinator.

X. EXCEPTIONS:

Requests for exceptions to this policy should be submitted to the Commissioner of Administration through the Safety Coordinator and/or the Office of Human Resources along with specific and compelling justification.