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## VEHICLE OPERATIONS AND MONITORING

### I. POLICY

This policy serves to apprise employees of the Department of Energy and Natural Resources (DENR) of the vehicle operation and monitoring requirements, which must be satisfied while operating a vehicle on DENR business. Compliance will assist DENR in maintaining its vehicles, reducing the risk of injury to employees and the traveling public, improving utilization efficiencies and minimizing the loss resulting from property damage claims.

### II. APPLICABILITY

This policy applies to all employees operating vehicles on DENR business, whether in a personally owned vehicle or a vehicle owned, leased or rented by DENR.

### III. GENERAL REQUIREMENTS

- A. DENR owned, leased or rented vehicles are to be operated only on official business. Use of such vehicles for personal business is strictly prohibited.
- B. Only individuals on official DENR business are permitted to operate or ride in DENR owned, leased or rented vehicles or personal vehicles being operated on DENR business.
- C. Drivers operating a vehicle on DENR business must possess a valid, properly classed driver's license.
- D. Personal vehicles operated on DENR business must satisfy Louisiana's compulsory liability insurance requirements.
- E. Seatbelts must be worn at all times. Drivers are responsible for ensuring that all passengers likewise comply with the state's seatbelt law.
- F. DENR strictly prohibits the use, possession or presence of alcohol, controlled dangerous drugs or other prohibited substances within a DENR owned, leased or rented vehicle.
- G. DENR strictly prohibits the operation of a DENR owned, leased or rented vehicle or personal vehicle driven on DENR business by any employee who has used or has within his/her system alcohol, a controlled dangerous drug or any other substance, regardless of quantity, which causes drowsiness or impairs the employee's ability to safely operate a vehicle.
- H. In compliance with the Office of Risk Management's Driver Safety Program, unless the vehicle is lawfully parked, use of a wireless telecommunications device while operating a DENR owned, leased or rented vehicle or personal vehicle driven on DENR business is strictly prohibited. This includes writing, sending or reading a text-based message or e-mail; reading or posting to social media; taking photographs or video recordings; and engaging in a call (on both hand-held and hands-free devices).

**Exceptions:** Reporting traffic accidents, medical emergencies, and serious road hazards, situations in which the employee believes his/her personal safety is in jeopardy and use of such a device is necessary to avert the perpetration of a criminal act.

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ORM has granted the Louisiana Oil Spill Coordinator's Office (LOSCO) an exemption during times of emergency response. Any activity outside of an active oil spill emergency response must comply with ORM's Driver Safety Program.

**NOTE:** Texting and e-mailing while driving can be charged by law enforcement as a moving violation. Any such violation is reportable under Section VII of this policy.

- I. Smoking is strictly prohibited within DENR owned, leased or rented vehicles by both drivers and passengers.
- J. DENR vehicles must be maintained in compliance with law (lights, mirrors, horns, etc.) and display current safety inspection stickers and license plates.
- K. DENR vehicle operation must be in compliance with applicable state and local traffic laws and ordinances.
- L. Drivers are personally responsible for traffic and parking ticket fines, except those due to the condition of a DENR vehicle (such as expired inspection sticker).
- M. DENR vehicles are to remain locked and parked in the designated area within the LaSalle Parking Garage (or LOSCO's DPS parking area) when not in use.
- N. Drivers are responsible for removing all trash and personal belongings from DENR vehicles after use. Vehicles shall remain clean and be washed on a regular basis.
- O. Drivers are responsible for maintaining at least a quarter tank of gas in DENR vehicles at all times. Employees are to comply with division requirements regarding how much gas must be in a vehicle when it is returned after use; however, vehicles are not to be turned in with less than one-half tank of gas.
- P. DENR vehicle keys and credit cards are to be returned immediately after use to the designated fleet liaison.
- Q. Maintenance problems or concerns regarding DENR vehicles are to be documented and immediately reported to the Fleet Assistance Phone Number that is located inside of the vehicle. Thereafter, the employee shall contact the designated fleet liaison.
- R. DENR vehicles shall timely undergo scheduled and regular maintenance (oil, fluid, inspections, tire checks, etc.) as recommended by the manufacturer. Each Office within DENR is responsible for designating a fleet liaison for this purpose.
- S. DENR vehicles generally will be used for business travel or emergency oil spill response. If unavailable, the next preferred option is a rental vehicle. Prior supervisory approval is required for an employee to use a personal vehicle to conduct DENR business. In accordance with the Division of Administration guidelines, reimbursement for use of a personal vehicle is limited to 99 miles.
- T. Non-state employees scheduled to ride as a passenger in a DENR owned, leased or rented vehicle are required to complete the Hold Harmless Agreement required by the Office of Risk Management.

U. On a monthly basis, the designated fleet liaison for each Office is required to ensure that a Vehicle Checklist is completed on each DENR owned vehicle.

V. Student and classified WAE employees are prohibited from driving personal vehicles in the performance of DENR business.

#### **IV. VEHICLE OPERATIONS MONITORING**

DENR vehicles are equipped with a Global Positioning System (GPS), which monitors vehicle operations including, but not limited to speed, location, idle times and routes. Monitoring such usage permits DENR to identify means by which to reduce fuel costs, increase driver safety, improve utilization efficiencies, and identify vehicle misuse. Because vehicle usage is monitored, DENR employees have no expectation of privacy while operating or riding as a passenger in a DENR vehicle.

To effectively monitor vehicle operations, DENR Division Directors, or their designee(s), are required, on a monthly basis, to access, execute, evaluate and maintain records of certain reports from the GPS Insight system for DENR vehicles assigned to their Divisions. Required reports include the monitoring of idle times, speeding, hours of vehicle operation and proper functioning of the GPS device.

Additionally, DENR Division Directors, or their designee(s), are required to review GPS data monthly to determine whether employees are operating DENR vehicles within a reasonable proximity of assigned work locations, efficient travel routes are being utilized, work activities are being planned efficiently, and reported activities correspond with designated work hours and assigned duties. These assessments shall be made by randomly reviewing a sufficient number of vehicles each month to potentially cover all vehicles quarterly. Records shall be maintained to document which vehicles were reviewed each month. In addition to these random assessments, operation of a particular vehicle may be assessed at any time for business reasons. Reports of vehicle assessments need only be maintained if a potential violation of this policy is identified.

When GPS monitoring reveals that an employee may have engaged in conduct violative of this policy or acceptable business practices, the Division Director shall evaluate all relevant information, including input from the employee. In determining whether corrective action is warranted, consideration shall be given to the nature, severity and frequency of the violation(s). Disciplinary action, as authorized by the Civil Service Rules, shall be the recommended course of action for the following:

1. Reporting work hours on time statements that are inconsistent with GPS data;
2. Reporting work activities on work logs/reports that are inconsistent with GPS data;
3. Excessive idling which results in excess fuel usage;
4. Excessive speeding;
5. Use of a DENR vehicle beyond authorized work hours;
6. Use of a DENR vehicle for personal reasons;
7. Use of a DENR vehicle beyond the geographical limits reasonably required to perform assigned job duties.

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**NOTE:** Although DENR generally subscribes to a philosophy of progressive discipline, employees are hereby informed that a "zero tolerance" approach will be taken and termination will be the recommended penalty for any identified attempt to remove, disable or otherwise tamper with a GPS device installed on a DENR vehicle. Additionally, progressive discipline may not be appropriate for egregious offenses such as, but not limited to, travelling at an excessively high speed.

#### **V. DRIVING RECORDS/DRIVER'S LICENSE CHECK**

During the pre-employment process, all new hires are required to complete a Driver Authorization Form (DA 2054) which serves to permit DENR's Safety Coordinator/Officer to secure a copy of the employee's Official Driving Record (ODR) from the Office of Motor Vehicles. Such records will be obtained at the time of hire and on an annual basis to ensure all requirements are met to be authorized to drive.

Employees also are required to attach a copy of their Louisiana driver's license when completing the DA 2054 form. Employees possessing an out-of-state driver's license at the time of hire will be required to obtain a certified copy of the ODR from that state at their own expense. Such employees will also be required to transfer their driver's license from their home state to Louisiana within 30 days of establishing a domicile in Louisiana.

#### **VI. DRIVER'S TRAINING COURSE**

All drivers must satisfactorily complete the defensive driving course required by ORM within 90 days of employment by DENR, every three years thereafter and as otherwise required.

#### **VII. REPORTABLE EVENTS**

The following events must be reported to the appointing authority. Reporting is required regardless of fault, injury or damage.

- A.** All traffic accidents when occurring in a vehicle owned, leased or rented by DENR or while operating a personal vehicle on DENR business - includes any incident in which the vehicle comes in contact with another vehicle, person, object or animal.
- B.** Receipt of a citation or arrest for any moving violation when occurring in a vehicle owned, leased or rented by DENR or while operating a personal vehicle on DENR business.
- C.** Notification that the employee's driver's license is restricted, suspended, revoked or under threat of same for any reason, including but not limited to failure to meet insurance requirements, failure to pay traffic tickets and/or failure to pay court ordered child or spousal support.
- D.** Diagnosis of any physical, mental or other medical condition which impairs the employee's ability to safely operate a vehicle or which could result in suspension of driving privileges for any period of time (i.e. seizure disorder, sight impairment, immobility). The appointing authority shall report this information to the Human Resources Director. This information will be handled with appropriate concern for confidentiality and in compliance with prevailing law.
- E.** Use of medications which cause drowsiness or impair the employee's ability to safely operate a motor vehicle. The appointing authority shall report this information to the Human Resources Director. This information will be handled with appropriate concern for confidentiality and in compliance with prevailing law.

**NOTE:** Any employee arrested and/or convicted for driving while intoxicated or under the influence of any substance, whether on or off duty, must report the arrest/conviction to his/her appointing authority.

#### **VIII. REPORTING REQUIREMENTS**

**A.** Accidents

**B.** All accidents occurring during regular work hours in a DENR vehicle or personal vehicle while on DENR business must be immediately reported. Accidents occurring after normal business hours must be reported at the commencement of the next business day.

1. All accidents occurring in a DENR vehicle or a personal vehicle while on DENR business shall be immediately reported to law enforcement.

**C.** All other reportable events as defined in Section VII of this policy must be reported to the Appointing Authority before close of business on the day of the event or the next business morning following the occurrence.

#### **IX. POST-ACCIDENT DRUG TESTING**

Any employee involved in a vehicle accident while operating a DENR vehicle or a personal vehicle on DENR business shall be required to submit to drug and alcohol testing if:

**A.** The accident involves circumstances giving rise to a reasonable suspicion that the accident may have involved the employee's drug or alcohol use and the employee's action or inaction may have been a causative factor.

1. "Reasonable suspicion" is a belief, based upon reliable, objective and articulable facts derived from direct observation of specific physical and behavioral characteristics (behavior, speech, appearance, odor), which causes a prudent person to suspect that the employee has engaged in drug or alcohol use.

2. Only the appointing authority or authorized designee shall require an employee to submit to post-accident testing. Generally, this decision will be based upon the recommendation of supervisory personnel who have objectively and thoroughly reviewed the circumstances of the accident. The supervisor will fully document the facts upon which the recommendation for testing is made.

3. When post-accident testing is required, a DENR representative shall transport the employee being tested to and from the testing site. Under no circumstance shall an employee who is reasonably believed to be impaired or under the influence of any drug or alcohol be permitted to operate a motor vehicle.

**B.** The accident meets the criteria of paragraph "A" and results in or causes the release of hazardous waste as defined by La. R.S. 30:2173(2) or hazardous materials as defined by La. R.S. 32: 1502(5); or the accident results in a fatality or serious bodily injury.

#### **X. "HIGH RISK" DRIVERS**

Employees who drive or may be required to drive on official business must maintain safe driving records. Generally, high risk drivers will not be allowed to drive on DENR business.

High Risk Drivers are:

- A. Individuals having a single conviction, guilty plea or plea of *nolo contendere* for operating a vehicle while intoxicated or under the influence of any substance, hit and run driving, vehicular homicide, negligent homicide or reckless driving within the twelve month period immediately preceding the application for employment, check of driving record or latest conviction or plea;
- B. Individuals who have three or more convictions, guilty pleas or pleas of *nolo contendere* for moving violations within any twelve month period. The twelve month period is the twelve months immediately preceding the latest occurrence; and
- C. Individuals determined by the appointing authority to be high risk drivers based upon information available from the employee, witnesses, records, reports and/or law enforcement officials following a reportable event as described above.

**XI. AUTOMATIC DISQUALIFICATION FROM DRIVING**

If an event automatically disqualifies an employee from driving (i.e. suspension or revocation of driver's license), the appointing authority shall immediately terminate the employee's driving privileges until the reason for the disqualification is rectified.

**XII. VIOLATION OF POLICY**

Since the primary purpose of this policy is to enhance employee and public safety, all failures to comply with the requirements of this policy will be viewed as serious safety violations. As such, any employee failing to comply with this policy will be subject to disciplinary action, including the possibility of termination.

**XIII. LOSS OF DRIVING PRIVILEGES**

Any employee who is unable to perform the routine job functions of his/her position due to the temporary or permanent loss of driving privileges may be removed from the classified service. Where possible, and in furtherance of the overall interests of DENR, job restructuring or employee reassignment to a position which does not require driving may be available.

**XIV. EXCEPTIONS**

Exceptions within the law to this policy may be approved by the Secretary if determined to be in the best interest of DENR.

**XV. QUESTIONS**

Questions concerning this policy should be addressed to the Human Resources Division or DENR's Safety Coordinator.

**XVI. REVISION HISTORY**

Date	Action	Date	Action
February 1999	Policy Established	July 2015	Policy Revised
August 2000	Policy Revised	July 2017	Policy Revised
June 2003	Policy Revised	July 2019	Policy Revised
November 2007	Policy Revised	July 2024	Policy Revised
November 2010	Policy Revised		

**AUTHORIZATION:**

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Mark Normand, Jr., Undersecretary