

**Town of Mashpee Board of Selectmen  
Policy 023**

**Vehicle Use for Official Town Business**

**I. PURPOSE**

The purpose of this Policy is to establish guidelines and standards for use and assignment of Town of Mashpee vehicles, to establish compensation for use of personal vehicle for official Town business, to outline employee responsibilities when driving a Town vehicle or personal vehicle for official Town business, and to establish the proper reporting procedures when a Town employee is involved in an accident while conducting official business in a Town vehicle or personal vehicle.

**II. POLICY**

It is the Policy of the Town of Mashpee to authorize the acquisition and utilization of vehicles for use by officials of the Town in the conduct of their employment responsibilities, as provided for herein. Employees are obligated to comply with the provisions of this Policy when their employment responsibilities require use of a Town vehicle or personal vehicle.

**III. APPLICABILITY**

This Policy shall apply to all employees of the Town of Mashpee, except police and fire personnel shall have policies and procedures established for their specific responsibilities such as emergency driving by the Police Chief or Fire Chief. However, all take-home vehicles shall be authorized by the Town Manager. School personnel shall have policies and procedures established by the School Committee or Superintendent. All personnel are expected to comply with traffic laws and regulations.

If any provision of this Policy violates any governing law or regulation, or if any law or regulation applicable to this Policy becomes effective after the effective date of this Policy, the Policy shall be deemed changed to be in compliance with such governing law or regulation.

Any employee who may be assigned a Town vehicle or who may use their personal vehicle for official Town business shall be required to sign a confirmation of receipt of this Policy.

Failure to comply with any applicable provision of this Policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension and/or termination of employment.

**IV. DEFINITIONS**

*Personal Vehicle* shall be defined as that vehicle owned or available for private use by the employee.

*Town Vehicle* shall be defined as any automobile, truck, van, or other self-propelled equipment owned, rented, or leased by the Town of Mashpee and licensed for travel on a public way.

*Responsible Supervisor* shall be defined as the Town Manager or his designee.

*Mileage Reimbursement* shall be defined as the per mile amount approved by the Town Manager to compensate an employee for use of a personal vehicle for Town business. Mileage reimbursement is not considered to be salary.

*Expense Reimbursement* shall be defined as payment for approved expenses (parking, tolls, etc.) relating to personal vehicle use for Town business, upon receipt of written documentation. Expense reimbursement is not considered to be a salary item.

*Commuting* shall be defined as the use of a Town vehicle for travel between the employee's workplace and his/her principal work location site. Employees may receive advanced approval from the Town Manager or his designee to leave from their residence to a work site for the purpose of commuting mileage.

*Fringe Benefit* shall be defined as an extra benefit supplementing an employee's salary.

## **V. VEHICLE USE**

### **A. Town Vehicles**

Unless otherwise designated, Town vehicles are not for personal use. Certain positions require employee access to Town vehicles, either during work or on an on-call basis. Town vehicles are assigned solely for purposes consistent with providing municipal services to its residents and businesses. All Town vehicles shall display the Town Seal.

### **B. Personal Vehicles**

Whenever possible, employees are expected to use Town vehicles for work-related travel or any other official Town business. On those occasions when a Town vehicle is unavailable, the use of a personal vehicle is authorized. The Town of Mashpee reimburses employees for reasonable expenses incurred as a result of personal vehicle use for official Town business.

### **C. Motor Vehicle and Driving Record Check**

Any employee using a Town vehicle or personal vehicle for official Town business may be subject to a driving record check, and may be required to complete and submit a motor vehicle release form. An authorized official from Human Resources may obtain a copy of the employee's driving record from the license issuing agency and report its findings to the Director of Human Resources. If it is determined that the driving record of an employee is a safety concern, the employee will be so advised, and may be prohibited from use of either a Town vehicle or personal vehicle for official Town business.

## **VI. PROCEDURES**

### **A. Work Related Travel in Personal Vehicles**

1. An employee authorized to use a personal vehicle for official Town business shall be reimbursed for mileage at the rate in effect at the time of travel. To be reimbursed, employees must seek reimbursement from the Accounting Department, and submit the appropriate expense reimbursement form with back-up documentation and/or receipts within 30 days.

Reimbursement will be made by check. The Town will reimburse for documented tolls and reasonable parking expenses incurred on the job in a Town or personal vehicle.

2. Employees who are authorized to use personal vehicles for official Town business may be required to demonstrate proof of state mandated minimum insurance coverage upon request.

#### B. Authority to Assign Vehicles for Use

1. The Town Manager or his designated department head is responsible for assignment of Town vehicles. All Town vehicles shall be regularly inspected by department heads for damage and cleanliness. Deficiencies shall be documented and appropriate corrective action shall be taken.
2. Employees must show proof of a valid Massachusetts motor vehicle operator's license prior to assignment/use of a Town vehicle. Vehicles are assigned for use consistent with department workload and employee function. The assignment/use of Town vehicles may be rescinded at any time by the Town Manager.

#### C. Operation of Town Vehicles or Personal Vehicles for Official Town Business

Employees are required to adhere to the following minimum rules of operation when using a Town vehicle or personal vehicle for official Town business:

1. Employees must maintain and keep in their possession a valid motor vehicle license issued by the Commonwealth of Massachusetts. Vehicles shall be operated by employees who hold a valid license of the class required for the specific vehicle being operated. Employees may be required to provide a copy of their valid driver's license.
2. Employees operating vehicles for official Town business shall drive defensively, avoid unnecessary idling, carpool when able, and obey all applicable traffic and parking regulations, ordinances and laws. Speed limits are to be strictly observed. Courtesy will be extended to all entering and exiting traffic when vehicle is in operation.
3. Smoking, including the use of e-cigarettes, chewing tobacco or any other tobacco product, is prohibited in Town vehicles.
4. Employees must refrain from using hand-held cellular phones or other personal electronic devices while the vehicle is moving, unless the employee must place an emergency call or conduct official business. If available, a cellular phone should be used with a hands-free set. Town employees will comply with current state law regarding cellular phone use while driving. Employees shall not be distracted while driving.
5. Operators must not leave vehicles unattended while the engine is idling with the ignition keys in the ignition, in the lock, or anywhere inside the vehicle.
6. Except as provided by law, employees and passengers must wear seatbelts and shoulder harnesses when operating or travelling in Town vehicles, or when using personal vehicles for official Town business.

7. Employees are expressly prohibited from operating Town vehicles or use personal vehicles for official Town business while under the influence of alcohol, illegal drugs, or prescription drugs/medications which may interfere with the effective and safe operation of the vehicle.
8. The transportation of unopened alcoholic containers is prohibited. Additionally, employees are expressly prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in any vehicle being used for official Town business.
9. Employees who incur parking or other fines will be personally responsible for payment of such fines. Employees who are issued citations for any offense while using a Town vehicle must notify a responsible supervisor immediately, when practicable, but in no case shall notification exceed 24 hours.
10. An employee who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in Town vehicle or personal vehicle, must notify a responsible supervisor immediately, when practicable, but in no case shall notification exceed 24 hours. Conviction for such an offense may be grounds for loss of Town vehicle privileges and/or further disciplinary actions.

#### D. General Use of Vehicles

In addition to the minimum rules of operation, employees must abide by the following requirements and restrictions:

1. Town vehicles may only be used for official Town business. Operators must exercise sound judgment at all times and avoid any appearances of misuse. Use of public equipment or resources for personal use is an ethics violation under M.G.L. c. 268A.
2. When using a Town vehicle, employees are required to obtain fuel from a designated Town fueling facility, unless fueling is required in the course of out-of-town travel. The use of Town fuel for personal use is prohibited.
3. Town vehicles will not be used to transport passengers who are not Town employees or individuals directly associated with official business or activities (committee members, consultants, contractors, etc.).
4. Town vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
5. All Town vehicles not utilized shall be garaged or parked at the end of each day in assigned municipal parking lots and/or spaces. No vehicles are to be taken home at the end of the workday without the permission of the Town Manager.
6. At a minimum, all Town vehicles shall be serviced semi-annually, to include oil, lube and filter change, fluid levels, brake inspection, and other maintenance as indicated in the vehicles owner's manual. Employees are expected to keep Town vehicles clean and to report any needed repair, inspection, maintenance, or other issue to a responsible supervisor in a timely manner.

7. Regular take-home vehicles shall be authorized by the Town Manager.

#### E. Emergency Use of Vehicles

As necessary, the Town Manager or his designee may authorize a subordinate employee to take a vehicle home, after work, for anticipated emergency use. Such emergency use would include, but not be limited to special operations, snowstorms, natural disasters, flooding, and health, electrical, or building inspections on a weekend. When such emergency use is less than three consecutive days in duration, no requirement for computation of commuting use is required. Said operator shall be allowed limited and discretionary use of the vehicle during the "on call" period.

#### F. Calculation of Fringe Benefits

Under Internal Revenue Services (IRS) regulations, the benefits of using a Town vehicle for commuting is considered to be taxable income to an employee, and the value of the personal use of the Town vehicle will be included in his/her compensation. In accordance with IRS Code 61 and IRS Regulation 1.61n-2T, employees using Town vehicles for the purpose of commuting shall submit a computation of fringe benefits to the Town Treasurer on or about the first of the new year for the prior year.

#### G. Vehicle Activity Report

On or before the 10<sup>th</sup> of each month, each department head is responsible for submitting a Vehicle Activity Report to the Office of the Town Manager. The report shall include a list of vehicles assigned to the department, along with the total mileage used for each vehicle over the prior month, and an assessment of the condition of each vehicle.

#### H. Vehicle Accident Procedures

1. When an employee using a Town Vehicle or a personal vehicle for official Town business is involved in a motor vehicle accident, the operator must stop the vehicle and evaluate for personal safety and the safety of occupants.
2. Whenever any person has been injured and/or vehicles have suffered damage, the local or state police must be called to the scene. The operator will not remove the vehicle or leave the scene until authorized to do so by law enforcement. The operator will refrain from discussion of fault or liability. It is understood that the employee/driver may have to move the vehicle in question if safety is at risk.
3. When possible, the operator will personally obtain and/or document the information listed below. If personal injury prevents the operator from acquiring this information, another person should be designated to obtain it.
  - a) Name, address, and driver's license number of the other driver(s)
  - b) Name and address of the vehicle owner(s)
  - c) Registration number of the other vehicle(s) involved
  - d) Name and address of other driver(s) insurance company(s)
  - e) Name and address of any witnesses to the accident

4. The operator will immediately report the incident details to a responsible supervisor or department head, and submit any related documentation.
5. At the earliest opportunity or within 24 hours of the accident, the responsible supervisor or department head will complete and submit an Internal Vehicle Accident Report to the Office of the Town Manager.
6. Within 72 hours, a First Report of Auto Claim form will be completed by the responsible supervisor or department head and will be submitted to the insurance coordinator, along with a copy of any official police report, photographs, or other relevant documentation.
7. If applicable, a First Report of Injury form should be completed and filed with the Department of Human Resources.

***Adopted by the  
Mashpee Board of Selectmen  
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