



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 20-4	Subject: STATE VEHICLES/USE/ACCIDENTS
Reference: DOC 1.2.14; DOC 1.2.18; DOC 1.3.2 2-9-101 MCA; 2-17-Part 4, MCA; 61-5-103, MCA; 61-7-108, MCA; 2.6.201-214 ARM; M.O.M. 1-0300; M.O.M 1-0790; 26 CFR, 1.61-21(f)(3) IRS Reg.	Page 1 of 9
Effective Date: 06/01/00	Revision Dates: 6/25/01; 01/13/03; 03/14/03; 08/01/05; 02/15/06; 11/14/08; 06/22/12; 08/19/14
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief	

I. BUREAU DIRECTIVE:

The Probation & Parole Bureau will follow establish guidelines for employees using state-owned or leased vehicles for Department business.

II. DEFINITION:

Authorized Drivers of State Vehicles include:

- Department employees conducting business on behalf of the state;
- authorized passengers relieving authorized drivers due to illness, fatigue, or other physical or mental incapacity;
- aides for disabled employees subject to the prior written approval of the Department Director; and
- independent contractors or temporary employment agency employees contracting with the state when a state employee is not available, subject to the prior written approval of the Director.

Authorized Passengers in a State Vehicle include:

- Department employees, independent contractors, criminal justice system personnel, guests, or clients conducting business on behalf of the state;
- aides for disabled employees subject to the prior written approval of the Department Director;
- persons rendering or in need of assistance during a medical or other life-threatening emergency;
- offenders in transport currently under the care or supervision of the Department; and
- nursing infants if the parent is an authorized driver or passenger.

Authorized Uses of State Vehicles include:

- conducting business on behalf of the state; and
- responding to medical or other life-threatening emergencies.

Department – The Montana Department of Corrections.

Department-Owned Vehicle – A vehicle owned by the Department.

FMU-Fleet Management Unit – A centralized fleet unit located within the Department’s Contract Management Bureau, responsible for management of the state vehicles.

Leased Vehicle – A vehicle the Department leases from the Department of Transportation, Motor Pool Division.

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State Vehicle – A passenger motor vehicle owned or leased by the Department that is designed for travel on maintained public roads and subject to motor vehicle registration. The term includes passenger cars, vans, buses, and light duty trucks.

III. PROCEDURES:

Any exception to authorized drivers, passengers and/or uses of state vehicles requires the prior written approval of the Risk Management and Tort Defense Division (RMTD). Employees must request an exception through the Regional Administrator (RA), or designee, and the Probation & Parole Bureau Chief (Bureau Chief). The Bureau Chief will submit the request to the RMTD.

The following are examples of prohibited state vehicle use:

- transporting unauthorized passengers, e.g., to and from school, daycare centers or other locations;
- personal business use unrelated to the conduct of state business, e.g., shopping, medical appointments, lunch, and recreation when not in travel status; and
- attendance at wakes, funerals, or bereavement services (unless deceased was Department employee killed in the line of duty), and retirement functions.

A supervisor who becomes aware of any violation of this procedure by an employee they supervise shall take appropriate disciplinary action in accordance with the state disciplinary policy or applicable collective bargaining agreement.

PROCEDURE:

RESPONSIBILITY:

A. Vehicle Use Agreements

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| 1. All Probation & Parole (P&P) Bureau employees requiring use of a state vehicle for Department business will complete and submit <i>DOC 1.2.18 (Attachment) Vehicle Use Agreement</i> to RA upon new employee orientation. | Employee |
| 2. Employees must read the <i>MOM Fuel Card Policy 1-0790</i> and sign <i>DOC 1.2.18 (Attachment) DOC Fuel Card Use Employee Agreement</i> acknowledging responsibility for fuel card use before receiving a ComData fuel card and personal identification number (PIN) which is used with Department-owned vehicles. This <i>Agreement</i> is also submitted to RA. | Employee |
| 3. RA or designee will ensure that copies of the two completed <i>Agreements</i> are filed and maintained in each employee's local property file before submitting them to the Bureau Chief. | RA or designee |
| 4. Bureau Chief will ensure the Vehicle Use Agreement is forwarded to the Human Resources Bureau and the DOC Fuel Card Use Employee Agreement is forwarded to FMU for processing. | Bureau Chief |
| 5. The FMU will conduct motor vehicle driving record checks pursuant to <i>DOC 1.2.18 Fleet Vehicle Operations & Management</i> . Employees may be prohibited from driving a state vehicle based | FMU |

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on accumulation of conviction points for driving violations or if a determination is made from other means that the employee is an unsafe driver.

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| 6. Employees possessing out-of-state driver's licenses must transfer or renew their licenses in Montana within 60 consecutive days of residency (§61-5-103, MCA). | Employee |
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B. On-Call Use of State Vehicle

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| 1. The RA or designee will provide a vehicle from the regional office fleet to be used by the P&P Officers when they are on on-call status. The vehicle should be equipped with a police radio. | RA/POII |
| 2. P&P Officers will use this vehicle to respond when necessary to calls from law enforcement or other emergencies during on-call hours and may use the vehicle to drive back and forth to work when on on-call status. | P&P Officer |

C. Temporary Use of State Vehicle/Personal Vehicle

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| 1. Employees requiring the use of a vehicle to travel for Department business, including training, must use a state vehicle unless circumstances justify the use of a personal vehicle. | Employee |
| 2. Authorized uses of a state vehicle while in travel status include: <ul style="list-style-type: none"> a. Parking the vehicle overnight at employee's home in order to begin travel the next day; b. Obtaining food, necessities, and lodging; c. Responding to medical or other life-threatening emergencies; and d. Conducting after-hours personal business, recreation, or leisure within a 30-mile radius of the employee's lodging when required to stay overnight at a location other than the established work location. | Employee |
| 3. Use of personal vehicles may be approved on a case-by-case basis. <i>P&P 20-4(B) Personal Vehicle Use Authorization</i> must be completed and submitted to RA for review and approval. | RA |
| 4. Due to the limited availability of state vehicles within regional office fleets it is in the best interest of the state to allow employees attending the P&P Basic training at the Montana Law Enforcement Academy (MLEA) to travel in a personal vehicle. <i>P&P 20-4(B) Personal Vehicle Use Authorization</i> must be submitted and approval given. <ul style="list-style-type: none"> a. Vehicle owner will receive reimbursement for mileage for the initial trip to MLEA and the final return trip to his/her duty station; | Employee |

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- b. Each employee attending will receive per diem for meals for the initial trip and final return trip;
- c. Employee remaining at MLEA during the weekends will receive per diem for meals not provided by MLEA. Employee must notify supervisor of the weekends he/she will remain at MLEA.

5. Travel Expense Voucher must be submitted for all Employee reimbursements. Vehicle owners must attach a copy of the approved *P&P 20-4(B) Personal Vehicle Use Authorization*.

D. Safety Requirements

- 1. Employees driving a leased vehicle must be aware of the lease packet and all applicable Montana Department of Transportation (MDT) rules and procedures governing the use of the vehicle.
- 2. Vehicles should not be operated with any defect or problem that prevents safe operation under any condition. Vehicles used infrequently should be inspected before being driven to ensure safe operation.
- 3. No employee may operate, or be a passenger in, a state vehicle within eight (8) hours of consuming alcohol, illegal drugs, improperly used prescription drugs, or properly used prescription drugs that affect the person’s ability to safely operate the vehicle.
- 4. Alcoholic beverages are not to be consumed in a state vehicle.
- 5. No alcohol may be carried in a state vehicle unless it has been confiscated and may be used as evidence.
- 6. All employees must use installed seat belts at all times and lock the vehicle when left parked.
- 7. Smoking and the use of smokeless tobacco are prohibited in state vehicles.
- 8. The use of cell phones or other electronic communications devices or objects while operating any vehicle on state business is prohibited. The exception is the use of two-way radio for emergency communications.
- 9. An employee involved in an accident in a state vehicle that results in a claim or citation will be required to attend a Distractive or Defensive Driving Course and will be subject to a current check of his/her driving record. The FMU will notify supervisors of employee requirements to attend training.

E. Record-keeping and Reporting Requirements

- 1. In order to report actual Miles Worked on *P&P 210-1(A) Month Workload Report*, P&P employees will track miles as a driver or passenger while conducting Department business in a state vehicle on the *P&P 20-4(C) Vehicle Log Sheet* assigned to, and kept in, the vehicle.

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2. Employees must report any conviction of a driving infraction incurred while driving a state vehicle, or a personal vehicle for state business, to the employee's supervisor within ten (10) days of the conviction. Employees will comply with *DOC 1.2.18 Fleet Vehicle Operations & Management (section E.4.b-d)* for the accumulation of conviction points within a 36-month period.
3. Department-owned vehicle mileage is submitted by designated personnel to the FMU by the 5th calendar day of each month using *DOC 1.2.18 (Attachment) State Owned Vehicle Monthly Report* (if this day is a weekend/holiday, submit in advance). The *Report* includes gas purchases, mileage and any maintenance/repair completed on the vehicle. All non-fuel related receipts **must** be attached.
4. Leased vehicle mileage must be sent to the FMU on a monthly basis by designated personnel. The FMU will notify all leased vehicle drivers 5-7 days prior to the reporting deadline.
5. Upon receipt from FMU, designated staff will complete *DOC 1.2.18 (Attachment) Vehicle Condition Report* annually by May 1 to appropriate fleet staff to evaluate the current condition of each Department-owned vehicle.
6. The FMU must be notified prior to any transfer of a state vehicle between P&P offices.

F. Fueling Cards

1. Employees must report lost or stolen fuel cards to the FMU.
2. Department-owned vehicle: A Wright Express (WEX) fuel card is assigned to each Department-owned vehicle and will be used with the employee's PIN when fueling the vehicle.
 - a. Fuel card may only be used for the purchase of petroleum products, new tires, tire and tube repair, automated car washes, maintenance items and labor for services.
 - b. The least expensive grade from self-service pumps will be used for fueling.
3. Leased vehicle: A Wright Express (WEX) fuel card with a MDT-assigned PIN is issued to, and kept in, each leased vehicle and will be used when fueling the vehicle. Employees using the WEX fuel card must follow the MDT General Lease Operator Requirements when fueling or purchasing other vehicle-related items.

G. Vehicle Maintenance

1. State vehicles must be kept clean inside and out and mechanically maintained at all times. (For washing leased vehicles, see General Lease Operator Requirements in lease packet.)
2. All repairs or maintenance with an estimated cost of over \$300, that are not part of a preventative maintenance (PM) schedule or an emergency situation, must be pre-approved by FMU by submitting an email request or using *DOC 1.2.18 Attachment Department-Owned Vehicle Repair*.
3. Repairs covered by manufacturer's warranty must be scheduled with an authorized dealer. Warranty repair information must be submitted to FMU.

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4. Department-owned Vehicles:
 - a. All vehicle maintenance for Department-owned vehicles will be scheduled and documented using *DOC 1.2.18 (Attachment) State Owned Vehicle Monthly Report*, which is submitted to FMU by the 5th calendar day of each month (if this day is a weekend/holiday, submit in advance). All non-fuel related receipts should be attached to the form.
 - b. If vehicle breaks down after normal business hours and immediate vehicle use is necessary, emergency repairs may be made if no other reasonable alternative is available. FMU will be notified of repair costs during the next business day.

5. Leased Vehicles:
 - a. All PM1 and PM2 services on leased vehicles will be scheduled and documented. Maintenance should be completed whenever possible by the MDT shop closest to the employee's location. If an MDT shop is not close, or the shop is unable to schedule in the vehicle, MDT-Motor Pool will allow for the PM1 service to be performed by private vendors. A PM2 service can only be done by a MDT shop. A private vendor cannot do this service.
 - b. Any "other repairs" (in excess of \$100, tires, windshield, services other than PM1 or PM2) should be coordinated through the FMU who will then request pre-approval from MDT-Motor Pool. Upon completion of the work, the employee must submit the original invoice/work/repair order and WEX Fuel Card receipt to MDT-Motor Pool, P.O. Box 201001, Helena, MT 59620-1001. The invoice/work/repair order must contain the following information:
 - 1) vendor name and location information (address, city, phone),
 - 2) vehicle license plate number,
 - 3) vehicle odometer reading when service/repair was performed, and
 - 4) date service/repair was performed.
 - c. In most instances, the WEX Fuel Card must be used to pay for all repairs performed by a private vendor unless alternative arrangements have been made with the MDT-Motor Pool. If the vendor does not accept or honor the WEX Fuel Card and Motor Pool has a charge account with that vendor, the service performed can be charged.

H. Reporting Accidents involving Department-Owned Vehicles

When an employee is involved in an accident while driving a **Department-owned vehicle**, the following procedures shall be followed:

1. Notify local law enforcement if the accident occurs within a municipality, otherwise contact the county sheriff or nearest Montana Highway Patrol as soon as possible. Remember that leaving the scene of an accident and not reporting it promptly can result in a fine and/or disciplinary action by the Department. Employee

2. Notify supervisor as soon as possible. If employee is injured, supervisor will encourage the employee to obtain the required medical care. Employee/Supervisor

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| 3. | An employee involved in an accident who is or will be seeking medical attention, must complete with his/her supervisor <i>DOC 1.3.3 (Attachment) Employee/Supervisor Incident/Accident Report</i> and Montana State Fund <i>First Report</i> prior to the end of the shift unless precluded by reasonable circumstances. Both forms are submitted to the Office of Human Resources (HR) within eight (8) hours of completion. | Employee/Supervisor |
| 4. | An employee involved in an accident, or who becomes aware of damage or vandalism to a Department-owned vehicle, must complete and submit <i>DOC 1.2.18 (Attachment) RMTD Report of Incident Form</i> to the FMU within 24 hours. | Employee |
| 5. | Employee should take a minimum of two (2) photographs of the damage to the vehicle and attach to the <i>RMTD Report of Incident</i> . | Employee |
| 6. | Supervisor must sign the original <i>RMTD Report of Incident Form</i> by the next regular working day, and forward to the FMU at P.O. Box 201301, Helena, MT 59620-1301. | RA or POII |
| 7. | Employee must obtain three (3) bids for repair and submit them to RA and FMU for review. | Employee |
| 8. | FMU will review the estimates, consult with RA and determine if the vehicle will be repaired. | FMU/RA |
| 9. | If repairs are determined to be cost effective, FMU will direct employee to make arrangements with vendor to have the repairs completed. | Employee |
| 10. | As appropriate, FMU will submit the <i>RMTD Report of Incident</i> to the RMTD which will handle all claims of loss related to the accident. | Contracts Management Bureau/RMTD |
| 11. | Once the vehicle has been repaired, the original final bill must be submitted to the RA and FMU. | Employee |

I. Reporting Accidents involving Leased Vehicles

When an employee is involved in an accident while driving a **leased vehicle**, the following procedures shall be followed:

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| 1. | Notify local law enforcement if accident occurs within a municipality, otherwise contact the county sheriff or nearest Montana Highway Patrol as soon as possible. Remember that leaving the scene of an accident and not reporting it promptly can result in a fine and/or disciplinary action by the Department. | Employee |
| 2. | Notify supervisor as soon as possible. If employee is injured, supervisor will encourage the employee to obtain the required medical care. | Employee/Supervisor |

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3. An employee involved in an accident who is or will be seeking medical attention, must complete with his/her supervisor *DOC 1.3.3 (Attachment) Employee/Supervisor Incident/Accident Report* and Montana State Fund *First Report* prior to the end of the shift unless precluded by reasonable circumstances. Both forms are submitted to the Office of Human Resources (HR) within eight (8) hours of completion. Employee/Supervisor
4. An employee involved in an accident, or who becomes aware of damage or vandalism to a leased vehicle, must complete and submit/fax *DOC 1.2.18 Attachment RMTD Report of Incident Form* (located in glove box) to the FMU within 24 hours. Notify MDT-Motor Pool as soon as possible (406-444-2682). They will assist if needed for towing, temporary repairs, phone calls, etc. Any towing charges shall be directed to Motor Pool. Employee
5. Supervisor must sign the **original** *RMTD Report of Incident Form* by the next regular working day and forward to MDT-Motor Pool Division P.O. Box 201001, Helena, MT 59620-1001. A copy of the *Form* is submitted to FMU. RA or POII
6. Employee should take a minimum of two (2) photographs of the damage to the vehicle and forward them to the MDT-Motor Pool. This can be accomplished by using a digital camera and emailing the photos. Employee
7. Employee must obtain two (2) bids for repair of the vehicle and fax them to MDT-Motor Pool at (406) 444-0287. Employee
8. MDT-Motor Pool will review the estimates, select a vendor to perform the repairs and contact employee about making arrangements with vendor to have the repairs completed. No repairs will be made without approval from Motor Pool. Motor Pool
9. MDT-Motor Pool will submit the *RMTD Report of Incident* and bids to the RMTD if the vehicle has full coverage. RMTD will send out a *Proof of Loss* to the employee for signature. Motor Pool RMTD
10. Notify supervisor of receipt of *Proof of Loss* form. Employee will then sign and return form to the RMTD. Employee
11. Once the vehicle has been repaired, the original final bill is to be submitted to MDT-Motor Pool at the above referenced address. Employee

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IV. CLOSING:

Questions concerning this procedure shall be directed to the RA or Bureau Chief.

V. FORMS:

P&P 20-4 (B)	Personal Vehicle Use Authorization
P&P 20-4 (C)	Vehicle Log Sheet
DOC 1.2.18 Attachment	Vehicle Use Agreement
DOC 1.2.18 Attachment	DOC Fuel Card Use Employee Agreement
DOC 1.2.18 Attachment	State-Owned Vehicle Monthly Report
DOC 1.2.18 Attachment	Department-Owned Vehicle Repair
DOC 1.2.18 Attachment	Vehicle Condition Report
DOC 1.3.3 Attachment	Employee/Supervisor Incident/Accident Report
RMTD	Report of Incident
Montana State Fund	First Report