


Chief Administrative Office	Date of Issue	Expiration Date	No.
POLICY MEMORANDUM	June 6, 2017	NA	54
TO: ALL Divisions and Departments	SUBJECT:		
SIGNATURE: 	<b>Vehicle and Equipment Damage and Accident Policy</b>		

### CAO POLICY #54

#### POLICY STATEMENT

CAO Policy # 54 ("CAO 54") has been developed by LFUCG to further LFUCG's goal of promoting workplace safety by engaging in a review of vehicle incidents after they occur to determine if measures can be taken that will prevent these incidents in the future. In furtherance of this goal, CAO 54 formalizes the role of the Incident Review Committee (the "Committee"), a Committee composed of representatives from various LFUCG divisions that review these matters. CAO 54 also provides guidelines for the administration of discipline for vehicle/equipment incidents or collisions that are preventable. Moreover, CAO 54 provides recommendations for subsequent remedial measures that can be implemented by LFUCG and its employees that will lessen the chances of these incidents occurring in the future.

As noted above, CAO 54 provides for an Incident Review Committee; a point system for preventable incidents; and recommended discipline in accordance with the point system and the LFUCG Employee Handbook, Chapter 17, Uniform Disciplinary Code, effective January 1, 2003. Departments/Divisions with collective bargaining agreements may utilize this policy as a guideline, but in all cases where issues contained in this policy are inconsistent with a collective bargaining agreement, the collective bargaining agreement shall prevail.

#### **STANDARD USED**

The Committee shall use the National Safety Council's definition of a preventable incident – i.e., a preventable incident is one in which the driver failed to do everything that could have reasonably been done to avoid a collision. This is not a negligence standard and the Committee shall not make determinations of legal liability or negligence.

## **SCOPE OF COMMITTEE**

The Committee shall review all vehicle and equipment incidents that solely involve property damage to determine if the incident was preventable. Any incident or collision involving a 3rd party personal injury shall be reviewed and processed by the Department of Law and shall not be sent to the Committee. The committee shall use Police Reports and SP 302s to assist in its review but shall not use any information from the TPA Riskmaster Claims file.

The Committee shall consist of the following:

- A Representative from the Division of Risk Management (Chair-nonvoting)
- A Representative from the Division of Police Collision Reconstruction Unit
- A Representative from the Division of Fire and Emergency Services
- A Representative from the Division of Fleet Services
- A Representative from the Department of Environmental Quality and Public Works
- A Representative from the Division of Waste Management
- Office

The Committee shall meet on the second and fourth Wednesday of each month in the Division of Risk Management Conference Room with the exception of scheduled Holidays. The committee Chair shall keep minutes of the committee findings and report promptly to the Division Director(s).

Individuals shall be immediately notified in writing by their division's administration of the Committee's findings. If an individual does not agree with the Committee's findings, he/she may request an appeal hearing within 10 calendar days of receipt of the original findings and provide in writing the reason for the appeal to the Committee Chair. The Committee Chair shall immediately notify the individual's Division Director of the appeal so that any impending discipline as a result of the "preventable" determination may be withheld pending final resolution and outcome from the Committee. The individual and his/her supervisor shall be instructed to attend the next scheduled Committee meeting with any information to help substantiate the reason for the appeal. Upon review of the appeal the committee shall again vote on its findings and notify the individual, supervisor, and Division Director of its findings. Only one appeal shall be allowed per incident.

## **ADMINISTRATION OF THE POLICY**

Each division shall have a designated staff member responsible for inputting, tracking, and reporting driver's license information for individuals that are assigned a pool or permanent LFUCG vehicle on a regular basis in the

performance of their job duties via the HCM (Human Capital Management) system.

Each division shall be responsible for running MVR (Motor Vehicle Record) checks through the Commonwealth of Kentucky Department of Transportation on individuals that meet this criterion on a quarterly basis.

### **NOTIFICATION**

If at any time an individual who is driving a vehicle on LFUCG business is involved in a vehicle or equipment damage incident or collision, he/she shall immediately notify his/her supervisor. In no case, may an individual, division or department seek to resolve the vehicle or equipment damage incident or collision directly with the property owner (restitution). Individuals shall immediately notify their supervisor of any hazardous or non-hazardous moving traffic violation incurred while in the operation of a vehicle while in a work status. When LFUCG property is involved, an estimate of damages shall be obtained within three (3) business days of the incident or collision by the division whose driver was involved in the incident or collision. The competitive estimates shall be sent to the Third Party Administrator (TPA) with a copy sent to the Director of Risk Management within twenty-four (24) hours of receipt of the estimates. Note: Estimates should not be used for determining disciplinary action as they may change after actual repairs begin. Final payment made by the TPA should be the official value to determine discipline for vehicle/equipment damage incidents.

### **DISCIPLINARY GUIDELINES**

The Division Director and/or the Commissioner of the offending individual shall assign the appropriate level of discipline in accordance with the Uniform Disciplinary Code for the following offenses. The Division Director and or Commissioner may consult with the Division of Human Resources assigned representative in administering such discipline. **NOTE:** *The degree of discipline may also take into consideration other disciplinary actions previously taken or pending prior to any vehicle/equipment damage incident. The combination of more than one Uniform Disciplinary Code offense may justify an increased level of disciplinary action. The degree of discipline administered may also be based upon the number of vehicle/equipment damage incidents/collisions during the prior 12 months.*

- 1) Preventable vehicle or equipment damage incident or collision will be addressed in accordance with Uniform Disciplinary Codes contained in the LFUCG Employee Handbook.

Successfully completing an approved Defensive Driver Training course shall result in a reduction of two points accrued on an individual's incident record. This course may be taken directly following a collision and as such, the

Division Director and Commissioner shall take appropriate administrative action in consideration of the two point deduction. Accordingly, once the division is aware of an individual's registration for an approved Defensive Driver Training course, any impending discipline relative to the preventable collision shall be withheld until notice of successful completion of the course is received. However, individuals will not be assessed discipline for vehicle/equipment damage/collision incidents that are older than 12 months. Individuals will only be allowed to attend one Defensive Driver Training Course over a 12 month period from the date of the first incident to receive the 2 point deduction.

**OTHER APPLICABLE POLICIES**

(Cross Reference CAO Policy #3, Vehicle Use and Assignment Policy, Section IV, 3, page 7.)