

Policy 3.07 Use and Operation of University Vehicles

THE CITY UNIVERSITY OF NEW YORK VEHICLE USE POLICY

A. Purpose and Applicability

This Policy addresses the use and operation of University vehicles. This Policy applies to all potential drivers of University vehicles and supersedes all inconsistent policies, memoranda, guidelines and protocols and similar documentation previously issued, including without limitation the 2010 CUNY Fleet Management Policy. Any deviation from this Policy requires the approval of the Chancellor or his or her designee. Any violation of this Policy may result in disciplinary action.

B. Definitions

As used in this Policy:

1. "**College**" means each college, school and other constituent unit of the University, including the central office.
2. "**Fleet Manager**" means that individual at a College who is responsible for the fleet of University vehicles at that College, including vehicle maintenance and safety and driver management.
3. "**LENS Program**" means the License Event Notification Service (LENS) operated by the State Department of Motor Vehicles, an automated reporting system that reviews driver's license records of a registered organization's drivers included in the LENS database and notifies the organization of license events, such as accidents, convictions, expirations, suspensions and revocations.
4. "**Policy**" means this University vehicle use policy and any amendments that may be made in the future.
5. "**Presidents**" means the college presidents and the deans of the Macaulay Honors College, CUNY School of Professional Studies, the CUNY School of Law, the CUNY Graduate School of Journalism, and the CUNY Graduate School of Public Health and Health Policy, each of whom is a "**President**."
6. "**University vehicle**" means a vehicle owned, leased or rented by the University, including without limitation automobiles, buses, vans, trucks and other mobile equipment.

C. Eligibility for Use of University Vehicles

1. Any person driving a University vehicle must be a University employee or an employee of one of the following entities or types of entities related to the University, conducting University business: the Research Foundation of The City University of New York, auxiliary enterprise corporations, college associations, student services corporations, or child care centers.

2. Any person driving a University vehicle must have a valid U.S. driver's license of the class required for the vehicle being operated and must provide a copy of the license to the Fleet Manager at their College. Any person driving a University vehicle who does not possess a New York State driver's license must each semester provide the Fleet Manager with a copy of his or her driving record from the agency that issued the driver's license. The University prefers, but does not require, that drivers of University vehicles have been licensed for four or more years.

3. Every person who may use a University vehicle is required to immediately inform his or her supervisor of any license revocation, suspension, or restriction. The University participates in the LENS Program. No person shall be allowed to operate a University vehicle if there has been a change in licensure that restricts driving privileges unless the operation of the University vehicle complies with such restrictions. The University retains the right to deem any person ineligible to drive a University vehicle based on driving history.

4. The University retains the right to require any person using a University vehicle to participate in a safe driving program. The program will be provided by the University at no cost to the driver and can be taken during the driver's regular work schedule. Persons who are required to participate in a safe driving program will be allowed to continue to drive until successful completion of the program, unless the person has driving violations involving a conviction for intoxication and/or use or possession of any controlled substance, reckless driving, license suspension or failure to report an accident.

5. In the event of a suspension or revocation of the driver's license of a University employee who is required to drive as part of his or her official duties, a College may file disciplinary charges subject to the employee's due process rights to representation and a hearing in accordance with the disciplinary procedures of the University's collective bargaining agreements. This Policy does not diminish a University employee's collective bargaining rights or rights under Section 75 of the New York State Civil Service Law, as may be applicable.

D. Assignment of Vehicles

1. All University vehicles controlled by the University (i.e., not rented for a specific purpose) will be deemed part of the University's vehicle pool. Pool vehicles will be assigned to drivers on an as-needed basis to carry out University business.

2. University vehicles may be assigned to particular individuals for their

exclusive use as described in this section. Note that assignment of a University vehicle does not by itself confer the right to commute in the vehicle.

- (a) University vehicles may be assigned to the Chancellor, each of the Presidents, the University Director of Public Safety, and the chief public safety official at each College, for their exclusive use. Assignments of vehicles under sections (a) and (b) do not automatically include authorization to use the vehicle for commuting purposes.
- (b) University vehicles may be assigned to other University personnel only when approved by the Chancellor or his or her designee in the case of central office personnel, or the President, in the case of campus personnel. Such assignments shall be in the best interests of the University taking into consideration the efficient use and assignment of University resources, including fiscal and personnel, for the health, safety and business demands of the University.
- (c) Only University personnel who are first responders, who are on call 24 hours per day, or who are responsible for ensuring public safety are allowed to routinely take University vehicles home or use vehicles for commuting purposes. The Chancellor, each of the Presidents, the University Director of Public Safety, and the chief public safety official at each College are specifically permitted to use University vehicles for commuting purposes pursuant to this paragraph.
- (d) Within 30 days of the implementation of this Policy and thereafter no later than July 15 each year, each President shall provide to the central office Fleet Manager a report of the names and titles of individuals at their campus who have been assigned a University vehicle for their exclusive use for that fiscal year. The report shall indicate: (i) whether the vehicle (including any vehicle assigned to the President) may be taken home at night or used for commuting purposes or whether the vehicle will be parked at a University facility or parking space when not in use and (ii) for each job title, an explanation in support of the assignment. The Chancellor, or his or her designee, has the right to reject any assignment of a University vehicle and/or use of a University vehicle for commuting purposes that does not meet the requirements of this Section D.2.
- (e) Each College shall review individual assignments of University vehicles on no less than an annual basis. If at any time the job duties change and the individual vehicle assignment is no longer warranted, such assignment shall be terminated. Any new individual assignments must be approved by the Chancellor or his

or her designee in the case of central office personnel, or the President, in the case of campus personnel.

3. In circumstances where a pool vehicle is not available and a location is not easily accessible by mass transit, a College may allow persons to use a taxi, rental car or their personal vehicle, whichever is less expensive. Drivers who may be entitled to reimbursement of travel expenses should review the NYS Office of the State Comptroller Travel Manual for senior Colleges and City of New York Comptroller's Directive #6 for community Colleges.

Notwithstanding anything to the contrary in the foregoing paragraph, participants in "CUNY Trips," as that term is defined in the CUNY Student Domestic Trip and Travel Guidelines may use their personal vehicles for such trips except that "Trip Sponsors" and "Trip Chaperones" shall not drive students in personal vehicles on CUNY Trips unless no commercial transportation can be arranged, no pool vehicle is available, or in case of emergency. CUNY personnel who use their personal vehicles for CUNY Trips must comply with this Policy, including paragraph 4 below.

4. Drivers with physical disabilities who own specially-equipped personal vehicles are authorized to use their personal vehicles when automobile transportation is required to perform official University functions.

5. Persons who are permitted to use their personal vehicles for University business must maintain the minimum statutory automobile liability limits as required by the state in which the vehicle is registered, and must provide evidence of such insurance to the University upon request.

E. Use of University Vehicles

1. Whatever the transportation need, authorized drivers must make every effort to use mass transit in lieu of University vehicles whenever it is practicable.

2. University vehicles shall be used only for official University business except under very limited circumstances where (a) personal use such as commuting is expressly authorized pursuant to this Policy or (b) the personal use is incidental to official business. Even in cases where personal use is authorized or is incidental to official business, each person operating a University vehicle is expected to exercise good judgment to avoid the appearance of impropriety.

3. All personal use of University vehicles must be reported on the vehicle use log (see Section G of this Policy) unless the personal use is incidental to official business. For any personal use that is not incidental, the user of the University vehicle must reimburse the University the value of such use (including fuel and E-ZPass or other bridge and toll charges) or the value must be treated as imputed personal income for tax purposes. The University disseminates reporting procedures to authorized drivers annually with respect to these benefits.

4. University vehicles should not be used to transport passengers unless they are: (i) University personnel engaged in official business or (ii) non-University personnel engaged in official business with University personnel. Picking up or dropping off friends or family members at their place of employment or school in a University vehicle—regardless of their status as University personnel—is strictly forbidden.

5. Due to the public nature of the work being performed when operating a University vehicle, persons using a University vehicle have a limited expectation of privacy in connection with such use. The University expressly reserves the right to monitor and record the use of any equipment it issues or assigns for a legitimate work-related purpose, and University vehicles are no exception. Accordingly, the use of a University vehicle may be monitored and recorded at any time by visual, documentary, or electronic means.

F. Use of Drivers

A University employee may have another University employee drive the employee in a University vehicle for official business, but driving another University employee cannot be the sole or primary duty of any University employee.

G. Vehicle Use Logs

1. The Fleet Manager at each College shall maintain a vehicle use log form attached as Appendix A for all University vehicles. Such logs shall require any person using a University vehicle to record at least the following information: driver name, vehicle license plate, dates and times of use, driver and occupants of the vehicle, starting location and destination, purpose of the trip, starting and ending odometer readings, and fuel and oil purchases. Except for personal use that is incidental to official University business (see examples in Section E of this Policy), all personal use must be clearly identified as such in the vehicle use log. Drivers must sign the vehicle use log prior to removing any vehicle from its space and after returning it. Upon returning the vehicle, drivers must also note in the vehicle use log any condition(s) affecting the safety of the vehicle.

2. Each leg of a trip should be separately recorded in the vehicle use log. For example, if an employee who has an all-day meeting outside of New York City takes a University vehicle home the evening prior to the meeting, drives to the meeting the next morning, drives home that evening, and returns the vehicle the following morning, she should separately record: (a) the trip from campus to home, (b) the trip from home to the meeting, (c) the trip from the meeting back to home, and (d) the trip from home to campus to return the vehicle.

3. Vehicle use logs shall be collected, reviewed, and approved as to completeness and accuracy on a regular basis by the College Fleet Manager or

designated supervisor. The frequency of such review and approval (e.g., weekly, monthly) shall be reasonable in light of the overall vehicle use by the College. The vehicle use logs shall be subject to periodic audit by the University to ensure that all vehicle use is consistent with this Policy. Vehicle use logs shall be maintained in accordance with the University's record retention policy.

H. General Vehicle Use Requirements and Restrictions

1. University vehicles must at all times be operated in full compliance with all applicable federal, New York State, and local laws and regulations, as well as University policies and procedures.

2. Use of seat belts in University vehicles by drivers and all passengers, regardless of seating location, is mandatory.

3. No person driving a University vehicle may send or view e-mails or text messages while driving.

4. No person driving a University vehicle may use a mobile telephone or other electronic device while driving unless the mobile telephone or other electronic device is used in hands-free mode. Even hands-free use should be conducted only if it does not interfere with the safe operation of the vehicle. Because of the inherent dangers of distracted driving, all drivers are strongly encouraged to use mobile telephones and other electronic devices only while the vehicle is safely off the road and not in motion.

5. No person driving a University vehicle may use alcohol or drugs that would impair driving.

6. Possession or use of alcohol, illegal drugs, or other intoxicating substances by any person in a University vehicle is strictly prohibited.

7. Smoking in University vehicles is strictly prohibited.

8. All persons are prohibited from carrying, possessing, or transporting firearms, other weapons, or explosive devices in a University vehicle unless expressly authorized to do so in connection with carrying out their official University duties.

9. The use of radar detectors in University vehicles is strictly prohibited.

10. Except as otherwise required by traffic, weather, or road conditions, travel should be by the most direct route possible taking into consideration cost-effectiveness, actual distance traveled, and the time to travel such distance.

11. Parking permits, or placards that grant special parking privileges for University vehicles may be used only for official University business.

12. The driver of a University vehicle shall be personally responsible for all parking, moving, and E-ZPass violations.

13. Unless expressly authorized by the College, no banners, advertising, placards, decals, or stickers may be placed on a University vehicle.

14. Colleges must keep keys to University vehicles in a secure location.

I. Dissemination and Acknowledgement

Each College shall ensure that this Policy is provided on at least an annual basis to all individuals at the College who use University vehicles or may use University vehicles and that such individuals acknowledge in writing that they have received and read this Policy. Written acknowledgement by e-mail or other electronic means is acceptable. Individual acknowledgements shall be maintained on file with the College.

(Board of Trustees Minutes,2017,06-26,3,C)

