Wake County Driving Policy

X	Countywide – or -		Department:		Division:
Supersedes: April 1, 2017.					Effective Date: October 25, 2021
Approving Authority: County Manager					
Originating Department(s): County Attorney; Finance; GSA					

I. PURPOSE: 2
II. DUTIES AND RESPONSIBILITIES 3
III. PROCEDURE....4
A. WAKE COUNTY'S DRIVING POLICY 4
1. GENERAL REQUIREMENTS....4
2. ELIGIBILITY TO OPERATE A VEHICLE WHILE PERFORMING COUNTY BUSINESS 6
3. LOSS OF DRIVING PRIVILEGES 7
4. ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY 7
5. DRIVING PRIVILEGES AND DUI/DWI....7
6. REVOCATIONS, RESTRICTIONS, AND APPEALS 9
7. REINSTATEMENT OF DRIVING PRIVILEGES....10
B. VEHICLE SAFETY, PRODUCTIVITY, AND ACCOUNTABILITY- TELEMATICS 10
1. OVERVIEW....10
2. STANDARD REPORTING AND METRICS 10
3. INFORMATION REQUEST....11
4. INSTALLATION 11
C. COLLISION REVIEW PROCESS 11
1. REPORTING A VEHICLE COLLISION 11
2. COLLISION REVIEW....11
3. APPEALS OF COLLISION REVIEW DECISIONS 12
IV. DEFINITIONS:....13
V. APPLICABILITY 14
VI. POLICY RESPONSIBILITY AND MANAGEMENT:....15
VII. RELATED POLICIES, PROCEDURES, AND PUBLICATIONS:....16
VIII. APPENDICES: 17
IX. HISTORY....25

I. PURPOSE:

The purpose and goals of this policy are to:

1. Promote public safety
2. Improve the safety of County-owned motorized vehicles and their drivers
3. Minimize the County's risk of liability

The purpose is accomplished by:

1. Establishing and implementing minimum standards for prospective or current employees who may operate or currently operate either a County vehicle or a personal vehicle in the course and scope of their employment with the County
2. Establishing a fair and impartial Collision Review Process for all motor vehicle collisions that occur while employees are driving on County business, and establishing uniformity of disciplinary actions; and
3. Establishing employee, departmental, and Risk Team reporting and after-action responsibilities for each vehicle collision that occurs while employees are driving on County business or incident of damage to a County vehicle.

II. DUTIES AND RESPONSIBILITIES

1. Employees shall adhere to this policy and shall report driving violations that affect their North Carolina DMV driving eligibility status, whether or not the violation occurs while driving on County business; all collisions that occur while driving on County business; and all incidents of damage to County vehicles must be reported to their supervisor by the next business day.
2. Supervisors shall ensure staff adhere to this policy and shall ensure that a First Notice of Loss is entered into the County's claims management system for each motor vehicle collision or damage to a County vehicle.
3. The Department Head will enforce this policy for their department.
4. The Risk Team is responsible for defining the County's Driving Privilege Policy and for evaluating collisions that meet specific criteria.
5. The County Attorney is designated as the County's Risk Manager and will provide guidance as required.
6. The General Services Administration (GSA) Director or Designee shall administer this policy.

III. PROCEDURE

Only Wake County employees, including County (not Agency) temps, or, in limited circumstances, contractors authorized per Section III. A, 2. (c) of this policy shall operate County vehicles, in accordance with this policy.

Individuals operating any vehicle on County business must meet and adhere to the NC Division of Motor Vehicles (DMV) requirements. The County reserves the right to be more stringent in its standards. Official NCDMV: License Suspension (ncdot.gov)

Failure to comply with this policy and/or the County Alcohol and Drug Free Workplace Policy 1500 may result in loss of driving privileges and disciplinary action up to and including dismissal.

In addition to this policy, all County employees maintaining a Commercial Driver's License ("CDL") as a requirement for their employment shall adhere to the NC Department of Transportation ("DOT") CDL requirements. See https://www.ncdot.gov/dmv/license-id/driver-licenses/commercial/Pages/default.aspx

A. WAKE COUNTY'S DRIVING POLICY

1. GENERAL REQUIREMENTS

a. All Motor Vehicle Report Release (MVR) forms will be position based, as determined by the Department Head and Human Resources. Identified employees are responsible for completing an MVR form. The form must be completed prior to driving either a County or personal vehicle on County business. The MVR form shall be signed by the employee and the employee's supervisor and submitted to mvr.adminsetup@wake.gov

b. Employee signature on the MVR form indicates that the employee accepts responsibility for compliance with the requirements of this policy. It is the employee's responsibility to submit an updated MVR form to mvr.adminsetup@wake.gov upon any change of personal information, such as name change, etc.
    1. For pre-employment requirements see Human Resources Policy 3000 – Recruitment, section 3400.

c. Employees who drive on County business must inform their supervisor of any DMV revocation or suspension of their driver license, whether related to a moving traffic violation or a non-moving violation. Reporting must occur by the business day following DMV notification to the employee of such revocation or suspension.

d. Employees are personally and fully responsible for payment of any fines (including any court fees, late fees or penalties) incurred due to their operation of a County vehicle and/or a personal vehicle for County business. This includes, but is not limited to red light camera violations, parking tickets, towing/booting fees, etc.

e. Employees are not permitted, under any circumstances, to operate a county vehicle or a personal vehicle for county business when any physical or mental impairment causes the employee to be unable to drive safely. Employees shall not operate any county vehicle at any time or operate any personal vehicle while on county business while using or consuming alcohol, illegal drugs or prescription medications that may affect their ability to drive. These prohibitions include circumstances which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, medication, or intoxication. It is the responsibility of the Risk Manager Designee to periodically provide departments with MVR status data for departmental staff

f. If an employee does not meet the County's requirements for driving privileges per the requirements of this policy, the Risk Manager or Designee will notify the employee, his/her supervisor, the Department Head and Human Resources.
g. North Carolina law requires new residents to obtain a North Carolina driver's license within 60 days of establishing residency. New employees will be permitted 60 days from their date of employment to obtain a NC driver's license. During the 60-day period only, If a new employee with an out of state driver license is required to drive on County business, they must submit an MVR form with their out of state driver license information; following review of the employee's out of state driving record, permission to drive may be granted during this 60-day period only. If an employee plans to maintain an out-of-state residence during their employment, departmental and Risk Manager approval is required to be eligible for County driving privileges.
h. All employees operating County-owned vehicles shall be held responsible for the safe operation and immediate reporting of all collisions, known damage, and/or dangerous operating conditions of vehicles to which they are assigned. If an employee is involved in a collision while driving a County vehicle or a personal vehicle while performing County business, he/she is to follow the instructions in the document, " INVOLVED IN AN AUTOMOBILE COLLISION", (Located in the vehicle glove box compartment and on the Wire at: https://thewire.wake.gov/sites/employee-services/SitePage/7544/risk-management Individuals driving their personal vehicle on County business should keep a copy of this document in their glove compartment or have electronic access to the document.
i. County drivers and passengers who are involved in a collision shall make no statement or representation to interested persons as to fault or responsibility and shall not advise other parties involved that Wake County will pay for the damage resulting from that collision. Interested persons are to be referred to the Wake County Attorney's Claims Office for information.
j. All vehicle collisions and/or damage must be reported to the employee's supervisor. Approved managers or supervisors will report the incident to the Wake County Attorney's Office by submitting a First Notice Of Loss via the County claims management software system.
k. Incidents involving vandalism and/or theft to County-owned vehicles shall be reported to GSA Security Operations Center, 919-856-7007, who will make contact with the appropriate Law Enforcement agency. The incident shall also be reported to Wake County Attorney's Office per the instructions above.
l. County employees who transport non-employee passengers while performing County business in either a County vehicle or a personal vehicle must obtain a signed release agreement from each passenger prior to transporting the passenger/passengers. Signed agreements are to be maintained by the employee's department. See VIII. Appendices section of this document for forms.
m. Mobile Device Use
    1. Any employee covered by this policy must comply with N.C. Gen. Stat. §§ 20- 137.3-137.4A, and any other applicable local, state, or federal laws regarding mobile device usage while operating a motor vehicle.
    2. Texting while operating any vehicle on County business is prohibited.
    3. If a phone call must be placed or answered, the employee shall carefully pull off the road to a safe location to complete the call.
    4. Employees of departments conducting emergency operations should refer to their respective departmental rules regarding mobile phone usage, and such regulations supersede these regulations.

2. ELIGIBILITY TO OPERATE A VEHICLE WHILE PERFORMING COUNTY BUSINESS

a) All Motor Vehicles
   i. To be eligible to operate any vehicle on County business, all employees must:
      1. Have an active North Carolina driver's license, not under suspension, restricted for a driving offense or in provisional or graduated licensing status. Learner's permits are not licenses. Exceptions to the requirement for a State of North Carolina license will be considered on a case-by-case basis by the Risk Manager.
      2. Be at least 18 years of age.
      3. Demonstrate the mental and physical capacity to drive in a safe manner as determined by the supervisor. In disputed cases, the Department Head in consultation with the Risk Manager and Human Resources will make a final determination.
      4. Prior violations of County policies concerning use and possession of intoxicating beverages or drugs will be reviewed on a case-by-case basis with Human Resources, the department head, and Risk Manager or designee.
      5. Utilize all necessary corrective lenses, eyeglasses, or contact lenses to ensure proper vision while operating a motor vehicle
      6. All employees shall complete required training.

b) Personal Vehicles
   i. All requirements of this policy apply to both drivers of County vehicles and drivers of personal vehicles.
   ii. When driving a personal vehicle while performing County business, the employee's personal automobile insurance policy is primary coverage. Individuals should confirm with their personal insurance agent or carrier that their personal automobile insurance policy for the vehicle being used while performing County business provides adequate coverage for this usage. Individuals are not permitted to drive a personal vehicle on County business without minimum statutorily required liability insurance coverage limits of $30,000/$60,000/$25,000. Employees who use a personal vehicle on County business shall not permit their personal auto insurance coverage to lapse.
   iii. The County is not responsible for the costs of maintenance, upkeep, or insuring of a personal vehicle used to perform County business. It is expected that personal vehicles are safe to operate when performing County business.

c) Non-Employee Use of County Vehicles
   i. Non-County employees are not permitted to drive County vehicles. However, in very limited circumstances the County may enter contracts or agreements that permit a contractor's employees to operate specific County owned vehicles. In these cases, the contractor's employees may only drive County owned vehicles if there is a valid contract between the County and the contactor. The contractor must agree to comply with, at minimum, the driver qualification requirements of this policy and must hold the County harmless in the event of any vehicle collision involving the use of a County owned vehicle. All vehicle repairs shall occur at a County approved repair facility. The contractor must also, in advance of the operation of any County owned vehicle, provide evidence of insurance coverage for County owned vehicles that is consistent with the requirements of the contract between the County and the contractor. Contractors are responsible for payment of any and all fines, including any late fees or penalties, due to red light camera violations, parking tickets, towing/booting fees, etc. resulting from contractor use of a County vehicle.

d) Other Non-Employee Driving
   i. The requirements for contractors, agency temps, interns, volunteers, or other parties that may drive while providing services for the County are dictated by the terms of the contract or agreement between the County and those parties.

3. LOSS OF DRIVING PRIVILEGES

a) The Risk Manager reserves the right to require driver improvement clinic attendance based on the criteria set by North Carolina DMV, and it will be at the expense and time of the employee.

b) An employee will lose the privilege of operating any vehicle on County business if:

i. The employee's driver's license has been suspended or revoked by DMV due to accumulation of points or moving violations within the past 18 months.

ii. The employee has accumulated 8 DMV points or more within the past 24-month period.

i. If an employee has accumulated seven (7) DMV points within the last 24-month period, the Risk Manager may require the employee to attend a driver improvement clinic based on the criteria set by the DMV. Employees may also voluntarily attend a driver improvement clinic in order to reduce DMV points. Attendance will be at the expense and time of the employee. https://www.ncdot.gov/dmv/license-id/license-suspension/Pages/driver-improvement-clinics.aspx

ii. The employee has been involved in three or more preventable motor vehicle collisions while performing County business within the past 18-month period.

i. If an employee has accumulated seven (7) DMV points within the last 24-month period, the Risk Manager may require the employee to attend a driver improvement clinic based on the criteria set by the DMV. Employees may also voluntarily attend a driver improvement clinic in order to reduce DMV points. Attendance will be at the expense and time of the employee. https://www.ncdot.gov/dmv/license-id/license-suspension/Pages/driver-improvement-clinics.aspx

iii. The employee has been involved in three or more preventable motor vehicle collisions while performing County business within the past 18-month period.

4. ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY

a) For the purpose of this policy, any employee who reports to work conducting County business and operates any vehicle while under the influence of intoxicating beverages or illegal drugs or operates any vehicle while in the possession of intoxicating beverages or illegal drugs is in violation of this policy and may be subject to immediate dismissal. This policy coincides with the County Alcohol and Drug Policy in the Human Resources Policy Manual.

5. DRIVING PRIVILEGES AND DUI/DWI

a) An employee who drives as a part of their position requirements is charged with a DUI/DWI must report this charge to their supervisor by the next business day. Failure to do so may result in disciplinary action.

b) During the first thirty (30) days after the DUI/DWI charge, when North Carolina DMV has revoked the driver's license, the employee's County driving privileges are suspended, and the employee will not be permitted to drive on County business in either a County-owned vehicle or a personal vehicle.

i. During the thirty-day initial period, if driving is an essential function of the employee's job, the employee may ask to be temporarily reassigned to non-driving work by their supervisor if meaningful work is available within their department. Such reassignment is at the discretion of the supervisor and the department head.

ii. During the thirty-day initial period, if driving is an essential function, and no reassignment is available, the employee will be asked to not report to work and will be allowed to take annual leave or leave without pay as applicable.

iii. If driving is not an essential function of the employee's job, the employee may continue to report to work, but is not to drive on County business either in a personal or County-owned vehicle.

c) From the end of the thirty (30) day revocation period through the disposition of the DUI/DWI charge, if North Carolina DMV reinstates the driver's license:
   i. An employee may have their County driving privilege reinstated at the discretion of their department head and the County Attorney / Risk Manager. The employee must make this request in writing, to their supervisor, department head, and the County Attorney/Risk Manager no more than five (5) business days prior to the end of the thirty-day initial revocation period.

d) An employee whose County driving privilege is reinstated after the thirty-day initial revocation period and through disposition may be required to:
   i. Submit to random breathalyzers
   ii. Obtain additional training
   iii. Submit to an Employee Assistance Program referral
   iv. Pay for alcohol testing (or other substance(s) depending on charge)
   v. Sign an acknowledgment form the expectations and requirements to maintain their driving privilege

e. If nine months after being charged with a DUI/DWI, the charge has not been disposed of, the employee must request to have any previously reinstated County driving privileges continued at the discretion of their department head and the County Attorney / Risk Manager prior to any further driving on County business. The employee must make this request in writing, to their supervisor, department head, and County Attorney/Risk Manager's Office no more than five (5) business days prior to the end of the 90-day period. At such time, the County may at its discretion terminate the driving privilege, particularly if the delay in disposition has been due to the employee's actions or inaction. The employee will be expected to produce documentation that the delay in disposition has not been on their part.

f. If disposition of the DUI/DWI charge results in the employee being convicted, the employee will be prohibited from driving on County business for three (3) years from the conviction date. Suspension, demotion, dismissal may be recommended when deemed appropriate. If NCDMV driving privileges have been restored after a one-year DUI/DWI suspension, or if the employee has been granted limited driving privileges by a court prior to serving a complete one-year DUI/DWI suspension, and the employee provides documentation of such restored or limited privileges, they may appeal to have their County driving privileges reinstated at the discretion of the department head and the County Attorney / Risk Manager if all of the following apply:
   i. it is their first conviction.
   ii. they have a good driving record otherwise.
   iii. they have not had any additional County disciplinary actions.
   iv. they have not been involved in a Preventable collision in the last twelve months.

g. After reinstatement as stated under III.A.5.f, the employee will be subject to frequent monitoring and/or the provisions of III.A.5.d. above.

Table I: Driving Privileges and DUI/DWI Process

DWI/DUI Charge	Personnel Action	Decision Made By	Opportunity to Reinstate Driving Privileges	Reinstatement Determined By
1st 30 Day suspended license	Ineligible to drive on County business	Policy 303	No	N/A
End of the 30-day period through the disposition	County driving privilege may be reinstated with conditions in III.A.5.d.	Department Head and Risk Manager	Yes/ County Vehicle Only (no personal vehicle on county business)	Department Head and Risk Manager
Nine months after charge	Must request extension of County Driving privilege	Department Head and Risk Manager	Yes/ County Vehicle Only (no personal vehicle on county business)	Department Head and Risk Manager
Conviction	Prohibited from driving on County business for three (3) years	Policy 303,6200	Yes/ County Vehicle Only *See III.A.5g above*	Department Head and Risk Manager

6. REVOCATIONS, RESTRICTIONS, AND APPEALS

a) Drivers found to be in violation of state laws or County performance and conduct standards may be subject to disciplinary action up to and including dismissal, per County Ordinance and under section 6200 of the Wake County Human Resources Manual.

b) Revocation of driving privileges may be determined based on ineligibility per this policy (See Section III.A.3 Ineligibility to Operate a Vehicle on County Business) or by the Department Head and/or Risk Manager based on observations, actions or recommendations from Human Resources.

c) Notice of revocation or restriction of an employee's driving privileges will be in writing via email and copied to the employee's supervisor, the Department Head, Human Resources, and the County Attorney/Risk Manager.

d) Appeal rights associated with any imposed disciplinary actions are applicable as identified under section 6302 Grievance and Appeals Procedures of the Wake County Human Resources Manual.

e) An employee may immediately appeal the decision of the Department, Human Resources or Risk Manager of the loss of driving privileges, except when in violation of Wake County policy 6200 Disciplinary Actions and 1500 Alcohol and Drug Free Workplace when driving is a required part of the employee's job and loss of driving privileges precludes an employee from performing his/her responsibilities. The employee may file a written request within ten (10) working days of the date of the notice of restriction or loss of driving privileges to Human Resources for the County Manager's review. The County Manager may reinstate limited driving privileges subject to restrictions in keeping with this policy when the employee shows the following:

   i. A good overall driving record
   ii. Extenuating or unusual circumstances that are unlikely to recur and which contributed to the events causing loss of driving privileges
   iii. That the loss of driving privileges will have an unjust result considering all relevant factors

7. REINSTATEMENT OF DRIVING PRIVILEGES

a) If reinstatement is requested due to the completion of a DMV suspension that resulted from a non-moving violation and DMV has reactivated the employee's driver's license, the employee must submit a new MVR to Risk Manager Designee and must not drive on County business until the Risk Manager designee in Finance advises the employee that County driving privileges have been restored.

b) To restore driving privileges that were revoked due to DUI/DWI, NC DMV points, the Collision Review Process, or a behavioral or physical condition, the employee shall submit a request to the Department Head for reinstatement. Restoration of driving privileges is not automatic. The Department Head, with the guidance of the Risk Manager, shall accept or deny the request for reinstatement. The following guidelines shall be adhered to when requesting reinstatement:

1. North Carolina DMV suspension requirements: the employee shall not request reinstatement until the North Carolina DMV driver's license suspension is complete Documentation confirming the completed suspension is required. See Section III.A.5.g. for conditions if the suspension was due to a DUI conviction.
2. Violation of the County's intoxication and controlled substances policy- not eligible for reinstatement

c) The County Attorney/Risk Manager may conditionally reinstate driving privileges upon the employee's successful completion of a driver improvement clinic or other rehabilitation program, which will be at the expense and time of the employee. The County Attorney/Risk Manager may also impose such other conditions upon reinstatement as he/she deems to be reasonable or necessary for protection of the employee, the County, and the public.

B. VEHICLE SAFETY, PRODUCTIVITY, AND ACCOUNTABILITY- TELEMATICS

1. OVERVIEW

To promote the highest level of safety, productivity, and accountability, county vehicles may be equipped with technology such as telematics. "Telematics" is a system of sending and receiving a vehicle's electronic data between the vehicle and a central management system. Vehicles with such technology installed can track a variety of data and provide instant driver feedback. Data includes but is not limited to vehicle location, harsh turning, harsh braking, harsh acceleration, vehicle utilization, compliance, safety infractions, and risky driving behaviors. Managers may use this data to monitor safe driving habits, identify training needs, respond to public comment, assist in optimizing fleet utilization, improve services and business delivery, reduce fuel consumption, improve driver performance, and reduce risks. Data is validated by multiple sources. Data collected is acquired both from GPS modules and a vehicle's diagnostic data bus. This is to ensure accuracy with speeding, as well as harsh braking, accelerating, cornering, and over-revving. Standard reports, dashboards and automated notifications shall identify vehicle information only and shall not identify employee names assigned to vehicles.

2. STANDARD REPORTING AND METRICS

a) Corporate: Wake County, at a minimum, will produce the following reports.

i. Speeding over 80mph for excess of 30 seconds
ii. Non-seatbelt use over 20mph in excess of 1 minute
iii. Excessive idle time customized by department and vehicle type
iv. Aggressive driving behavior reported by harsh turning, braking and accelerating

b) Departmental Function: Based on the variety of services performed by county departments, some variations in procedures and rules may be necessary to ensure operational efficiency. To accommodate these needs, Department Heads may establish internal regulations and delegate staff to oversee collected vehicle data and reports. Departments may be more prescriptive than the corporate fleet, but

the department must communicate requirements to the departmental employees for record along with employee acknowledgment.

3. **INFORMATION REQUEST**
   Public information requests shall be handled via standard procedures through the County Communications Office. No telematics information shall be released outside County Government without the consent of the County Attorney's Office. Internal requests will be referred to the Department Head. Drivers shall have no expectation of privacy when operating county vehicles (owned/leased). Staff assigned to vehicles equipped with telematics devices shall be notified via electronic or paper means for corporate and departmental policy acknowledgment (see section VIII Appendices). Information and reports collected through telematics may be used to assess an employee's vehicle operation performance and conduct, consistent with the Human Resources Policy Manual.
4. **INSTALLATION**
   Telematic devices installed on vehicles shall not be tampered with, reconfigured or removed without prior written approval of GSA Fleet Operations.

C. COLLISION REVIEW PROCESS

A Collision Review Process is established to review all collisions, whether in a County vehicle at any time or personal vehicle while on County business, in order to determine if the collision was preventable or non-preventable. This process includes the employee's Department-approved manager or supervisor's initial review of the collision facts. As needed, any claim may be reviewed by the County's Risk Team.

1. **REPORTING A VEHICLE COLLISION**
   a) The employee is required to inform their supervisor immediately and no later than 24 hours of any collision defined in this policy.
   b) A claim must be submitted in the County's claim system within 48 hours by the departments' approved manager, supervisor or department head designee. Employees are not allowed to submit collision reports on behalf of themselves.
   c) The authorized department representative shall immediately review the details of the collision with the employee. When submitting the claim into the County's claim system, the manager or supervisor will provide an initial review of whether the incident was found to be Preventable, Non-Preventable, or Undetermined based on the below definitions (See section **IV Definitions**). The submitting manager or supervisor will also provide justification for their findings. Any additional documentation must be provided to the County's claim representative which may include law enforcement reports, traffic cameras, telematics data and any other reasonably available collateral source of information regarding the collision.
2. **COLLISION REVIEW**
   a) Determination of whether a collision is preventable or non-preventable by the County's Collision Review process shall not be considered evidence or admission of negligence or lack thereof in any other proceeding, action, adjudicative process whether civil or criminal, or any other setting. Likewise, a finding of fault or negligence in any aforementioned proceeding shall not bind the Collision Review Process to determine that a collision is preventable or non-preventable.
   b) Once a First Notice of Loss has been entered by an employee's manager or supervisor, the County's claims representative will review all facts of the submitted claim and will additionally make their determination of preventable or non-preventable.
      i. If the submitter and the Claims representative determinations are the same, the claim will not be reviewed by the Risk Team.
      ii. If the two determinations are conflicting, the Risk Team will review the facts provided and make a final decision.

iii. If the submitter selects Undetermined, the claim representative may make the final determination. If the claim representative also selects Undetermined, the Risk Team will review and make a final determination.

c) Monthly preventable claim reports will be generated by the Risk Manager Designee. These reports will be distributed to Department Heads, Human Resources and the Risk Team.

d) In the case of an employee's first Preventable collision, Human Resources will be notified, and the Department manager or supervisor shall, at minimum, give the employee a documented counseling.

e) If the employee has two preventable collisions within an 18-month period, Human Resources will work directly with the Department Head or designee. Recommended action will be a written warning.

f) If the employee has three or more preventable collisions within an 18-month period, Human Resources will work directly with the Department Head or designee. Recommended action will be a suspension or termination.

g) The Risk Manager shall make appropriate recommendations on driving privileges and Human Resources shall make appropriate recommendation of disciplinary action to the Department Head.

3. APPEALS OF COLLISION REVIEW DECISIONS

a) When driving is a required part of the employee's job and loss of driving privileges precludes an employee from performing his/her responsibilities, the employee may file a written request to reinstate their driving privileges to their Department Head.

IV. DEFINITIONS:

1. **Vehicle Collision:**
   Pertains to either a personal or County owned vehicle that is being used on County business. A collision occurs when any vehicle strikes another vehicle, object, or person. A collision may result in personal injury, property damage, or death, regardless of who was injured and to what extent, what property was damaged or to what extent, where the collision occurred, or who was responsible.
2. **Preventable Collision:**
   A collision will be considered preventable when it is determined that the driver could reasonably have avoided the collision, acted carelessly or recklessly, did not act reasonably to avoid a collision through the exercise of reasonable care, failed to keep a reasonable lookout, failed to reasonably maintain control of his or her vehicle, or failed to exercise due caution.
   a) Preventable collisions include but are not limited to:
      i. Violation of law or ordinance by the County driver
      ii. Employee strikes another vehicle in the rear
      iii. Employee strikes a fixed object
      iv. Employee, while backing vehicle, strikes a vehicle or an object
      v. High speed operation resulting in loss of vehicle control regardless of weather conditions; reasonableness of speed is considered under a totality of the circumstances considering the posted speed limit in addition to road and weather conditions.
      vi. Emergency vehicle operation where the driver failed to utilize due care and caution; for example, intersection collisions involving a collision with vehicles whose operators would have ordinarily had the right-of-way.

3. **Non-preventable Collision:**
   A collision will be considered non-preventable when it is determined that the collision could not have reasonably been prevented or avoided by the County driver. A Non-preventable determination is not solely determined by laws, ordinances, orders, rules and regulations, or because the driver had the right-of-way. All circumstances involved shall be taken into consideration.
   a) Non-Preventable collisions include but are not limited to:
      i. Animal Strikes
      ii. Windshield damage
      iii. Struck by another while stationary
      iv. Vandalism
4. **Undetermined Collision:**
   A collision that is reviewed by the department manager, supervisor, or claims representative, may be identified as undetermined due to lack of information or ability to define the collision. The Risk Team will make a final determination when needed.
5. **Risk Manager Designee:** Employee responsible for risk management duties, as determined by the Chief Financial Officer, Finance Director, Chief Human Resources Officer or County Attorney.
6. **Risk Manager:** County Manager designates the County Attorney as Risk Manager
7. **Motor Vehicle Report Release (MVR) Form**: A form, signed by the employee and the employee's supervisor, authorizing the County to query the employee's driving history and receive DMV conviction notifications. Completed MVR forms are required based on the employee's position and determined by the Department and Human Resources and shall be completed when onboarding new employees.

V. APPLICABILITY

This policy applies to all employees who will or currently operate any motor vehicle while performing County business. This policy also applies to non-employees identified within the policy

VI. POLICY RESPONSIBILITY AND MANAGEMENT:

1. Finance, GSA, Human Resources, and the County Attorney's Office are jointly responsible for this policy development and implementation.

2. This policy is to be reviewed every two years at the beginning of the fiscal year (July) or sooner if needed to ensure accuracy and compliance with state or federal mandates.

3. Contact Information –

    a. County Attorney's Office- 919-856-5486
    b. Finance- 919-856-6127
    c. GSA Security Center- 919-856-7007
    d. GSA Request Center- 919-856-2777

VII. RELATED POLICIES, PROCEDURES, AND PUBLICATIONS:

1. Wake County Travel & Transportation Policy
2. 1000 – Wake County General Rules of Employment Resources
3. Motor Vehicle Safety and Financial Responsibility Act of 1953
4. Claims Management System

VIII. APPENDICES:

1. Motor Vehicle Report Release (MVR) & Telematics Acknowledgement Form
2. Telematics Acknowledgment form
3. Release Agreement for non-employee Passenger in a County Vehicle
4. Release Agreement for non-employee Passenger in an Employee Personal Vehicle
5. Release Agreement for non-employee's personal vehicle
6. If Involved in an Automobile Accident

MOTOR VEHICLE REPORT RELEASE (MVR) & TELEMATICS ACKNOWLEDGEMENT FORM

Undersigned employee acknowledges that he/she has accepted responsibility for adherence to the WAKE COUNTY DRIVING PRIVILEGE PROCEDURE found in the Wake County Safety, Security and Loss Prevention Manual.

AUTHORIZATION FOR RELEASE OF DRIVING RECORDS

Undersigned employee authorizes Wake County Government, as well as any other organization it shall contract or employ for the same purpose, to verify his/her past and present driving records and to conduct periodic reviews of his/her driving records, pursuant to Wake County DRIVING PRIVILEGE PROCEDURE. Any information obtained will be used solely for the purpose for which it is obtained. Wake County is authorized to check North Carolina Motor Vehicle records, as well as those of any state in which the employee has been issued a driver's license during the past three years. Undersigned employee understands and agrees to the above stated driving records checks and confirms that any information needed in order to obtain such North Carolina and out of state driving records has been furnished by the employee.

NOTE: A person holding a commercial driver's license issued by another jurisdiction must apply for a transfer and obtain a North Carolina issued commercial driver's license within 30 days of becoming a resident. Any other new resident of North Carolina who has a driver's license issued by another jurisdiction must obtain a license from the Division within 60 days after becoming a resident. (North Carolina General Assembly Statute § 20-7.)

TELEMATICS ACKNOWLEDGEMENT

I understand that it is my responsibility as a driver of a Wake County vehicle to always operate County vehicles in a safe manner. I understand that the vehicle that I operate has, or may at any time, be equipped with technology, such as telematics, that is used to promote overall vehicle safety, productivity and accountability.

I acknowledge that I have read section III_303_ Wake County Driving Privilege Procedure and will comply with all applicable regulations.

Send completed form to mvr.adminsetup@wake.gov. This document will be retained in my personnel file.

EMPLOYEE NAME AS IT APPEARS ON LICENSE:_____

EMPLOYEE UNIQUE ID:_____

EMPLOYEE SIGNATURE:_____DATE:_____

NC DRIVER'S LICENSE NUMBER:_____DATE OF BIRTH:_____

SUPERVISOR SIGNATURE:_____DATE:_____

TELEMATICS ACKNOWLEDGEMENT FORM

I understand that it is my responsibility as a driver of a Wake County vehicle to always operate County vehicles in a safe manner. I understand that the vehicle that I operate has, or may at any time, be equipped with technology, such as telematics, that is used to promote overall vehicle safety, productivity and accountability.

I acknowledge that I have read section III**_303_ Wake County Driving Privilege Procedure** and will comply with all applicable regulations.

This document will be retained in my personnel file.

_____
Department Name

_____
Signature of Employee

_____
Print Full Name of Employee

_____
Employee Unique ID

_____
Date

RELEASE AGREEMENT FOR NON-EMPLOYEE PASSENGER IN A COUNTY VEHICLE

I _____ assume full responsibility for any personal injury or any damages to my person or property which may occur, directly or indirectly while accompanying a Wake County employee while in the performance of his or her duties, and fully and forever release and discharge the County of Wake, its agents and employees from any and all claims, demands, damages, rights of actions, or causes of actions, present or future, resulting from accompanying an employee of Wake County: excepting injury or damage of property which may arise out of the negligent or intentional acts or omissions of Wake County and its employee agent.

PASSENGER
Name: _____
Address: _____
City, State, Zip: _____
Phone: _____
Signed: _____ Date: _____

DRIVER:
County Employee: _____
Department: _____
Signed: _____ Date: _____

RELEASE AGREEMENT FOR NON-EMPLOYEE PASSENGER IN EMPLOYEE'S PERSONAL VEHICLE

The undersigned does hereby, for himself/herself, his/her spouse, heirs, executors or administrators, and personal representatives assume full responsibility for any personal injury or any damages to his/her person or property which may occur, directly or indirectly, while accompanying a Wake County employee while in the performance of his/her duties, and fully and forever release and discharge the County of Wake, its agents and employees from any and all claims, demands, damages, rights of actions, or causes of actions, present or future, resulting from accompanying an employee of Wake County in employee's personal vehicle except for claims for bodily injury or property damage sustained during a vehicle collision caused by the Wake County employee.

PASSENGER
Name: _____
Address: _____
City, State, Zip: _____
Phone: _____
Signed: _____ Date: _____

DRIVER:
County Employee: _____
Department: _____
Signed: _____ Date: _____

RELEASE AGREEMENT FOR NON-EMPLOYEE'S PERSONAL VEHICLE

The undersigned does hereby, for himself/herself, his/her spouse, heirs, executors or administrators, and personal representatives assume full responsibility for any personal injury or any damages to his/her person or property which may occur, directly or indirectly, while in the performance of his/her duties, and fully and forever release and discharge the County of Wake, its agents and employees from any and all claims, demands, damages, rights of actions, or causes of actions, present or future, resulting from utilizing his/her personal vehicle while in the performance of his/her duties.

Name: _____

Address: _____

City, State, Zip: _____

Home Phone: _____

Signed: _____ Date: _____

Witness:

Name: _____

Title: _____

IF INVOLVED IN AN AUTOMOBILE COLLISION:

1) **Stop** immediately. Motorists must move their vehicle to the shoulder of the road following minor, non-injury wrecks to help keep traffic moving and reduce the likelihood of secondary wrecks. Failure to do so could result in a $110 fine and court costs, issued by law enforcement. These costs would be the responsibility of the driver.
2) **Check** for injuries. If required, secure proper medical assistance by calling or having someone call 911.
3) **Notify** law enforcement (local police or highway patrol).
    a. Request that the collision be investigated, no matter how minor the collision.
    b. A report needs to be written by law enforcement along with them investigating the incident.
4) **Obtain** name(s), address(es), and phone number(s) of any witnesses.
5) **Exchange** driver, vehicle, and insurance information with the other driver.
    a. Wake County insurance information: Wake County is self-funded - Contact Wake County Attorney's Office, Risk Management at 919-856-2717.
6) **Do NOT** discuss the collision with anyone except the investigating officer, your supervisor, and the County Attorney's Office, Risk Management.
7) **Do NOT** make statements or argue as to who was at fault.
8) **Do NOT** sign an admission of fault.
9) **Notify** your supervisor immediately.

Emergency numbers:

- Law enforcement: 911
- EMS: 911
- Wake County Security (24/7) & towing services: 919-856-7007
- Fleet Operations: 919-856-5740
- Risk Management: 919-856-2717

ALL vehicles, no matter how minor the damage, are **REQUIRED** to be taken to Fleet Operations to determine if the vehicle needs repairs and where the vehicle will be repaired.

Automobile Collision Report:

ALL automotive damage and collisions MUST be reported to the driver's supervisor immediately and within 24 hours.

A claim must be submitted in the County's claim system within 48 hours. Employees are not allowed to submit collision reports on behalf of themselves. It is REQUIRED that ONLY the driver's supervisor or Department Head designee submit automotive claims per the County policy found here:

Safety, Security and Loss Prevention Manual

III_303_ Wake County Driving Privilege Procedure

https://powerdms.com/link/WakeGov/document/?id=1554658

Wake County's Risk Management system:

Go to thewire.wakegov.com web page, then click the following:

WAKESPACES / EMPLOYEE SERVICES / Risk Management

https://wake.jw-filehandler.com/Login.aspx

Reminders for Wake County vehicle drivers:

- All unleaded vehicles are to use 87 Octane gasoline ONLY.
- This vehicle is equipped with telematics.
- Keeping a vehicle clean and presentable is the responsibility of the driver. Drivers may clean vehicles at GSA wash bay within Fleet Operations or use drive through car washes at approved commercial fuel sites. Only the basic car wash should be selected. The commercial fuel card (WEX) should be used for these washes.
- Lost or defective cards must be reported to the Fleet Coordinator at 919-856-5737 and will take up to 72 hours for a replacement. A $10 fee is charged for lost cards.
- Each vehicle should have a registration in the glove box.
- If you are involved in a collision, follow the steps on the reverse.

IX. HISTORY

Effective Date	Version	Section(s) Revised	Author
08/15/2010	0	All sections	
09/06/2012	1	Sections II, VI, VII	WC Risk/Safety Committee
04/23/2013	2	Section II.1, 11,& 12; Release Agreements for Non-Employee Passengers	WC Risk/Safety Committee
4/1/2017	3	Reformat and update language	WC Risk/Safety Committee
10/1/2021	4	All Sections	Risk Team
3/28/2023	5	Reformat and update language	Risk Team