

ORDINANCE 2012 - 16



**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SUNNYSIDE, WASHINGTON,  
AMENDING THE HUMAN RESOURCE POLICY  
REGARDING VEHICLE USE**

**WHEREAS**, the City Council previously adopted a Vehicle Use Policy on May 14, 2012 per Ordinance No. 2012-10; and

**WHEREAS**, after reviewing the use of vehicles for the past three months, there is a need to have additional vehicles included for take home purposes which is included in the amended Vehicle Use policy attached hereto as Exhibit "A" and incorporated herein by this reference; and

**WHEREAS**, the City Council finds and determines that such amendment to the Vehicle Policy is in the best interests of the residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** That the City Council of the City of Sunnyside hereby adopts the amended Vehicle Use policy, as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

**Section 2.** Said Vehicle Use policy and any amendment thereto shall be included in the comprehensive Human Resource Policies of the City of Sunnyside as adopted by the City Council.

**Section 3.** This ordinance shall be effective five days after passage, approval and publication by law.

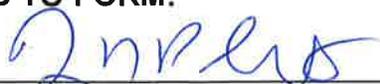
**PASSED** this 27<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
MIKE FARMER, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
DELILAH SAENZ, CITY CLERK

**APPROVED AS TO FORM:**

A handwritten signature in blue ink, appearing to read "J. R. Plant", is written over a horizontal line.

**MENKE JACKSON BEYER EHLIS HARPER & PLANT, LLP**  
Attorneys for the City of Sunnyside

EXHIBIT "A"



Human Resource Policy Manual

<b>Vehicle Use – Policy No 1023:</b>								
Personnel Policies & Procedures								
Subject: <b>Use of City Vehicles</b>							Initial Effective Date: 05/01/2012	
Approved								
Revised	05/01/2012	08/27/2012						

The following Administrative Order is effective August 28, 2012 and supersedes Policies dated April 30, 2012.

**I. PURPOSE:**

The purpose of this Order is to clarify the use of City vehicles by City employees; to prescribe the official circumstances under which City vehicles may be used; to regulate the use of cell phones when using a City vehicle, and direct these regulations to apply to any employee using a City vehicle, on or off the job.

**II. DEPARTMENTS AFFECTED:**

All

**III. REFERENCES:**

RCW 46.61.667 and 46.61.668

**IV. CONDITIONS FOR TAKE HOME PRIVILEGE:**

The City Manager will determine which City employees are authorized by virtue of position to use a City vehicle for trips back and forth to work. The standard by which this listing will be prepared will correlate to the degree of public interest served by the City employee having a City vehicle assigned for take home purposes. Where there is no preponderance of evidence to support a take home policy, then the privilege will be denied. A legitimate and clear cut need to respond to emergencies is an obvious factor to be taken into account; however an infrequent emergency call is not sufficient justification for a take home vehicle.

**V. APPROVED USE STANDARDS:**

## EXHIBIT "A"

An employee, once approved by the City Manager for a take home vehicle, shall use the vehicle during duty hours, or off-duty hours, for the following purposes only:

A. During Duty Hours:

1. Driving associated with the official purpose of the employee's job designation is permissible
2. Driving to official job-related meetings in the area, after getting the advanced approval of the department director, is permissible
3. Driving to out-of-area locations requires the approval of the City Manager if it concerns a department director. For any other employee, the department director of that employee is authorized to grant this permission if the use is for official purposes.
4. Below are authorized take home vehicles only:

**Fire Department: Fire Chief and On Call Chief Officer**

**Police Department: Police Chief; Deputy Chief; K-9 Officer and Lead Task Force Officer**

**Public Works: Supervisor of Street; Wastewater and Water Department, providing the vehicle has barricades and all equipment needed as first responder.**

**The vehicle policy will have no personal use.**

B. During Off-Duty Hours:

1. Driving the vehicle to and from home to work is permissible if approved by the City Manager.

## VI. RESTRICTIONS ON USE OF CITY VEHICLES BY CITY EMPLOYEES AT ALL TIMES:

The following uses are specifically forbidden:

- A. Taking a City vehicle to social or recreational functions for non-city business is forbidden. The exception is when employees are scheduled on-call within the fire department.
- B. Using a City vehicle to take children to and from school is forbidden.
- C. Using a City vehicle for shopping (including side trips on way back and forth from work) is forbidden. This does not apply to the Fire Department and Jail when a City vehicle is used to get provisions for the station/jail kitchens.

## EXHIBIT "A"

- D. Taking a City vehicle home for lunch is not authorized if the employee lives outside of Sunnyside School district or city limits unless it can be shown that it would be cost effective to the City to do so. Under these circumstances, it would be necessary to obtain special permission from the City Manager, in writing, authorizing a vehicle to be taken home for lunch.
  - 1. If out in a City vehicle at or near the lunch hour, the employee may stop at the nearest restaurant in town without violation of this Order. Or he/she may proceed home to lunch if within the City limits of Sunnyside or School District.
- E. Hauling friends or strangers in a City vehicle at any time is forbidden unless there is a direct work-related requirement to do so. If in doubt, the employee should check with his/her department director.
- F. Joyriding in a City vehicle during duty hours or off-duty hours is forbidden.
- G. Taking a City vehicle anywhere which has no job-related connection is forbidden.
- H. If not part of the usual and customary duties in a job description, using a City vehicle during work hours or off-duty hours requires the advanced approval of the employee's department director.

### **VII. USE OF CELL PHONES WHILE OPERATING CITY VEHICLES:**

#### Definitions:

- A. Using a wireless communication device while driving.

Hands-free mode: The use of a wireless communication device with a speaker phone, headset, or earpiece.

As of May 1, 2012, City employees may only use a cell phone in hands-free mode (speaker phone, headset, earpiece) while operating a moving City vehicle. Operation of a moving City vehicle while holding a wireless communications device to the ear is a violation of this policy which will result in discipline. Only the following exception will be permitted: driving an authorized emergency vehicle (those equipped with lights and sirens).

- B. Sending, reading, or writing a text message while driving.

City employees are not to operate a moving City vehicle while sending, reading or writing a text message. Violation of this requirement will be grounds for discipline. The following exception will be permitted: use of a voice-activated global positioning or navigation system that is permanently affixed to the vehicle.

EXHIBIT "A"

**PENALTIES FOR MISUSE:** The penalty for misuse will depend on the nature of the infraction and may range from a letter of reprimand and up/to termination of employment.