

CITY OF NORTH MIAMI

ADMINISTRATIVE REGULATIONS

Clarence Patterson
City Manager

Administrative Regulation 1-56
Date 3-26-07 Approved *Clarence Patterson*

ALL DEPARTMENTS

**POLICY FOR ISSUANCE AND USE OF TAKE HOME VEHICLES
AND PROVIDING FOR REIMBURSEMENT OF COST TO THE CITY**

OBJECTIVE

To promulgate specific rules regarding the take home vehicle program as established by Article 46 of the collective bargaining agreement between the City of North Miami and the International Union of Police Associations.

APPLICABILITY

The provisions of this Administrative Regulation do not apply to those employees governed by the provisions of Administrative Regulation 1-47.

REPEAL

All administrative regulations or parts of administrative regulations in conflict herewith or inconsistent herewith are hereby repealed, but only insofar as such administrative regulations may be inconsistent or in conflict with this Administrative Regulation.

RESPONSIBILITIES

Each department head is responsible for monitoring the compliance of departmental employees with the provisions of this Administrative Regulation.

The Finance Director shall be responsible for the collection of all monetary reimbursements as required by this Administrative Regulation as well as the calculation and reporting of vehicle usage as income in accordance with applicable provisions of the United States Internal Revenue Code.

The Personnel Administration Director shall be responsible for the certification of the primary residence of each employee participating in the take home vehicle program.

This A.R. rescinds
A.R. #1-56 dated 4/2/95
A.R. #1-56 dated 5/30/97 and
A.R. #1-56 dated 6/27/00
A.R. #1-56 dated 4/9/01

The Purchasing Manager shall be responsible for the procurement of a towing contract to service vehicles disabled outside the corporate limits of the City of North Miami.

Supervisory personnel shall be responsible for compliance with paragraph 16 of this Administrative Regulation.

PROCEDURES

1. Eligibility In order to be eligible to participate in the take home vehicle program an employee must meet the following criteria:
 - a. Maintain a valid Florida Driver's License; and
 - b. Live within a 30 mile radius of the primary work center; and
 - c. Be in a permanent employment status; and
 - d. Achieve an overall rating of satisfactory or higher on last performance report evaluation; and
 - e. Be regularly exclusively assigned to a particular vehicle.
2. Ineligibility An employee will be considered ineligible for participation in the take home vehicle program if:
 - a. The employee has received any type of administrative action for misuse of a city vehicle; or
 - b. The employee has had two or more preventable accidents during the immediate preceding 24 month period; or
 - c. The employee is assigned to light duty and/or leave for a period of 32 hours or more (40 hours or more for those employees working 4 day/10 hour shifts).
3. Agreement (Exhibit A)
 - a. Employees participating in the take home vehicle program will be required to execute this agreement and follow the rules of this Administrative Regulation. This agreement will be filed as a permanent record in the City's Personnel Department.
 - b. The department head shall determine the assignment of employees to take home vehicles.
 - c. A new agreement shall be executed when an employee is assigned a different take home vehicle.

- d. A new agreement shall be executed when an employee changes his primary residence, work shift or number of days in work week.
 - e. For the purposes of this Administrative Regulation a post office box or address at a postal service center or other similar mailing address will not be considered an acceptable primary residence.
4. Authorized Operators Only the employee assigned the take home vehicle, or other specifically authorized employee, shall operate the vehicle.
 5. Lawful Operation The employee's operation of take home vehicles will conform to all State and local laws and regulations regarding traffic and parking. Employees shall not presume any special privileges with a take home vehicle while off-duty.
 6. Off-duty Usage Take home vehicles will be used to commute to and from work, by the most direct available route as specified in the agreement, or for official business approved, in advance, by the department head. No private personal business shall be conducted in take home vehicles except in accordance with paragraph 7 as it applies to sworn police officers who maintain their primary residence within the corporate limits of the City of North Miami. Employees (excluding sworn police) commuting to and from work will not be considered in a compensable status.
 7. Off-duty Usage by City Resident Sworn Police Officers Sworn police officers who maintain their primary residence within the corporate limits of the City of North Miami shall be permitted to use a take home vehicle for unlimited private personal business conducted within the corporate limits of the City of North Miami provided that such use does not conflict with the provisions of this Administrative Regulation or other applicable rules and regulations of the City. Sworn police officers shall be appropriately attired to perform official duties and shall have in their possession their service weapon (or department approved off-duty weapon), department identification and handcuffs.
- Compensability for all Sworn Police Officers Using Take Home Vehicle
8. Pursuant to F.S. 440.092 sworn police officers operating a take home vehicle pursuant to this paragraph shall be considered in a compensable status when they are performing duties within the course and scope of employment. Sworn police officers who are involved in an automobile accident while commuting to and from work, and who require medical attention, will be covered under the City's workers' compensation program.
 9. Passengers The employee utilizing a take home vehicle shall not transport any person not employed by the City of North Miami. The only exceptions to this provision is an actual emergency or other authorized official action (e.g. a sworn police officer transporting prisoners or victims or city officials).

10. Prohibited Activities

The following activities, although not totally inclusive, are prohibited:

- a. Employees experiencing any type of impairment or condition that may adversely affect their safe operation of a motor vehicle shall not operate a city vehicle. This includes side effects of prescribed and over-the-counter medication. An employee may not operate a take home vehicle within 12 hours of the consumption of any alcoholic beverage.
- b. Employees shall not transport alcoholic beverages or unlawful drugs, of any type, in their take home vehicle unless within the scope of their official duties (e.g. a sworn police officer transporting evidence).
- c. Off-duty employees shall not drive their take home vehicles to establishments which are primarily engaged in the sale and/or on-premises consumption of alcoholic beverages, to businesses of a questionable nature, or to any other establishments specifically prohibited by the City.
- d. Employees shall not drive their take home vehicles improperly or in a reckless manner.
- e. The intentional use of a take home vehicle for the purpose of obtaining overtime is prohibited.
- f. Utilization of the take home vehicle for any unauthorized personal compensation is prohibited.
- g. The take home vehicle shall not be used for transportation to and from off-duty work assignments, unless:
 - (i). Specifically authorized by the department head or his designee; and
 - (ii). Off-duty work is scheduled through the employee's department; and
 - (iii). Off-duty work occurs immediately preceding or subsequent to the employee's scheduled shift or the use of a marked police vehicle is determined, by the Chief of Police, to be in the best interest of the City; and
 - (iv). Off-duty work occurs solely within the corporate limits of the City of North Miami.
- h. Take home vehicles shall not be utilized for carrying heavy or excessive loads, nor shall any objects be carried on or towed from the exterior of the vehicle.

11. Accidents, Damage and Other Casualties to Take Home Vehicles

- a. Reporting and handling of accidents involving take home vehicles shall be in accordance with Administrative Regulation 1-11 and other appropriate Risk Management Division and departmental regulations.
- b. Injuries sustained by general employees driving a take home vehicle in an off-duty status (including commuting to and from work) shall not be compensable under Florida Statutes Chapter 440. The following are examples of compensable and non compensable injuries:

General Employees:

- On duty, inside City limits – compensable
- On duty, outside the City limits – compensable
- Off duty, outside City limits – not compensable
- Off duty, inside City limits – not compensable

- c. Injuries sustained by sworn police officers driving a take home vehicle in an off-duty status while commuting to and from work shall be compensable under Florida Statutes Chapter 440. The following are examples of compensable and non compensable injuries:

Sworn Police Officers:

- On duty, inside City limits – compensable
- On duty, outside the City limits – compensable
- Off duty, outside City limits – compensable
- Off duty, inside City limits – compensable, including officers in paragraph #7 above

- d. All damage to, including theft from or of, take home vehicles shall be promptly reported according to current policy and procedures.
- e. When take home vehicles are damaged or disabled requiring out of service repair, the employee must provide personal transportation to and from work if a spare City vehicle is unavailable.

12. Security of Vehicles

- a. Unattended take home vehicles shall be locked at all times.
- b. Employees shall remove portable radios, and city issued cell phones from take home vehicles when vehicle left unattended.
- c. Sworn police officers shall remove weapons from take home vehicles when off duty.

- d. Take home vehicles shall be properly secured and legally parked.

13. Off-Duty Intervention By Sworn Police Officers

- a. Sworn police officers are restricted to intervening only in the case of emergencies and hazardous situations occurring within the corporate limits of the City of North Miami. Sworn police officers will not routinely respond to the scene of incidents unless they are the initial arriving unit or specifically authorized by an on-duty supervisor. When it becomes necessary for a sworn police officer to take self-initiated action while off-duty, the following procedures will be complied with:
 - (i). Advise the dispatcher of the situation and request assistance from an on-duty unit. The off-duty sworn police officer shall be relieved by the first available on-duty unit.
 - (ii). Actual overtime will only be authorized for 15 minutes or more. All overtime compensation must be approved by a departmental supervisor during such self-initiated action. Sworn police officers will only be compensated for the actual time expended, which will be rounded to the nearest quarter-hour.
- b. The police radio must be monitored at all times when within the corporate limits of the City of North Miami. There shall be no affirmative obligation on behalf of the employee to monitor the police radio outside the corporate limits of the City of North Miami while commuting to and from the employee's residence.
- c. Injuries sustained by sworn police officers driving a take home vehicle off-duty shall be considered an on the job injury compensable under Florida Statutes Chapter 440, when commuting to and from work, or taking action involving a felony or serious crime or NM city resident abiding by #7 above.
- d. Incidental occurrences of police/citizen encounters shall not be compensated.

14. Maintenance

- a. Employees participating in the take home vehicle program shall ensure that their vehicles are properly maintained and shall not:
 - (i). Alter the body, general design, appearance, markings, mechanical or electrical systems of the take home vehicle.
 - (ii). Cause any visible holes to be made to the interior or exterior of the take home vehicle or cause any modification, alteration or addition to the take home vehicle to be made without prior approval of the department head and the Public Works Director.

- (iii). Make any repairs or have any repairs made to the take home vehicle other than authorized by the department head and the Public Works Director.
 - (iv). Affix any unauthorized sticker, sign, apparatus or appendage to the take home vehicle.
 - (v). Use or introduce any fuel, oil, lubricant or other additive other than those authorized by the Public Works Director.
- b. Employees shall be responsible for the appearance and cleanliness of their take home vehicle, both the interior and the exterior.
 - c. Vehicles shall be subject to a weekly supervisory inspection as provided for in paragraph 16a.
 - d. Employees shall not fuel, wash, wax or perform any other routine or extraordinary maintenance on the take home vehicle while off-duty.
 - e. Employees shall cause take home vehicles to be serviced at the motor pool during normal duty hours.
 - f. Employees shall cause take home vehicles to be cleaned at department designated facilities during normal duty hours.
 - g. Should a take home vehicle become disabled or damaged while being utilized in an off-duty status, the employee shall immediately notify the motor pool so that service can be provided. Employee shall not unduly allow damaged vehicle to remain in a state of disrepair. If the motor pool is closed for normal business, service will be obtained by calling the Winson Water Plant. Towing service for take home vehicles requiring such service outside the corporate limits of the City of North Miami shall be provided solely by a private contractor procured under the direction of the Purchasing Manager.

15. Reimbursement Procedures

- a. Officers in the program will be charged a use fee as follows: employees living outside of the City shall pay a \$.30 per mile fee from their residence to the City limits of the City of North Miami. Employee must live within a 30 mile radius of the main police station. The maximum number of vehicles allowed to participate in this program shall be: 60 vehicles. See collective bargaining agreement article 46.
- b. Police officers utilizing City motorcycles shall be charged a fee which is 46.67 percent of the fee specified in (a) above. See collective bargaining agreement article 46.

- c. The reimbursement use fee shall be calculated from the mileage reported by the employee in the agreement as provided for in paragraph 3.
- d. The Finance Director shall cause to be assessed the reimbursement use fee by deducting said fee from the weekly net pay of the employee.
- e. The reimbursement use fee shall be calculated on a weekly basis. Requested adjustments to the weekly reimbursement use fee based upon the inactivity of the take home vehicle shall be requested by the employee by memorandum or other departmentally prescribed form and approved by the department head. Said memorandum or form shall be promptly transmitted to the Finance Director for processing.
- f. Exemption from payment of reimbursement use fee shall be granted to:
 - (i). Sworn police officers holding the rank of Lieutenant and above; and
 - (ii). Sworn police officers participating in the K9 program; and
 - (iii). Sworn police officers, designated in writing by the Chief of Police and approved by the City Manager, assigned to the special investigative unit (SIU) providing that said vehicles are not owned by the City of North Miami and operational costs except fuel and authorized rental fees, are not funded by the General Fund of the City; and
 - (iv). An employee designated in writing by the Department Head and approved by the City Manager, providing that the Department Head can justify the operational necessity of requiring the employee to drive a city vehicle to and from the employee's residence.

The granting of this exemption will only exempt the employee from the reimbursement use fee and not from any other provision of this regulation.

16. Supervisory Responsibility The following functions, although not totally inclusive, shall be performed to ensure compliance with the take home vehicle program:
- a. Take home vehicles will be inspected on a weekly basis for cleanliness and proper maintenance.
 - b. Results of the inspection shall be recorded on a form prescribed by the department head and retained by the department.
 - c. Police supervisors shall ensure that off-duty involvement is kept to a minimum as outlined in paragraph 13.

17. Tolls Employees driving take home vehicles shall pay toll charges at all toll booths.
18. Allocation of Vehicles Vehicles utilized for the take home vehicle program shall be subject to availability as determined through the annual budget process. After determining need for take home vehicle; allocation of take home vehicles shall be determined by the department head in accordance with the following criteria:
 - a. First, city residents; and then
 - b. Second, seniority within the department; and then
 - c. Third, performance.
19. Suspension from Program Violation of the provisions of this Administrative Regulation may result in the employee's suspension from the take home vehicle program and/or other disciplinary action in accordance with departmental policy and the rules and regulations of the City of North Miami, at the recommendation of the department head and approval of the City Manager. The decision of the City Manager shall be final and binding, non-arbitrable and non-grievable.
20. Waiver of Claims Employees participating in the take home vehicle program shall agree not to make any claim, demand, or suit, for loss, cost, expense or damage resulting from, or incidental to the use of assigned take home vehicles, in regard to travel to and from an employee's home to the city limits of North Miami for the purpose of driving to or from work or for other authorized work-related purposes. This waiver of claim shall also apply to any claims, demands, or suits for loss, cost, expense or damage which results from mechanical breakdown or condition of the take home vehicle, regardless of whether such mechanical breakdown or condition of the take home vehicle causing such loss, cost, expense or damage is caused in whole or in part by the City's negligence, in regard to travel to or from an employee's home to the city limits of North Miami for the purpose of driving to or from work or for other authorized work-related purposes. However, the foregoing does not absolve, preclude or waive the obligation of the City of North Miami of providing its employees a safe working environment and safe equipment with which to fulfill their employment responsibilities.

EXHIBIT A

AGREEMENT

The undersigned hereby acknowledges the receipt of City of North Miami vehicle _____, v.i.n. _____, license tag _____ with odometer reading _____ miles. I have received a copy of the requirements and prohibitions for participation in the take home vehicle program as included in Administrative Regulation 1-56. I have read, understand and agree to the provisions of the above referenced administrative regulation and acknowledge that any violation of these requirements or prohibitions may result in my suspension from the take home vehicle program and/or disciplinary action in accordance with the rules and regulations of the City of North Miami.

In addition to normal on-duty utilization this vehicle may be used in an off-duty status only under the conditions specified in Administrative Regulation 1-56.

I certify that my: (check only one)

_____ primary residence is within the corporate limits of the City of North Miami.

_____ primary residence is within a thirty mile radius of the main police station and that the distance from my residence is _____ miles (actual driving distance) to nearest municipal boundary of the City of North Miami.

I have recorded on the back of this agreement my route of travel when commuting to and from my primary residence to my primary work center.

Employee Name (Print) Date Issued by (Print)/Supervisor Date

Employee Signature Date Issued by Signature Date

Returned by Date Received by Date

EXHIBIT B Employee Information Take Home Vehicle

Name: _____
Last
First
Middle

Address _____
Apt. #
City
State
Zip Code

Department: _____ Days worked per week (Check One): 4 _____ 5 _____

Vehicle: Make & Model _____ License Plate # _____

V.I.N. # _____ Vehicle # _____

Type of fuel: (Check One) Gasoline CNG Both Gas & CNG

Mileage:

Employee Mileage (One Way) *	Personnel Use Only
Outside of City Limits:	Mileage Check

TOTAL MILES:

* Please report using tenths of miles, eg. 2.1 miles.

As a part of the requirements and prohibitions for participating in the take home vehicle program, if any of the following should happen it is your responsibility to contact your supervisor and the Personnel Department in writing immediately:

- No longer participating in the program
- Address Change
- Shift Change (Number of days worked)
- Vehicle Change
- Route Change (As per the route you provided on reverse side of "Exhibit A" Agreement.)

Type of change (if any) _____ Effective date: _____

Your attention to this matter is greatly appreciated, as the Personnel Department is attempting to keep accurate records.

Employee Signature _____ Date _____

FOR OFFICE USE ONLY:

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04/07R

Mileage Verified By: _____	Date Verified: _____
Mileage Verified By: _____	Date Verified: _____