LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY

LOSS PREVENTION PROGRAM

CHAPTER TWO

DRIVER SAFETY PLAN

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Section I. LDAF DRIVER SAFETY POLICY

The statewide provision of a wide range of public services relating to agriculture and forestry requires the LDAF to be one of the most mobile work groups in state government. The department's reliance on motor vehicle transportation requires considerable financial resources and a workforce comprised of qualified and responsible drivers. Therefore, for the purposes of the provisions of this Chapter, it will be presumed that each officer and employee of the LDAF may have an occasion to drive a motor vehicle in the course and scope of their employment.

Consequently, the LA Office of Risk Management (LA ORM) requires the LDAF to implement a safe driver program that provides for a systematic method of screening, training and accountability for those individuals who will operate a motor vehicle. However, nothing in this Chapter requires a LDAF employee to drive a motor vehicle or possess a valid driver's license if the employee does not operate a motor vehicle. Thus, provisions herein, as determined by the Agency Administrator, may be inapplicable to some of our employees.

Implementation of this driver safety plan should be looked upon as the LDAF's continuing effort to establish and maintain safe work conditions for our employees. Much like the General Safety Plan, the success of the Driver Safety Plan (DSP) relies on a positive attitude toward safety awareness, and compliance with the requirements set forth in this Chapter. We should not give way to the notion that being a safe driver is enough; rather, and just as importantly, our active participation in the DSP promotes the public's confidence in how the LDAF conducts its business.

Therefore, the provisions of the DSP that are set forth herein, and whenever amended or supplemented, shall have full force and effect hereafter and the officers and employees of the LDAF shall be subject thereto and bound to its plans, procedures, practices, rules and standards. Further, certain provisions excepted whenever so noted, the DSP supersedes and replaces the provisions set forth in any and all policies, guidelines and directives which are in conflict therewith or which have been reenacted by this DSP, and such provisions are hereby repealed and have no further force or effect.

Inquiries, clarifications, requests for information, and correspondence relating to the provisions of the DSP may be made by way of email to Safety Program (as named on the LDAF 'Outlook' email address listing) or to SafetyProgram@LDAF.LA.GOV; fax transmission to (225) 922-1253 – Attention: Safety Program; or U.S.P.S. mail to LDAF Safety Program, P.O. Box 631, Baton Rouge, LA 70821-0631.

Thus done this 24th day of June, 2009, in Baton Rouge, LA

Mike Strain DVM
Commissioner

Section II. ASSIGNMENT OF RESPONSIBILITIES

1. Commissioner

Pursuant to the authorities set forth in law, the Commissioner approves the DSP, provides for its implementation and administration, and selects and assigns an officer of the LDAF to act as Agency Administrator.

2. Agency Administrator

The Agency Administrator ensures the organizational effectiveness of the DSP. Pursuant thereto, the duties of the Agency Administrator shall include, but not limited to, the following:

Provides for the implementation of the DSP and issues directives which relate to the administration of the DSP.

> Determines each employee's need to drive (i.e., operate) a motor vehicle in the conduct of LDAF-related business, evaluates her/his suitability to do so, and whenever warranted, issues agency authorization to operate a motor vehicle.

Note: For the purposes of the provisions of the DSP, the term "employee" or "employees" includes each or all of the officers and staff of the LDAF irrespective if their employment is on a full-time, part-time or contractual basis, and includes any person authorized by the Commissioner (1) to be a volunteer in service to the LDAF and/or (2) to drive or operate a motor vehicle that is owned or controlled by the LDAF; and the phrase "motor vehicle" refers to any vehicle that is owned or controlled by the LDAF, and shall include all vehicles that are motorized and subject to licensing by the LA Office of Motor Vehicles (LA OMV), with four or more wheels used primarily for surface transportation or for the delivery of goods or the performance of services provided by the LDAF, and may include a non-LDAF owned or controlled motor vehicle, the use and operation of which by an employee in the course and scope of the business or operations of the LDAF has been explicitly authorized by the Agency Administrator pursuant to the relevant provisions of this Chapter.

Generally supervises the management performance of the DSP and participates accordingly therein.

3. Assistant Commissioners

As such relates to their respective Office and the employees and vehicles assigned thereto, each Assistant Commissioner ensures the organizational effectiveness of the DSP. Pursuant thereto, the duties of the Assistant Commissioners shall include, but not limited to, the following:

Establishes standards and guidelines with regard to the use of a motor vehicle to facilitate or otherwise accomplish the conduct of LDAF-related business, selects and assigns qualified personnel to effect such business, and recommends their authorization to drive to the Agency Administrator.

Ensures that each authorized employee/driver completes the LA ORM-recognized driver safety training course within the prescribed period for such.

Prohibits the operation of a motor vehicle by any employee (1) who has not received an authorization to drive from the Agency Administrator, or (2) whose prior authorization is rescinded or otherwise nullified pursuant to law, judicial or administrative proceeding, or LDAF administrative action (e.g., placed out-of-service due to suspension of driver's license, High Risk Driver designation, deficient personal liability insurance coverage, etc.).

Reviews accident reports and other related documents and takes necessary action, the intent of which is to prevent the recurrence of the employee's involvement in a motor vehicle accident.

4. Safety Director

The Safety Director has principal responsibility for the overall development and implementation of the DSP. Pursuant thereto, she/he maintains open communication with the Agency Administrator, Assistant Commissioners and the Transportation Coordinator, and assists them in carrying out their respective duties and responsibilities. The duties of the Safety Director shall include, but not limited to, the following:

Develops the DSP and, from time-to-time, revisions thereto for review and approval by the Agency Administrator, and drafts directives which relate to the implementation and/or administration of the DSP

Provides oversight, guidance and direction to the Transportation Coordinator as such relates to the implementation and administration of the DSP.

Acts as the LDAF's point of contact with the LA ORM, and provides guidance to others relative to the LA ORM audit requirements and inquiries.

Serves on the Accident Review Board and presides at the meetings thereof.

5. Transportation Coordinator

The Transportation Coordinator shall have responsibility for the general administration of the DSP, the provisions of which serve to complement the LDAF policy entitled USE AND MANAGEMENT OF LDAF VEHICLES. The duties of the Transportation Coordinator shall include, but not limited to, the following:

> Assists the Agency Administrator in the determination of an employee's suitability to drive or otherwise operate a motor vehicle in the conduct of LDAF-related business by (1) obtaining the employee's official driving record (ODR) issued by the LA OMV, (2) providing for the evaluation of the information thereon to determine the employees suitability to drive a motor vehicle, (3) reporting such finding to the Agency Administrator, (4) recording the Agency Administrator's decision (i.e., to issue agency

authorization, or not), and (5) compiling a listing of all such authorization decisions and maintaining a like compilation of related information (e.g., driver safety training date, ODR date, current driver status, etc.).

Provides for a classification and up-to-date compilation of relevant information consistent with the purpose of the Authorization and Driving History Form (DA 2054), and routinely provides such information to each Assistant Commissioner.

Provides for the initial and annual evaluation of each employee's ODR, and acts as a central repository for such and all related forms, documents and records.

Identifies for the Agency Administrator and/or subject Assistant Commissioner any employee who is a High Risk Driver or who otherwise acquires an out-of-service status or at-risk condition which may bear upon the employee's suitability to drive a motor vehicle.

Compiles relevant data and provides Assistant Commissioners with information relating to their employees' need to timely participate in, and complete driver safety training coursework, and makes such compilation available for review by the Safety Director and LA ORM staff.

Serves on the Accident Review Board and performs other driver safety-related duties, tasks and responsibilities as assigned.

6. Employees

No other element of the department's Loss Prevention Program (LPP) is more fundamentally dependent on the individual effort of the employees as is the DSP. For the purposes of the provisions of this Chapter, it is presumed that every LDAF employee may1 drive a motor vehicle in the course and scope of their service or employment. The duties of each employee shall include, but not limited to, the following:

Obeys all laws whenever operating a motor vehicle in the course and scope of the employee's service or employment, and remains safety conscious and vigilant of traffic hazards whenever operating a motor vehicle.

Maintains a valid driver's license for the class of motor vehicle that is operated by the employee in the course and scope of the employee's service or employment. Accordingly, an employee shall not drive a motor vehicle in the course and scope of the employee's service or employment without possessing a valid driver's license nor, with respect thereto, shall she/he operate a motor vehicle adverse to, beyond or in conflict with the class limitation or any attendant restriction or endorsement.

In the course and scope of her/his service or employment, does not drive a motor vehicle unless and until the Agency Administrator determines a genuine need to do so and authorizes such pursuant to the requirements, guidelines and instructions set forth in Section III of this Chapter.

In the course and scope of her/his service or employment, does not drive a motor vehicle other than one that is owned or controlled by the LDAF. That is, the subject use or operation by an employee of a motor vehicle that is not owned or controlled by the LDAF is prohibited, except that the Agency Administrator may authorize an employee to drive such other motor vehicle pursuant to, and in strict conformance with the terms and conditions set forth on an Authorization and Driving History Form (DA 2054), which form shall be prepared, executed and submitted by the employee and supplemented by her/his presentation of proof of a valid Motor Vehicle Liability Policy.

Promptly reports to the Transportation Coordinator any change in the status of her/his driver's license (e.g., suspension, revocation, reinstatement, etc.), and any conviction, guilty plea and nolo contendre plea for a moving violation or for operating a vehicle while intoxicated, hit and run driving, vehicular negligent injury, reckless operation of a vehicle, or similar violation.

As such relates to the operation of a motor vehicle owned or controlled by the LDAF, promptly reports to the Transportation Coordinator any arrest of, or summons or other notification issued to the employee for a violation of any driving offense, including any nonmoving violation (e.g., expired MVI decal, parking ticket, equipment violation) or a civil breach or violation (e.g., red light or speeding violation detected via camera, etc.).

As such relates to the operation <u>at any time</u> of a motor vehicle <u>not</u> owned or controlled by the LDAF, promptly reports to the Transportation Coordinator any arrest of, or summons or other notification issued to the employee for a violation of any driving offense, excluding any nonmoving violation, but including any civil breach or violation.

Whenever involved in a motor vehicle traffic accident in which the employee is the driver or operator of a motor vehicle used in the course and scope of the employee's service or employment, complies fully with the requirements, guidelines and instructions set forth in Section VIII of the General Safety Plan (LPP Chapter One), relative to ACCIDENT INVESTIGATION AND LOSS CLAIM REPORTING. For the purpose of this provision, the term "operator" may refer to the employee who has actual physical control of, or principal responsibility for the subject motor vehicle (such as, for examples, (1) whenever a motor vehicle is unoccupied and parked, and is then involved in an accident, or (2) the driver briefly exits from the motor vehicle and it is then involved in an accident).

Complies with the applicable provisions of the LDAF policy entitled USE AND MANANGEMENT OF LDAF VEHICLES, and the LDAF Fleet Rules and Procedures.

Prior to the initial, daily departure of a motor vehicle, conducts a safety inspection with respect to the condition of the motor vehicle, utilizing the checklist of inspection items as provided for on the reverse side of the DAILY VEHICLE LOG (DA 5211 / MV-3).

Immediately reports to the appropriate authority (e.g., supervisor, subject operating area Safety

Manager Staff, Transportation Coordinator, etc.) any unsafe, dangerous or hazardous condition or circumstance with respect to her/his operation or intended operation of a motor vehicle.

Whenever directed, attends and/or participates in driver safety training activities, which may include driver safety training coursework, appearance before the Accident Review Board, etc.

Section III. DRIVER AUTHORIZATION

1. Application of Provisions

A. For the purposes of the provisions of this section, it shall be presumed that each employee of the LDAF may have an occasion to drive a motor vehicle in the course and scope of their service or employment. Accordingly, said provisions shall have principal application with regard to employees who drive or likely will drive a motor vehicle that is owned or controlled by the LDAF, and general application for all other employees which might be subject thereto.

B. Consistent with the intent of said provisions and the fair and reasonable application thereof, the Agency Administrator, or designee, whenever necessary to ensure the efficient operation of the LDAF, may provide for the interpretation, or may affix the relevance of any provision herein with respect to a related, but undefined circumstance, condition or situation.

2. Valid Driver's License and LDAF Authorization Required

An employee shall not drive a motor vehicle in the course and scope of the employee's service or employment without possessing a valid driver's license nor, with respect thereto, shall she/he operate a motor vehicle adverse to, beyond or in conflict with the class limitation or any attendant restriction or endorsement. Additionally, the employee shall not drive said motor vehicle unless and until the Agency Administrator determines a genuine need to do so and authorizes such pursuant to the requirements, guidelines and instructions set forth in this section.

3. Official Driving Record; Evaluation, Disposition, Annual Evaluation

A. Upon an Assistant Commissioner's recommendation of an employee to drive a motor vehicle to facilitate or otherwise accomplish the conduct of LDAF-related business, the Agency Administrator shall direct the Transportation Coordinator to (1) obtain the employee's ODR, (2) provide for the evaluation of the information thereon to establish the employee's suitability to drive a motor vehicle, and (3) report such finding to the Agency Administrator. Upon the Agency Administrator's determination as to the employee's need to drive a motor vehicle and evaluation of her/his suitability to do so, the Transportation Coordinator then shall (1) record the Agency Administrator's decision (i.e., to issue agency authorization, or not), and (2) compile such onto a listing of all other authorization decisions and, along therewith, a compilation of related information (e.g., employee's driver safety training date, ODR date, current driver status, etc.).

B. No less than annually from the date on or about which an employee's authorization to drive a motor vehicle was issued (or re-issued) by the Agency Administrator, the Transportation Coordinator shall (1) obtain the employee's current ODR, (2) provide for the evaluation of the information thereon to determine the employee's continued suitability to drive a motor vehicle, (3) report such finding to the Agency Administrator, (4) record the Agency Administrator's decision (i.e., to re-issue agency authorization, or not), and (5) compile such with a listing of all such authorization decisions and maintain

an up-to-date compilation of related information (e.g., driver safety training date, ODR date, current driver status, etc.).

4. High Risk Driver (HRD)

A. The LA ORM defines a HRD as an employee having three or more convictions, guilty pleas and/or nolo contendere pleas for moving violations or a single conviction, guilty plea or nolo contendere plea for operating a vehicle while intoxicated, hit and run driving, vehicular negligent injury, reckless operation of a vehicle, or similar violation, "within the previous twelve (12) month period." For the purposes of the provisions of this section, the phrase "*within the previous twelve (12) month period"* also shall mean a one-year duration of time in which the date(s) of the judgment(s) at issue is (are) relevant to the consideration required by the provisions of this subsection (e.g., a delineated twelve-month or less period of time in which the judgments can be set apart on an employee's ODR).

B. Upon the evaluation of an ODR, an employee determined to be a HRD shall be prohibited to operate a motor vehicle in the conduct of LDAF-related business for a one-year period commencing on the date on which the determination is made. Accordingly, the Agency Administrator shall not issue any authorization for the employee to drive a motor vehicle during such one-year period, and shall rescind any existing authorization. Upon the expiration of such one-year period, the Assistant Commissioner then may recommend the subject employee to drive a motor vehicle to facilitate or otherwise accomplish the conduct of LDAF-related business.

If an employee is not authorized to drive, that employee and his/her supervisor shall be notified in writing that they shall not drive on state business. The immediate supervisor and the fleet control officer shall be notified that this employee shall not be given authority to drive on state business, and that employee's name shall be added/removed to/from the appropriate list.

5. Driver Safety Training Course, When Required

A. No later than 90 days after which an employee is issued an authorization to operate a motor vehicle in the conduct of LDAF-related business, the employee shall enroll, participate in and successfully complete driver safety training coursework which is approved by the LA ORM; and no later than every three years thereafter, the employee shall again enroll, participate in and successfully complete such training coursework. Inquiries, clarifications and requests for information relating to driver safety training coursework should be directed to the Transportation Coordinator.

B. Transportation Coordinator shall compile and maintain records which relate to the enrollment and completion of each employee's driver safety training coursework and shall routinely communicate with the Assistant Commissioners as to the status of their employees' driver safety training requirements. Assistant Commissioners shall ensure that each such employee completes the LA ORM-recognized driver safety training coursework within the prescribed period for such.

C. Whenever relevant facts or circumstances exist which warrant such, the Agency Administrator may require an employee to enroll, participate in and successfully complete

additional driver safety training coursework for the purposes of obtaining, continuing or reinstating an authorization to operate a motor vehicle in the conduct of LDAF-related business. Drivers who have convictions on their motor vehicle records shall be required to retake a recognized driving course within ninety (90) days of notification of a conviction.

Accordingly, Assistant Commissioners shall require an employee to enroll, participate in and successfully complete such additional driver safety training coursework whenever the employee is the driver of a motor vehicle involved in an accident which likely could have been avoided on the part of the employee, or whenever the Assistant Commissioner learns that a non-HRD employee has incurred a violation judgment that is subject to the provisions set forth in subsection 4 above.

6. Authorization to Drive Non-LDAF Motor Vehicle for LDAF-related Business

The use or operation by an employee of a motor vehicle in the course and scope of the employee's service or employment that is <u>not</u> owned or controlled by the LDAF is prohibited, except that the Agency Administrator, whenever the efficient operation of the LDAF is at issue, may authorize an employee otherwise to drive such motor vehicle pursuant to, and in strict conformance with the terms and conditions set forth on an Authorization and Driving History Form (DA 2054), which Employee Acknowledgement/Authorization section of the form shall be prepared and submitted by the employee and supplemented by her/his presentation of reliable proof of a valid Motor Vehicle Liability Policy. The requirements, procedures and standards set forth in subsection 3 above likewise shall be applied, but that there shall not be any continuation or reinstatement of any such authorization without a subsequent presentation of reliable proof of a valid Motor Vehicle Liability Policy.

> The DA 2054 form may be accessed in the 'Motor Vehicle Fleet Documents' section on the Employees / Resources page of the LDAF web site. A copy of the DA 2054 form is attached to this section.

The Department Head or his/her designee is allowed to deem contractors as authorized travelers for official state business only. An executed DA2055 form is required, along with the driver's ODR, in advance of the authorized travel.

7. Records Retention, Review

The Transportation Coordinator shall retain each employee's driver safety-related documents, DA 2054 form, ODRs, driver safety training records, etc. for no less than three years from the date on which the employee's authorization to drive was issued (or re-issued) or otherwise considered by the Agency Administrator, and shall provide access to all such records for review by the Safety Director and LA ORM staff.

Authorization and Driving History Form

Name: _____ Drivers License No: _____
Address: _____ License Office No.: _____
City: _____ Expiration Date: _____
Class License: _____ Date of Birth: _____
Issue Date: _____ Date of Hire (current job): _____
****

Employed By:_____
Section: _____ Unit: _____
Job Title: _____
Immediate Supervisor's Name: _____
Is it this employee's primary purpose to drive vehicles? _____
Is a current Official Driving Record attached? _____
Will this driver be authorized to operate his or her privately owned vehicle in the course and scope of employment? _____
Date of last Driver Training Course? Month_____ Day_____ Year_____
****

Class of License:		**Endorsements:**		**Restrictions:**	
A: Combinations Vehicle	:( )	**T:** Double Trailer	:( )	**L:** Airbrakes	:( )
B: Heavy Straight Vehicle	:( )	**P**: Passenger Vehicle	:( )	Others	:( )
C: Light Vehicle	:( )	**N**: Tank Vehicle	:( )		
D: Commercial Vehicle	:( )	**H**: Hazardous Material	:( )		
E: Personal Vehicle	:( )	**X**: Combination N+H	:( )		

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USE OF PRIVATE VEHICLE FOR STATE BUSINESS

This is to certify that as a condition of driving my personal vehicle on state business, I have and will maintain at least the minimum liability coverage as required by *LA. R.S. 32:900 (B) (2*). I also understand that the use of my vehicle on state business requires prior written authorization from my supervisor or agency head.

_____ _____
Employee Signature ***Date***

****

AGENCY HEAD OR DESIGNEE STATEMENT

I have reviewed this individual's genuine need to drive a State (owned or leased) Vehicle. In conducting this review, I have considered his/her driving experience, type of vehicle to be operated, and one year driving record. The attached operator's record has been verified as accurate and dated as necessary. I authorize this individual to operate the vehicles approved by the type of license above. This authorization must be reviewed one year from this date.

_____ _____
Agency Head ***Date of Authorization***
(or designated individual)

Section IV. FLEET ADMINISTRATION

1. Use and Management

Provisions relating to conditions and limitations governing (1) the acquisition, disposition and maintenance of motor vehicles that comprise the LDAF fleet, and (2) the use of any such motor vehicle by an employee in the discharge of her/his job-related duties, responsibilities and tasks are set forth in the LDAF policy entitled USE AND MANAGEMENT OF LDAF VEHICLES, a copy of which is attached to this section. Said policy is supplemented by the LDAF rules and procedures entitled LDAF Fleet Rules and Procedures, a copy of which is provided in the glove box of every LDAF-owned or controlled motor vehicle (rental vehicles excepted), in the 'Motor Vehicle Fleet Documents' section on the Employees / Resources page of the LDAF web site, and attached to this section. All such provisions of said policy and the rules and regulations, and any amendments or supplements thereto, shall be a part of the DSP, have full force and effect, and each employee shall be subject thereto.

2. Equipment and Supplies

The Transportation Coordinator shall cause every LDAF-owned or controlled motor vehicle (rental vehicles excepted) to be equipped with a portable fire extinguisher and a fully-stocked first aid kit, and the subject employee/driver shall maintain such items in good order. Along therewith, the Transportation Coordinator shall provide or otherwise make available for each such motor vehicle one or more ACCIDENT REPORT forms (DA 2041) and DAILY VEHICLE LOG forms (DA 5211), and a copy of the LA ORM's Proof of Automobile Liability Insurance for Sate Vehicles document; all of which the employee/driver shall maintain properly.

3. Motor Vehicle Accidents

Provisions relating to the investigation and reporting of motor vehicle accidents are set forth in the General Safety Plan (LPP Chapter One), Section VIII entitled ACCIDENT INVESTIGATIONS AND LOSS CLAIM REPORTING.

4. Motor Vehicle Accident Review Board

A. While driving a motor vehicle, whether owned personally or by the LDAF, an employee, in the course and scope of her/his duties, may be involved in a motor vehicle accident. Such accidents typically result in injury and/or property damage, both of which impair the efficient operation of the LDAF. Therefore, the DSP shall provide for a review of every motor vehicle accident on a timely basis to identify the cause or contributing factors of the accident, which information can be used towards reducing motor vehicle accidents within the LDAF.

B. For the purpose of the provisions of this subsection, (1) the phrase "motor vehicle accident" means one or a series of unplanned events that caused or resulted in either personal injury (including death), or property damage, or both, and which involved an employee who was driving a licensed motor vehicle in the course and scope of her/his employment with the LDAF; and (2) the term "employee" also shall mean any person, irrespective of her/his actual employer

or the course and scope of their employment, who has been authorized to use, drive or operate a licensed motor vehicle that is owned or controlled by the LDAF.

C. Except as provided for in paragraph H below, all motor vehicle accidents shall be reviewed by, and at a meeting of the Motor Vehicle Accident Review Board, which shall be comprised of the Safety Director, Transportation Coordinator, and Loss Claims Director. Whenever necessary to constitute a quorum for a meeting of the Board, each member may designate a qualified employee to act as a substitute in her/his place. The Board shall meet monthly or whenever called by the Agency Administrator, and each motor vehicle accident shall be scheduled for review as soon as practicable after the date of the accident event. The Safety Director shall conduct and preside at all such meetings.

D. A motor vehicle accident shall be reported and documented in accordance with the applicable provisions of the GSP prior to its hearing before the Board. Every employee called before the Board shall appear before the Board and cooperate fully and be truthful and forthcoming regarding her/his knowledge and actions with respect to the subject motor vehicle accident. Assistant Commissioners shall ensure the scheduled presence of their employee who is called to appear before the Board, and along therewith, the employee's immediate supervisor.

E. The Board shall hear all presentations it deems necessary and review all documentation and exhibits that are made available and which relate to the motor vehicle accident. With regard to the study and deliberations of the Board, it shall consider only the facts and circumstances relating to the subject accident. Prior motor vehicle accidents of the employee shall not be considered germane to the instant matter, nor shall the presumed or actual findings of another authority (e.g., the report of the investigating law enforcement officer, judicial proceeding, claim settlement, etc.) be given necessary standing.

F. The Board shall make a finding by majority vote that (1) the employee's negligence, act or failure to act caused or contributed to the cause of the motor vehicle accident (referred to generally as an *avoidable accident*), or (2) the employee could not have taken any action to prevent the motor vehicle accident (referred to generally as an *unavoidable accident*). Whenever the Board is unable to make either such finding, it shall make a finding of *uncertain fault*.

G. The Safety Director shall announce such finding to the employee and her/his supervisor, and report the finding in writing to the subject Assistant Commissioner, and to the Agency Administrator, who shall determine if further action is necessary, which may include disciplinary and/or other rehabilitative action for an employee involved in an avoidable accident.

H. Whenever the efficient operation of the LDAF is at issue, in lieu of the requirements set forth in paragraph C above, an Assistant Commissioner, with the approval of the Agency Administrator, may personally conduct, or designate the Safety Director to conduct, the review of an employee's motor vehicle accident. Any such review shall be made in a manner consistent with the purpose and all other relevant conditions and standards set forth in this subsection. If designated by an Assistant Commissioner, the Safety Director shall make an initial determination on the matter and relay his finding to the Assistant Commissioner who shall make the final determination on the matter. Afterwards, the Assistant Commissioner shall report the finding in

writing to the Agency Administrator, with a copy to the Safety Director, who shall record and compile the finding with all other such motor vehicle accident review findings.

USE AND MANAGEMENT OF LDAF VEHICLES

1. Preamble

The use by an employee of an LDAF owned or controlled vehicle is a privilege that allows the employee to efficiently accomplish or fulfill her/his job-related duties, responsibilities and tasks. Central to this advantage is the LDAF's participation in and adherence to an organized program that results in safe, dependable and cost effective transportation for its employees. Such a program is the LA D.O.A.'s fleet management program and, pursuant to the authority set forth in LRS 36:623 and consistent with the provisions set forth in LAC 34:XI. Chapter 1, the Commissioner shall provide for the administration and control of the functions, programs and affairs of the LDAF that relate to said program. Accordingly, each employee shall comply with the provisions of this policy and the LDAF Rules and Procedures adopted pursuant thereto.

2. Purpose

The purpose of this policy is to prescribe complementary conditions and limitations governing (i) the acquisition, disposition and maintenance of the vehicles that comprise the LDAF fleet, and (ii) the use of any such vehicle by an employee in the discharge of her/his job-related duties, responsibilities and tasks; and to provide for related matters.

3. Intent of Policy

The intent of this policy is to facilitate and standardize the administration of the fleet management program for LDAF vehicles, such to be consistent with the provisions set forth in LRS 39:361 et seq., and the rules and regulations adopted pursuant thereto.

4. Definitions

As used in this policy, the following terms shall have the following meanings, unless the context requires otherwise.

"LDAF" means the Louisiana Department of Agriculture and Forestry, and includes each and every office, board, commission, authority, etc., made a part thereof as provided by law.

"Commissioner" means the Commissioner of the LDAF, and also may mean one or more officers or employees of the LDAF who he authorizes and directs to carry out certain provisions of this policy.

"Employee" means any officer and classified or unclassified employee of the LDAF or any other person (e.g., U.S.D.A. employee, member of a LDAF board, commission, authority, etc.), either of who is authorized by the Commissioner to operate or utilize a vehicle owned or controlled by the LDAF.

"Vehicle" refers to any vehicle that is owned or controlled by the LDAF, and shall include all vehicles that are motorized and subject to licensing by the LA Office of Motor Vehicles, with

four or more wheels used primarily for surface transportation or for the delivery of goods or the performance of services provided by the LDAF.

"Wireless Telecommunications Device" refers to any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

5. Fleet Management Program Operations

A. The Commissioner shall appoint a Transportation Coordinator who shall perform in a manner directed by the Commissioner (i) the duties, responsibilities and tasks set forth in §103(A)(2) of LAC 34:XI.Chapter 1, and (ii) such other related duties, responsibilities and tasks directed by the Commissioner. Accordingly, the Transportation Coordinator shall serve as the principal liaison for the LDAF with the LA D.O.A. on all matters related to the administration of this policy.

B. In order to more efficiently fulfill the duties, responsibilities and tasks contemplated by the provisions of this policy, the Commissioner may appoint from time to time one or more Transportation Officers throughout the LDAF. The Transportation Coordinator, in a manner directed by the Commissioner and consistent with the provisions set forth in §103(A)(2) of LAC 34:XI.Chapter 1, may delegate the particular duties, responsibilities and tasks that the subject Transportation Officer will and shall faithfully perform.

C. The Fleet and Facility Manager shall have principal responsibility with regard to matters relating to the repair and maintenance of vehicles.

D. As contemplated by the provisions set forth in LAC 34:XI.Chapter 1, this policy supplements, and certain provisions herein may take the place of, the fleet management program rules and regulations that might be prescribed in said LAC provisions.

6. Acquisition and Disposition of Vehicles

Supplementary to and consistent with the rules and regulations promulgated pursuant to LRS 39:362(A) and (D), the Commissioner, so as to reduce the costs and increase the benefits to the LDAF, may provide for other conditions and guidelines with regard to the acquisition and disposition by the LDAF of its vehicles.

7. Personal Assignment of a Vehicle

Supplementary to and consistent with the rules and regulations promulgated pursuant to LRS 39:362(B)(3)(a), the Commissioner, so as to promote the achievement of the objective of the fleet management program as specified in LRS 39:361, may provide for other conditions and guidelines with regard to the personal assignment of a vehicle.

8. Home Storage of a Vehicle

A. Supplementary to and consistent with the rules and regulations promulgated pursuant to LRS 39:362(B)(2)(a), the Commissioner, so as to promote the achievement of the objective of the fleet management program as specified in LRS 39:361, may provide for other conditions and guidelines with regard to the home storage of a vehicle.

B. There shall be a single valuation method for determining the commuting valuation associated with a vehicle that is approved for home storage. Accordingly, the LDAF shall report annually to the IRS a $3.00 daily value, which shall equate to a $750 per year fringe benefit. Such taxable compensation shall be added to the affected employee's gross income; with applicable taxes on such withheld from her/his biweekly payroll check. As provided by law, this provision for daily valuation shall not apply to any commissioned law enforcement officer whose vehicle is approved for home storage. Inquires, clarifications, and correspondence relating to this provision of this policy should be directed to the Human Resources Section.

9. Vehicle Maintenance and Care

Supplementary to the provisions set forth in LRS 39:362(E) and consistent with the provisions set forth in LAC 34:XI.Chapter 1, the Commissioner, so as to promote the achievement of the objective of the fleet management program as specified in LRS 39:361, may provide for other conditions and guidelines with regard to the maintenance and care of a vehicle.

10. General Provisions

A. The Transportation Coordinator's office shall be the central repository for all forms, reports and files that are associated with the fleet management program for the vehicles that comprise the LDAF fleet. As such relates to the provisions of this policy, every employee shall promptly comply with the applicable instructions and guidelines prescribed directly by the Transportation Coordinator or by way of a Transportation Officer, and with other LDAF Rules and Procedures regarding the use or maintenance of a vehicle, such to include the related requirements set forth by the aforesaid ex officio Transportation Officers.

B. Except as otherwise provided in this policy, inquiries, clarifications, and correspondence relating to the provisions of this policy or the related rules and regulations prescribed by the Commissioner of Administration may be made by way of (i) email to the Transportation Coordinator (as named on the LDAF 'Outlook' email address listing) or to Transportation@LDAF.LA.GOV; (ii) fax transmission to (225) 237-5864; (iii) U.S.P.S. mail to LDAF Transportation Coordinator, P.O. Box 3481, Baton Rouge, LA 70821-3481; or (iv) telephone call to (225) 952-8146 (toll free 1-866-927-2476).

C. Every employee who is assigned a vehicle or otherwise operates or makes use of a vehicle shall comply with all applicable laws, ordinances, rule, regulation, LDAF policies and directives, etc. Accordingly, such an employee personally and individually shall be accountable for the cost consequence of any criminal, civil, regulatory, and/or administrative violation or infraction thereof. Examples of such a cost consequence are a fine, penalty or fee imposed for a parking citation, traffic summons, notice of violation, tow-away charges, etc.

D. The Commissioner may prescribe additional conditions and limitations or modify prescribed conditions and limitations governing the use of a vehicle by an employee on an individual basis.

E. LDAF Fleet Rules and Procedures adopted pursuant to this policy are made a part hereof.

LDAF FLEET RULES AND PROCEDURES - Part A

1. LDAF motor vehicles are the property of the State of Louisiana and, as such relates to the motor vehicle's use, operation, care, maintenance and in-service documentation, *an employee operating any such motor vehicle* ("Driver") shall be subject to and comply with these rules and procedures and the provisions set forth in the policy entitled Use and Management of LDAF Vehicles. LDAF motor vehicles shall be used only in the conduct of state business and shall not be used otherwise (e.g., personal business or errands).

2. Driver shall comply with all applicable laws, ordinances, rules, regulations, LDAF policies and directives, etc., and is individually accountable for the cost consequence of any criminal, civil, regulatory, and/or administrative violation or infraction thereof (e.g., fine, penalty or fee imposed for a parking citation, traffic summons, notice of violation, tow-away charges, etc.). Employees shall not use a Wireless Telecommunications Device while driving in a state owned, leased, or private vehicle that is being driven on state business. This includes writing, sending, or reading a text based communication and engaging in a call. Use of a Wireless Telecommunications Device is permissible for passengers in such vehicles.

Exceptions:
• 1. Report a traffic crash, medical emergency or serious road hazard.
• 2. Report a situation in which the person believes his personal safety is in jeopardy.
• 3. Report or avert the perpetration or potential perpetration of a criminal act against the driver or another person.
• 4. Engage in a call or write, send or read a text-based communication while the motor vehicle is lawfully parked.

3. Prior to the initial departure on each day a motor vehicle is used, in accordance with the schedule of checklist items set forth on the reverse side of the Daily Vehicle Log (DA MV-3), Driver shall conduct a safety inspection with respect to the condition of the motor vehicle. Likewise, Driver shall ensure that the motor vehicle is equipped with a fully-stocked first-aid kit with up-to-date supplies, and a sufficiently charged fire extinguisher. Driver also shall ensure that a copy of the motor vehicle's registration certificate and proof of liability insurance is in the glove box of the motor vehicle, along with blank accident report (DA 2041) and windshield repair (DA 2073) forms and these rules and procedures.

4. For each day a motor vehicle is used, Driver shall record the appropriate entries on the motor vehicle's daily vehicle log, irrespective if such motor vehicle is personally assigned, or is a fleet pool motor vehicle or mechanic's shop loaner motor vehicle.

5. To refuel a motor vehicle, unless authorized by her/his Assistant Commissioner otherwise, Driver shall obtain fuel from a LDAF fuel pump at Baton Rouge, Hammond, Haughton, Monroe, Oberlin or Woodworth. The amount of fuel obtained and its cost shall be duly recorded on the daily vehicle log.

6. Driver shall maintain motor vehicle in proper mechanical condition, which shall include a change of the oil and filter at or about each 6,000 miles of the motor vehicle's operation. Driver shall report to the appropriate person (e.g., supervisor, LDAF mechanic, Transportation

Coordinator [225.952.8146], etc.) any unsafe condition or unresolved maintenance issue as such relates to the operation of the motor vehicle. Driver, routinely or whenever appropriate, shall clean the exterior of the motor vehicle. Driver shall at all times keep neatly the cabin of the motor vehicle.

7. For motor vehicle maintenance and repair, Driver shall utilize the LDAF mechanic's shop at Baton Rouge, Hammond, Monroe or Woodworth, or effect such as otherwise directed. A description of the work provided and its cost shall be duly recorded on the motor vehicle's daily vehicle log.

8. Whenever a fleet pool motor vehicle is used, Driver, afterwards, shall return the fleet pool motor vehicle in proper mechanical condition, clean and neat, and with a full tank of fuel.

9. Whenever the motor vehicle is involved in an accident or otherwise is damaged, Driver immediately shall notify his/her supervisor, complete and submit an accident report (DA 2041) form, and comply with all other applicable provisions of the General Safety Plan.

LDAF FLEET RULES AND PROCEDURES - Part B

1. Driver shall review the document styled 'Daily Vehicle Log (DA MV-3) Instructions' promulgated by the Transportation Coordinator's Office and comply with its provisions. Whenever any instruction set forth on the Daily Vehicle Log (DA MV-3) form conflicts with a provision set forth in the Daily Vehicle Log (DA MV-3) Instructions document, such provision shall prevail.

2. The general purpose of a daily vehicle log is to provide a record of the daily use and expenses associated with the operation of a LDAF motor vehicle during the subject month. Consequently, a daily vehicle log is not intended to serve as a day-by-day activity report that documents the tasks, duties and assignments carried out by Driver throughout a month, although all entries by Driver on a daily vehicle log are required to be complete, accurate and authentic.

3. For the purpose of a daily vehicle log, the term "AUTHORIZED SUPERVISOR", as such relates to the field on said log which provides for the signature of Driver's authorized supervisor, also may mean the data entry operator whose assignment is to enter the compiled information on said log into the database. This provision may be relied upon to eliminate the time and effort required for a completed daily vehicle log to be forwarded to Driver's actual supervisor prior to its submission to the assigned data entry operator. Driver's Assistant Commissioner may at any time and for any reason negate or modify the effect of this provision.

4. Whenever a data entry operator provides her/his signature on a completed daily vehicle log as Driver's authorized supervisor in lieu of the signature of Driver's actual supervisor, it shall represent only that the information compiled on said log is complete and accurate and ready for input into the database. That is, such approval of said log by the data entry operator shall not imply the information compiled thereon by Driver is correct, true or reliable. With the exception of Driver's signature and/or initials, whenever it is necessary to complete or correct the information on said log (e.g., deficient or missing information, miscalculation of data such as total mileage or expenses, etc.), a data entry operator <u>may</u> alter such daily vehicle log accordingly.

5. As of July 1, 2010, the LDAF maintains 31 data entry reporting entities throughout the state at which daily vehicle logs are processed every month. Each reporting entity and its data entry operator(s) are identified on the DAILY VEHICLE LOG (DA MV-3) DATA ENTRY OPERATORS spreadsheet available on the LDAF website (Employees / Resources / Motor Vehicle Fleet Documents).

6. No later than the fifth day (exclusive of Saturdays, Sundays and public legal holidays) after the last day of the month, Driver shall submit the completed daily vehicle log for review and approval to the assigned data entry operator, or otherwise to her/his actual supervisor if directed by the Assistant Commissioner. Whenever the Driver's personally assigned motor vehicle is out-of-service (e.g., in the shop for repair), Driver shall make necessary arrangements to timely obtain the subject daily vehicle log and comply with this provision. Whenever the Driver is in possession of a fleet pool motor vehicle or mechanic's shop loaner motor vehicle, she/he shall comply with this provision as such relates to any such motor vehicle.

7. Whenever a completed daily vehicle log is submitted by Driver to her/his actual supervisor for review of completeness and accuracy, and approval, said supervisor, no later than the tenth day (exclusive of Saturdays, Sundays and public legal holidays) after the last day of the month, shall submit the daily vehicle log to the assigned data entry operator.

8. The Transportation Coordinator shall report to the Assistant Commissioner the noncompliance of a Driver with any provision of these rules and procedures.