



Policy Name: Use and Operation of Town Motor Vehicles	Policy No: S100-06
Committee approval date:	-
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Revision date(s):	April 4, 2016
Department/Division:	Administration Services

1. Purpose

1.1. The purpose of this policy is to establish authority, criteria and procedures for the use and operation of motor vehicles owned or rented by the Town of Pelham (“the Town”) by Town employees.

2. Policy Statement

2.1. The policy of the Town is to acquire and provide motor vehicles for use by Town employees as required to discharge their employment duties, either during the work shift or on a twenty-four (24) hour on-call basis.

2.2. The provisions of this policy apply to all Town employees who use or operate motor vehicles owned or rented by the Town.

3. Definitions

3.1. In this policy:

“**Authorized Driver**” means an Employee authorized by the Town to use or operate a Town Motor Vehicle or Rented Motor Vehicle for Town Business and who holds a Valid Driver’s Licence known as a “G” licence and a Valid Driver’s Licence of any other type required to operate vehicles in the class that includes the Town Motor Vehicle(s) or Rented Motor Vehicle(s) to be used.

“**Automated Speed Enforcement**” or “**ASE**” means a program intended to promote speed reduction in designated areas, which operates through automated detection of vehicle speeds and photographic capture of vehicle license plates. Where a vehicle speed in excess of the posted limit is detected, an Offence Notice is sent to the registered owner of the vehicle.

“**Employee**” means a person who performs work for the Town for wages, as set out in the *Employment Standards Act, 2000*, S.O. 2000, c. 41 including all full-time, part-time, temporary, and seasonal workers, student workers, and volunteer firefighters.



“Highway Traffic Act” or **“HTA”** means the *Highway Traffic Act*, R.S.O. 1990, c. H.8, being the provincial statute that regulates the use and operation of vehicles on all public highways in the province.

“Motor Vehicle” means any automobile, truck, or other motorized vehicle that is legally certified or approved to be lawfully operated on a public highway.

“Occurrence” means any collision, incident, infraction or *Highway Traffic Act* contravention involving the possession, use or operation of a Town Motor Vehicle or a Rented Motor Vehicle by an Authorized Driver, whether or not the conduct of the Authorized Driver caused or contributed to the event.

“Offence Notice” means a notice of a *Highway Traffic Act* contravention detected through ASE or RLC, which is sent to the registered owner of the vehicle for which the contravention was detected, and which sets out the applicable fine for the alleged offence.

“People Services” means the People Services Department of the Town.

“Permanently Assigned Vehicle” means a Town Motor Vehicle that is assigned to an Employee on a long-term or permanent basis for twenty-four (24) hour use by the Employee and for which a vehicle log is maintained to record mileage incurred for both Town Business and personal use by the Employee.

“Red Light Camera” or **“RLC”** means a program intended to promote red light compliance, which operates through photographic capture of vehicle license plates. Where a failure to stop at a red light is detected, an Offence Notice is sent to the registered owner of the vehicle.

“Rented Motor Vehicle” means a Motor Vehicle rented or leased by or on behalf of the Town for use by an Authorized Driver to conduct Town Business.

“Temporarily Assigned Vehicle” means any Town Motor Vehicle or Rented Motor Vehicle that is assigned to an Employee on a short-term or temporary basis for the sole purpose of immediately responding to emergency conditions on a twenty-four (24) hour call out basis.

“Town Business” means travel by an Employee in relation to their employment duties, as an Authorized Driver or a passenger, which is conducted with the knowledge and approval of the Town and for the benefit of the Town.

“Town Motor Vehicle” means a Motor Vehicle of which the Town is the registered owner.



“Valid Driver’s Licence” is a driver’s licence issued to an Employee by the Province of Ontario that has not expired and is not subject to suspensions or revocation of driving privileges.

4. General Provisions

- 4.1. Authorized Drivers are required to operate Town Motor Vehicles and Rented Motor Vehicles in compliance with the *Highway Traffic Act* and all other applicable law, this policy and any other applicable Town policies, and all good driving practices.
- 4.2. Town Motor Vehicles are allocated and assigned on a departmental basis for use by that department only. Departments are not authorized or permitted to use Town Motor Vehicles assigned to any other department without the express permission of the department to which the Town Motor Vehicle is allocated.
- 4.3. Other than expressly permitted under this policy, Town Motor Vehicles and Rented Motor Vehicles are not for personal use by Employees or any other person. Such Motor Vehicles are acquired for the benefit of the Town and its residents and may be used solely for purposes consistent with providing services to the public.
- 4.4. Town Motor Vehicles that are not being used for Town Business are to be parked or stored at a location, determined by the department to which they are allocated, from which the Town Motor Vehicles are readily available for Town Business use.

5. Qualifications and Requirements for Authorized Drivers

- 5.1. An Employee may be an Authorized Driver where the Employee:
 - i. is required to operate a Motor Vehicle in the course of their employment duties;
 - ii. meets all *Highway Traffic Act* criteria to operate a Motor Vehicle;
 - iii. provides consent for the Town to obtain a three (3) year driver record for the Employee from the Ministry of Transportation;
 - iv. holds a Valid Driver’s Licence known as a “G” licence; and
 - v. holds a Valid Driver’s Licence of any other type required to operate vehicles in the class that includes the Town Motor Vehicle(s) or Rental Motor Vehicle(s) to be used.
- 5.2. An Employee who is a student worker employed on a seasonal basis may be an Authorized Driver where the Employee:



- i. meets the requirements of subsection 5.1 of this policy;
 - ii. has a three (3) year driving record that is free of *Highway Traffic Act* contraventions and demerit points; and
 - iii. successfully completes a driver training session provided by the Town.
- 5.3. Town departments that employ student workers as Authorized Drivers must provide People Services with a list of all such Authorized Drivers and a three (3) year driving record for each such Authorized Driver.
- 5.4. The Town is entitled to periodically request and review an Authorized Driver's three (3) year driver record and/or Town records pertaining to the conduct of the Authorized Driver. Where such records demonstrate potentially unsafe driving habits, the Authorized Driver may be subject to discipline including but not limited to suspension of Authorized Driver privileges and/or mandatory driver training.
- 5.5. Authorized Drivers must notify their Supervisor or Director and/or People Services if they have or develop any medical condition that may adversely impact their ability to use or operate a Town Motor Vehicle or Rented Motor Vehicle.
- 5.6. Authorized Drivers must notify their Supervisor or Director and/or People Services if they use or require medication that may adversely impact their ability to use or operate a Town Motor Vehicle or Rented Motor Vehicle.
- 5.7. Authorized Drivers must immediately notify their Supervisor or Director and/or People Services of any changes to the status of any of their Valid Driver's Licences and/or their driving privileges, including but not limited to restrictions, suspensions and/or revocations.
- 5.8. An Employee ceases to be an Authorized Driver where any Valid Driver's Licence held by the Employee is suspended or revoked for any reason.
- 5.9. An Authorized Driver who is involved in an Occurrence may be required to undergo a driver evaluation and/or may be subject to discipline including but not limited to mandatory driver training or suspension, limitation or termination of Authorized Driver privileges, where the Supervisor or Director of the Authorized Driver determines, in accordance with subsection 5.10, that a driver evaluation and/or discipline is warranted.
- 5.10. In determining whether a driver evaluation and/or discipline of an Authorized Driver involved in an Occurrence is warranted, the Supervisor or Director of the Authorized Driver will consider the following factors:



- i. the nature and severity of the Occurrence;
- ii. the conduct of the Authorized Driver and the extent to which, if any, it contributed to the Occurrence;
- iii. if the Authorized Driver could reasonably have prevented or avoided the Occurrence;
- iv. the number, nature and severity of any other Occurrence involving the Authorized Driver in the previous five (5) year period; and
- v. any other relevant circumstance or factor.

5.11. Employees who are not Authorized Drivers shall not use or operate any Town Motor Vehicle or Rented Motor Vehicle.

6. Use and Operation of Motor Vehicles

- 6.1. Town Motor Vehicles and Rented Motor Vehicles may be used only for Town Business. Such vehicles may transport only Employees and persons directly associated with Town Business such as members of Council, committee members, consultants and/or contractors.
- 6.2. The Town logo must be affixed to the driver and passenger side doors of all Town Motor Vehicles and must be clearly visible.
- 6.3. Town Motor Vehicles should contain only those items for which they are designed. The Town is not liable for the loss or damage of any personal property transported in any Town Motor Vehicle.
- 6.4. Employees must keep Town Motor Vehicles in a neat and clean condition.
- 6.5. Smoking in Town Motor Vehicles and Rented Motor Vehicles is prohibited.
- 6.6. All passengers in Town Motor Vehicles and Rented Motor Vehicles must wear seatbelts at all times that the vehicle is in operation.
- 6.7. Authorized Drivers must not use any handheld device while operating a Town Motor Vehicle or Rented Motor Vehicle, including but not limited to cellular phones, radios and/or navigation units.
- 6.8. Authorized Drivers shall not operate any Town Motor Vehicle or Rented Motor Vehicle while under the influence of alcohol, cannabis, prescription or non-prescription medication or drugs or any other substance that may interfere with the safe and effective use or operation of a Motor Vehicle.



- 6.9. Employees, including but not limited to Authorized Drivers, shall comply with all provisions of Policy S100-02: Alcohol, Cannabis and Illicit Drugs in the Workplace.
- 6.10. Authorized Drivers shall not operate any Town Motor Vehicle or Rented Motor Vehicle outside the Province of Ontario without prior written approval of their Supervisor or Director.
- 6.11. Employees, including but not limited to Authorized Drivers, shall immediately report the following to their Supervisor or Director:
 - i. any damage to a Town Motor Vehicle or Rented Motor Vehicle;
 - ii. any malfunction or need for repair of a Town Motor Vehicle; and
 - iii. any **Occurrence** involving a Town Motor Vehicle or Rented Motor Vehicle.
- 6.12. Where an Employee fails to notify their Supervisor or Director of an **Occurrence within twenty-four (24) hours**, the Employee is subject to discipline up to and including termination of employment.

7. Permanently Assigned Vehicles and Temporarily Assigned Vehicles

- 7.1. A Permanently Assigned Vehicle will be considered only for Authorized Drivers who require a Town Motor Vehicle for the ordinary and necessary discharge of their employment duties. Eligibility considerations include official on-call status, the need for frequent emergency availability, and emergency or other equipment contained in the Town Motor Vehicle.
- 7.2. Permanently Assigned Vehicle allocations must be approved by Council and may be rescinded on reasonable notice where Council determines that the Permanently Assigned Vehicle allocation is no longer required and/or is no longer to the benefit of the Town.
- 7.3. A Temporarily Assigned Vehicle may be allocated to an Authorized Driver by their Director. Such allocations may be rescinded, without prior notice, where the Director determines that the Temporarily Assigned Vehicle allocation is no longer required.
- 7.4. Limited personal use of a Permanently Assigned Vehicle or a Temporarily Assigned Vehicle is permitted by the Authorized Driver to whom the vehicle is allocated. No other person may operate the vehicle. The Authorized Driver must maintain records of personal mileage as required by Canada Revenue Agency (CRA). At the end of each year, these records must be submitted to



the Town Payroll Office, which will calculate an amount to be added to the Authorized Driver's statement of earnings based on CRA formulas.

- 7.5. Where an Authorized Driver uses a Permanently Assigned Vehicle or Temporarily Assigned Vehicle to commute between their residence and their place of work, the Authorized Driver should use the most direct route, with road and traffic conditions taken into account.
- 7.6. Authorized Drivers who use a Permanently Assigned Vehicle or Temporarily Assigned Vehicle to commute more than twenty (20) kilometres one way shall meet the legislative requirements of CRA for on-call or emergency duties, failing which the Authorized Driver must reimburse the Town for additional operational and maintenance costs or report vehicle use as a taxable benefit as defined by CRA.

8. Parking, ASE and RLC Contraventions

- 8.1. Authorized Drivers who incur parking or similar fines in relation to a Town Motor Vehicle or Rented Motor Vehicle are personally responsible to pay such fines unless the Authorized Driver's departmental Director approves payment of such fines by the Town.
- 8.2. Niagara Region has implemented ASE and RLC cameras at various locations in the Town to support the continued safety of its residents and communities.
- 8.3. Where the Town receives an Offence Notice issued in relation to a Town Motor Vehicle or, in the case of a Rented Motor Vehicle, an invoice from the rental company for an Offence Notice issued in relation to the Rented Motor Vehicle, the Town Clerk or designate will refer the matter to the appropriate departmental Director for investigation under subsection 8.4. The Town Clerk will provide a copy of the Offence Notice to People Services.
- 8.4. Within ten (10) days of receipt of an Offence Notice or invoice described in subsection 8.3, the appropriate departmental Director or designate will commence an internal investigation to determine who was operating the Motor Vehicle at the time of the contravention and if there is any reason to challenge or contest the *Highway Traffic Act* contravention described in the Offence Notice.
- 8.5. Where the internal investigation determines that there is good reason to challenge or contest the *Highway Traffic Act* contravention described in the Offence Notice, the Town will dispute the Offence Notice and request a trial.



- 8.6. The Employee who was operating the Motor Vehicle at the time of the contravention is not permitted to dispute the Offence Notice or request a trial.
 - 8.7. Where the internal investigation determines that there is no good reason to challenge or contest the *Highway Traffic Act* contravention described in the Offence Notice, the Town Clerk or designate will pay the required fine within the time period specified on the Offence Notice.
 - 8.8. Where the Town Clerk pays a fine under subsection 8.7, the Employee operating the Town Motor Vehicle or Rented Motor Vehicle at the time of the contravention will be provided with a copy of the Offence Notice and is required to reimburse the Town for all amounts paid in satisfaction of the Offence Notice by way of a payroll deduction from the next pay period.
 - 8.9. Employees are not permitted to pay the fine directly, through the Provincial Offences Court website or otherwise.
 - 8.10. Upon conclusion of the internal investigation, the Supervisor or Director of the involved Employee, in consultation and conjunction with People Services, will take appropriate steps to prevent further contraventions by the Employee, which may include but are not limited to non-disciplinary action such as driver evaluation, counselling, education or training, disciplinary action, and/or a combination thereof.
- 9. Non-Compliance**
- 9.1. Employees who breach or fail to comply with any provision of this policy are subject to discipline in accordance with this policy and with Policy S600-15: Progressive Discipline, up to and including termination of employment.