

THE TOWN OF FOREST HEIGHTS
RESOLUTION 63-16

**A RESOLUTION FOR THE ADOPTION OF AMENDMENTS TO THE TOWN'S
EMPLOYEE HANDBOOK REGARDING AUTHORIZATION FOR THE USE OF
VEHICLES AND OTHER TRANSPORTATION**

Introduced by: Councilman Robert Barnes

WHEREAS, pursuant to Section 33–69 of the Town Charter, the compensation of all officers (except the Mayor and Councilmen, which is established by ordinance) and employees of the Town shall be set from time to time by a resolution passed by the Council; and

WHEREAS, pursuant to Section 2.3 of the Town Ordinance Code, the Town Council is authorized and empowered to provide the employees of the Town with benefits, including, but not limited to, death benefits, surgical, hospitalization and other sick benefits, under group insurance plans or otherwise; and

WHEREAS, except in cases involving public safety vehicles or when the use occurs no more than once a month, the U.S. Internal Revenue Service (“IRS”) considers the personal use of a vehicle owned by any municipal or other employer, by an employee or official as a “non cash taxable fringe benefit” and the value of that benefit must be included in the employee’s or official’s wages making it subject to income and employment taxes; and

WHEREAS, the Mayor and Council adopted Resolution 65-12 on October 17, 2012 thereby adopting a comprehensive revision of the Town’s Employee Handbook, which has been subsequently amended; and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town and for the good and efficient government thereof, that said Employee Handbook shall be revised and amended regarding a policy concerning the use of vehicles and other transportation as stated herein below; and

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby adopts, and approves the following amendments to the Employee Handbook initially adopted and approved by Resolution 65-12 on October 17, 2012, as amended:

* * *

3.111 USE OF VEHICLES AND OTHER TRANSPORTATION

A. SCOPE. EXCEPT AS STATED HEREIN, TOWN OFFICIALS AND EMPLOYEES REQUIRING TRANSPORTATION TO PERFORM THEIR OFFICIAL DUTIES MAY BE

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AUTHORIZED TO USE VARIOUS METHODS OF TRANSPORTATION ACCORDING TO THIS SECTION. THIS SECTION DOES NOT APPLY TO FOREST HEIGHTS POLICE OFFICERS AND CIVILIAN EMPLOYEES, WHO SHALL BE GOVERNED BY THE FHPD POLICY AND PROCEDURES MANUAL.

(1) UNLESS AN EXCLUSION APPLIES, USE OF TOWN VEHICLES INCIDENTAL TO TOWN BUSINESS FOR PERSONAL REASONS MAY CONSTITUTE TAXABLE INCOME PURSUANT TO IRS REGULATIONS (I.E., IRS PUB. 15-B) AND BE SUBJECT TO FEDERAL OR STATE INCOME TAXES AND SOCIAL SECURITY TAXES. THE MOST COMMON TAXABLE USE OCCURS WHEN AN EMPLOYEE OR OFFICIAL USES A GOVERNMENT VEHICLE MORE THAN ONCE PER MONTH TO COMMUTE BETWEEN HOME AND WORK. THERE ARE TWO APPLICABLE EXCLUSIONS TO THE TAXABILITY OF PERSONAL USE OF A TOWN VEHICLE:

(I) COMMUTING BETWEEN HOME AND WORK NO MORE THAN ONCE PER MONTH, IS CONSIDERED DE MINIMUS USAGE, AND

(II) USE OF A POLICE TAKE-HOME (MARKED OR UNMARKED) VEHICLE WHERE THE OFFICER IS SUBJECT TO RECALL TO DUTY, IS CONSIDERED A WORKING CONDITION FRINGE BENEFIT.

B. PERSONAL VEHICLE. A VEHICLE OWNED BY SOMEONE OTHER THAN THE TOWN AND AUTHORIZED FOR USE IN THE OFFICIAL CONDUCT OF TOWN BUSINESS BY A TOWN OFFICIAL OR EMPLOYEE MAY BE USED AND REIMBURSED IN ACCORDANCE WITH SECTION 3.90 OF THIS EMPLOYEE HANDBOOK.

C. PUBLIC TRANSPORTATION. BUS, TAXI, PUBLIC TRANSIT AND OTHER SIMILAR PUBLICALLY-OWNED TRANSPORTATION, AUTHORIZED BY A DEPARTMENT HEAD OR THE TOWN ADMINISTRATOR FOR USE IN THE OFFICIAL CONDUCT OF TOWN BUSINESS MAY BE USED.

D. TOWN VEHICLES.

(1) A TOWN-OWNED, LEASED OR RENTED VEHICLE (A "TOWN VEHICLE") MAY BE PERMANENTLY OR SEMI-PERMANENTLY ASSIGNED TO A DEPARTMENT OR OFFICE FOR USE BY AUTHORIZED PERSONNEL IN THE OFFICIAL CONDUCT OF TOWN BUSINESS.

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(2) A TOWN VEHICLE MAY BE CHECKED-OUT OF THE TOWN POOL OF VEHICLES AS REQUIRED BY AUTHORIZED PERSONNEL IN THE OFFICIAL CONDUCT OF TOWN BUSINESS.

E. VEHICLE ASSIGNMENT AND USE POLICY.

(1) UNLESS ANOTHER POLICY OF THE TOWN COUNCIL OR CONTRACT STATES OTHERWISE, TOWN VEHICLES SHALL ONLY BE USED FOR OFFICIAL BUSINESS OR TO MAINTAIN THE ABILITY TO RESPOND TO TOWN BUSINESS OUTSIDE THE OFFICIAL'S OR EMPLOYEE'S NORMAL WORK HOURS. THEY SHALL ONLY BE OPERATED BY TOWN EMPLOYEES, ELECTED OR APPOINTED OFFICIALS, OR PERSONS DESIGNATED BY CONTRACT TO OPERATE SUCH VEHICLES.

(2) NO TOWN VEHICLE SHALL BE DRIVEN TO, AND KEPT AT AN OFFICIAL'S OR EMPLOYEE'S HOME OR LOCATION OTHER THAN THE REGULAR WORK LOCATION OR THE MUNICIPAL BUILDING PARKING AREAS, EXCEPT AS PROVIDED IN THIS SECTION. TOWN VEHICLES SHALL NOT BE USED FOR PERSONAL BUSINESS, NOR STRICTLY AS TRANSPORTATION TO AND FROM WORK OR OFFICE.

(3) ANY PERSON AUTHORIZED TO DRIVE ON OFFICIAL TOWN BUSINESS MUST POSSESS A VALID MOTOR VEHICLE DRIVER'S LICENSE FOR THE CLASS OF VEHICLE THEY WILL BE OPERATING.

(4) THE LONG-TERM ASSIGNMENT OF VEHICLES WILL TAKE PLACE DURING THE REGULAR TOWN BUDGET PROCESS, JUST AS OTHER ASSETS ARE ASSIGNED TO TOWN DEPARTMENTS OR OFFICES. USE OF TOWN VEHICLES, BY OTHER THAN ELECTED OFFICIALS, TO REGULARLY COMMUTE TO-AND-FROM WORK MAY BE AUTHORIZED AFTER REVIEW AND APPROVAL BY THE APPLICABLE DEPARTMENT HEAD AND THE TOWN ADMINISTRATOR.

(5) THE TEMPORARY OR SHORT TERM SIGNING OUT OF VEHICLES MAY BE AUTHORIZED DURING AND/OR OUTSIDE NORMAL WORK HOURS BY THE TOWN ADMINISTRATOR OR DESIGNEE IF DETERMINED TO BE AN EMERGENCY SITUATION AND A MORE ADVANTAGEOUS ALTERNATIVE AS DESCRIBED IN SUBSECTIONS B OR C, IS NOT AVAILABLE. AN EMERGENCY USE WOULD INCLUDE POLICE OPERATIONS, SNOWSTORMS, NATURAL DISASTER, FLOODING, OR PUBLIC SAFETY-RELATED EVENTS AND INSPECTIONS ON A WEEKEND.

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(6) ALL OFFICIALS AND EMPLOYEES ARE REQUIRED TO ADHERE TO THE FOLLOWING MINIMUM RULES OF OPERATION OF TOWN VEHICLES:

(I) SPEED LIMITS SHALL BE STRICTLY OBSERVED,

(II) SEAT BELTS AND ALL SAFETY RESTRAINTS SHALL BE WORN BY THE DRIVER AND ALL PASSENGERS,

(III) THE RULES OF THE ROAD AND ALL TRAFFIC REGULATIONS SHALL BE STRICTLY OBSERVED,

(IV) USE OF ALCOHOL, INTOXICANTS OR CONTROLLED SUBSTANCES ARE STRICTLY PROHIBITED BY THE DRIVER AND ALL PASSENGERS,

(V) NO VEHICLE SHALL BE OPERATED OUTSIDE THE BOUNDARIES OF THE TOWN, EXCEPT WHEN NECESSARY TO REACH OTHER SECTIONS OF THE TOWN, WITHOUT THE EXPRESS PERMISSION OF THE DEPARTMENT HEAD OR THE TOWN ADMINISTRATOR. EXCEPTIONS TO THIS RULE SHALL APPLY WHEN TRAVELLING TO BUSINESS-RELATED MEETINGS BEING HELD OUTSIDE OF THE TOWN.

(VI) DEPENDENT ON THE APPLICABLE DEPARTMENT OR OFFICE, ADDITIONAL RULES OF OPERATION MAY APPLY. EACH DEPARTMENT HEAD AND THE TOWN ADMINISTRATOR IS AUTHORIZED TO PUBLISH ADDITIONAL RULES OF OPERATION FOR USE OF TOWN VEHICLES.

(7) REPORTING ACCIDENTS. WHENEVER A MUNICIPAL VEHICLE IS INVOLVED IN AN ACCIDENT, OR SUBJECT TO DAMAGE, THE EMPLOYEE OR OFFICIAL OPERATING THE VEHICLE IS REQUIRED TO IMMEDIATELY NOTIFY HIS OR HER IMMEDIATE SUPERVISOR AND/OR THE TOWN ADMINISTRATOR, AND THEN FILE AN ACCIDENT INCIDENT REPORT WITH THE TOWN POLICE DEPARTMENT OR THE TOWN ADMINISTRATOR.

(8) MONTHLY ACTIVITY REPORT. ON OR BEFORE THE FIRST BUSINESS DAY OF EACH MONTH, AS APPLICABLE, EACH EMPLOYEE OR OFFICIAL HAVING BEEN ISSUED A VEHICLE ON ANY DAY DURING THE PRIOR MONTH SHALL PROVIDE A REPORT IN WRITING INCLUDING (I) DESCRIPTION OF VEHICLE, (II) ODOMETER READING AT THE BEGINNING AND END OF EACH DAYS USED, (III) AND

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DESTINATIONS AND STOPS, AND (IV) ANY OTHER INFORMATION REQUIRED BY
THE DEPARTMENT HEAD OR TOWN ADMINISTRATOR.

* * *

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
upon its passage.

PASSED this 7th day of November 2016.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS

Signature on file

Bonita C. Anderson, Town Clerk

ABSENT

By: _____
Jacqueline Goodall, Mayor

Signature on file

By: _____
Cynthia Mann, Council President

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

GOODALL

ABSENT

KENNEDY II

YEA

MCLAURIN

YEA

BARNES

YEA

MUHAMMAD

YEA

SMITH-BARNES

YEA

MANN

NAY

CAPITALS

[Brackets]

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CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 7th day of November 2016 with 5 Aye votes and 1 Nay, constituting a majority of at least four (4) affirmative votes, the aforesaid Resolution 63-16 passed.

Signature on file

Bonita Anderson, Town Clerk

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