

Policy and Procedure 5-2

Motor Vehicle Operation

Issued By: Robert W. Farrell, State Forester

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Codes/Mandates: Virginia Code [§46.2-920](#), Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements

Virginia Code [§2.2-1179](#), Use of vehicles for commuting

[DHRM Policy 1.05, Alcohol and Other Drugs](#)

[Department of Transportation \(DOT\) Rule 49 CFR Part 40](#)

[Federal Motor Carrier Safety Administration's \(FMCSA\) rule, 49 CFR 382](#)

[Federal Motor Carrier Safety Regulations \(FMCSA\), Title 49, Code of Federal Regulations \(CFR\) Part 382;](#)

References: [Virginia Commercial Driver's Manual, Virginia DMV](#)

Forms: [Form 5.2 Fuel Log](#)

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PURPOSE

Motor vehicles have become an extension of the office for many employees and driving has become a routine part of many jobs. Knowing that VDOF employees spend a substantial amount of time driving, VDOF administration wants to ensure that employees are both accommodated and safeguarded to the fullest extent possible while performing this function of their job. The purpose of this policy and procedure is to establish standards for the safe operation of state-owned or leased vehicles, as well as practices related to routine driving.

POLICY

Safe driving will be our employees' highest priority when operating state-owned vehicles. To that effect, any person operating a state-owned vehicle during the performance of any official duty shall (i) comply with all applicable federal and state licensing requirements, (ii) observe and obey all applicable traffic laws, regulations and other directives, and (iii) comply with all applicable administrative requirements including but not limited to the reporting of accidents and moving violations, use of fuel cards, tracking and recording mileage and the use of pool vehicles.

DEFINITIONS

"Adulterated Specimen" is a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

"Agency" and **"VDOF"** mean the Virginia Department of Forestry

"Agency Transportation Officer" and **"ATO"** means the agency employee who oversees vehicle management and reporting, and serves as liaison with the Office of Fleet Management Services.

"Aggressive driving" means a combination of moving traffic offenses that endanger other persons or property.

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Classified Position" means a salaried position assigned to an Occupational Family and Career Group based on duties and responsibilities, and to a Role Code based on the compensable factors of Complexity, Results and Accountability.

"Commercial Driver's License (CDL)" means any of three types of commercial driver's licenses:

- ◆ **Class A** – Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.
- ◆ **Class B** – Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.
- ◆ **Class C** – Any single vehicle or combination of vehicles that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers, including the driver, or is placarded for hazardous materials.

"Commonwealth" means the Commonwealth of Virginia.

"Commuting" means driving between the employee's home and assigned office on his/her regular work days. Commute time is not considered work hours and is unpaid time.

"Contract Testing Facility (Contractor)" is a medical facility, including its laboratory, certified for alcohol and drug testing by the U.S. Department of Health and Human Services.

"COVLC" means the Commonwealth Virginia Learning Center.

“Distracted driving” means any activity that could divert a person's attention away from the primary task of driving.

“Drowsy driving” is driving while tired, sleepy or fatigued – the resulting physical and mental states of mind can lead to an inability to resist falling asleep at the wheel or impaired performance (i.e., reaction time, attention, information processing, etc.). It is a serious problem that leads to thousands of automobile crashes each year.

“EAP” means Employee Assistance Program

“Emergency” is defined as those situations where life and/or significant property damage is imminent and immediate response is required and that are sanctioned by the Governor and the state forester.

“Emergency vehicle” means a state-owned vehicle that is outfitted with lights and siren and which is used to respond to a fire alarm or emergency call.

“Employee” means any individual working for the Virginia Department of Forestry for pay. It includes classified full-time employees and classified restricted employees, probationary employees and part-time employees, regardless of funding source.

“Illegal drug” is any controlled substance included in Schedules I through V of the “Drug Control Act,” Title 54.1, Chapter 34 of the Code of Virginia, as amended, updated or republished, except a controlled substance included in Schedules II through V and used by the employee whose conduct is in question pursuant to a valid prescription for medical purposes filled in the United States.

“Impaired driving” is driving while under the influence of conditions or substances as well as physical or emotional conditions that can cause impaired judgments. This includes such things as alcohol, certain prescription drugs, over-the-counter medications, fatigue, illness and even emotional distress - they can all desensitize a person's alertness, concentration, coordination and reaction time.

“Medical review officer” is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

“Non-employee” means any contractor, intern, volunteer or any other individual who does not meet the definition of the term “employee.”

“Substance Abuse Professional (SAP)” is a person who evaluates employees who have violated a VDOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare.

“Third Party” means any person who does not meet the definition of an employee or non-employee (i.e., family member, hitchhiker, person friend, employee of other local, state or federal government agency, etc.)

“Two Second Rule” is the distance between vehicles when traveling that is considered a safe stopping distance. It is determined by watching the vehicle ahead of you. When it passes something definable, like a sign post, count to yourself “1 thousand 1, 1 thousand 2.” This is seconds. If your vehicle passes this point before finishing those words you are following too closely. Add additional time to your count for less than optimum driving conditions or larger, heavier vehicles (for VDOF truck-tractor units use 4 seconds).

“VDOT” means the Virginia Department of Transportation.

IMPORTANT CONTACT INFORMATION

- ◆ The agency transportation officer (ATO) is Danny Fortune. He may be reached by calling 434-220-9096 (office) or 434-882-0894 (mobile) or via email at Danny.Fortune@dof.virginia.gov.
- ◆ The Enterprise-Rent-a-Car coordinator is Jessica Carroll. She may be reached by calling 434-220-9054 (office) or via email at Jessica.Carroll@dof.virginia.gov.

PROCEDURES

Driver License Requirements

At the time of hire and for as long as their official duties require the operation of a state vehicle, all employees will have obtained and hold a valid Virginia driver's license. All other employees and non-employees whose official duties do not specifically include the operation of a state vehicle but who may drive a state vehicle to perform an official agency function are required to hold a valid Virginia driver's license prior to operating said state vehicle. Exemptions to either requirement may only be granted by the State Forester upon written request. Employees will not operate any state-owned commercial vehicle unless they have a valid Virginia Commercial Driver's license.

Reporting Traffic Violations

- ◆ Employees will report any moving violation that occurs in a state-owned vehicle to their supervisor within three business days.
- ◆ Employees will notify their supervisor as soon as possible, regardless of whether the employee was driving a state or a personal vehicle, and whether he/she was on state or personal time, if charged with reckless driving, driving under the influence or any other offense that could result in his/her driving privileges being suspended, revoked or disqualified.

General Driving and Prohibited Practices

- ◆ Employees shall be expected to always exercise safe driving practices and have due regard for public safety when operating any state-owned vehicle.
- ◆ Drivers shall use state-owned vehicles for official state business only. Drivers guilty of misuse are subject to disciplinary action by their agency and may lose their privilege to operate state-owned vehicle.
- ◆ Employees, non-employees or others authorized to drive a state-owned vehicle will not transport third-parties in state-owned vehicles unless the travel of the third party is directly related to official state business.
- ◆ Drivers will perform a visual inspection of the vehicle prior to daily use to ensure the vehicle is safe to operate (i.e., check tires, fluids, lights, etc.).
- ◆ No state vehicle will be used to transport alcoholic beverages.
- ◆ Employees operating a state-owned vehicle shall comply with all moving vehicle laws (for operation of emergency vehicles refer to Emergency Vehicle Operation Section in this policy).
- ◆ Mobile telephones, other handheld communication devices, global positioning systems, navigation systems and other similar devices that require user input and manipulation may only be operated while the vehicle is stopped or when utilizing the device in hands-free mode. Sending, reviewing or retrieving text messages or emails while the vehicle is in motion is prohibited. The use of two-way radios and related mission essential communication equipment while the vehicle is in motion is allowed only when operating in emergency response mode provided that the safety of the public or the operator is not jeopardized.
- ◆ No employee shall operate any motor or special purpose vehicle on the job while under the influence of alcohol, drugs that may impair judgment, or if suffering from undue fatigue, illness or emotional stress that would could cause impairment.
- ◆ Before backing a vehicle, if the rear view is obstructed, drivers will walk behind the vehicle or be guided by a spotter who can see all of the area involved.
- ◆ Pets are not allowed in a state-owned vehicle.
- ◆ Smoking and use of other tobacco products, including e-cigarettes and smokeless tobacco are prohibited.
- ◆ Eating food is prohibited while driving a state-owned vehicle.
- ◆ No fuels or accelerants may be transported in the cab or passenger compartment of VDOF vehicles.

- ◆ Employees will not exceed posted speed limits while operating a motor vehicle. Emergency situations are no exception.
- ◆ Employees will drive at speeds that permit full control of the vehicle at all times. Consideration will account for factors such as weather, visibility, traffic and road conditions and safe stopping distances.
- ◆ Employees will leave adequate stopping distance between vehicles. It is best to be able to stop within half the visible distance to the next vehicle. To determine if following distance is adequate, employees should use the two-second rule or estimate it based on one car length for every 10 mph. Additional distance should be employed when driving in adverse conditions and when driving heavy equipment.
- ◆ Passengers shall ride only inside the cab or passenger area of a vehicle and must be seated while the vehicle is in motion. The transportation of persons sixteen years of age or older in the rear cargo area of any pickup truck is allowed only as part of an organized parade authorized by the Department of Transportation or the locality in which the parade is being conducted.
- ◆ All drivers of, and passengers in, a state-owned vehicle, or any vehicle being used for state business, must wear seat belts.
- ◆ Vehicles will be brought to a full stop before entering a roadway when there is no yield or stop sign, or when a view is restricted to less than 500 feet.
- ◆ Vehicles will stop at unguarded railroad crossings.
- ◆ When carrying loads, they must be secured.
 - Loads outside the vehicle must be secured so that they cannot fall from any part of a vehicle or trailer being pulled by the vehicle.
 - Loads inside a vehicle must be stored or secured in such a way that they cannot become airborne in the event of an accident. Or, they must be separated from the passenger area by a well-anchored partition.
 - Loose items should not be kept on the dashboard, floor or over the sun visor.
 - The load capacity of the vehicle will not be exceeded.
- ◆ Unattended vehicles will be locked, except those used at prescribed fire and wildfire operations.
- ◆ When driving in a convoy, keep at least 200 feet between vehicles or farther if required by law or dictated by bad driving conditions.
- ◆ Vehicles will be parked safely.
 - If the need arises to pull off the road always park off the traveled portion of the highway. When necessary to park near or partly on the traveled portion warning devices shall be used.
 - Automatic transmission must be shifted to the “park” position.
 - On standard transmissions, place transmission in lower gear in the direction of probable roll.
 - Parking brakes will be set.
 - Wheels will be turned into bank or curb if present

Commuting in State-Owned Vehicles

As specified in the Code of Virginia [§2.2-1179](#), Use of vehicles for commuting, state-owned vehicles may not be used for commuting unless such use is required with respect to the duties of the employee and approved by the State Forester. Positions identified in the Policy and Procedure 4.3 Readiness and Mobilization Plan as “Responders” have been preapproved to commute in their vehicles as long as the employee meets all of the following conditions:

- ◆ Assigned a vehicle on a permanent basis to meet the requirements of their job
- ◆ Does not report to an official work station
- ◆ Meets the physical fitness requirement

All employees authorized to use a state-owned vehicle for commuting shall reimburse the VDOF for mileage unless they are employees who do not report to an official work station and whose office is in their home. Reimbursement shall be by

payroll deduction only. The fee for commuting is to be the rate per mile used by the Department of Accounts (DOA) for personal reimbursement when a government vehicle is not available or other rate as approved by DOA.

The following are the types of home-to-official work station travel which do not require a request for approval to commute:

- ◆ Employees who only travel between home and official work station when in "travel status" as defined in the "state travel regulations".
- ◆ Employees who only travel between home and official work station the evening preceding a trip or the morning following a trip.

Use of State-owned Vehicles for Out-of-state Travel

The use of state-owned vehicles for travel outside of the Commonwealth of Virginia must be coordinated in advance of the travel.

- ◆ In the case of day trips that do not involve overnight stay, employees will seek supervisory approval prior to taking their assigned vehicle or any other VDOF vehicle out of state.
- ◆ If the overnight trip is of a nature that specifically requires the use of their assigned vehicle or any other VDOF vehicle, employees will seek approval by the agency transportation officer (ATO) prior to driving the VDOF vehicle out of state. Such approval shall be requested and documented via email.
- ◆ If the overnight trip does not specifically require the use of their assigned vehicle or any other VDOF vehicle, the agency's preferred approach is for employees to obtain a rental vehicle through the Enterprise Rent-a-Car program. Pertinent arrangements can be made by contacting the agency's Enterprise-Rent-a-Car coordinator. Supervisors may also authorize employees to take a VDOF vehicle on overnight trips in lieu of obtaining a rental vehicle; however, such authorization will be based on the business needs of the agency rather than the personal convenience of the employee. The approving supervisor will notify the agency transportation officer (ATO) via email of the employee's expected dates of travel, the destination, the purpose of the meeting, the VDOF vehicle being taken, and the business need of the agency that was best served by allowing the employee to take a VDOF vehicle rather than renting one. For purposes of this section, employee-assigned pickup trucks, engines, transports, and other large, less fuel efficient vehicles are precluded from being used for out-of-state travel unless the purpose of the travel specifically requires their use.

Fueling and Fuel Cards

- ◆ Fuel for vehicles and equipment may be obtained at the most practical fueling point relative to the location of the vehicle, including agency facilities, VDOT facilities and commercial gas stations.
- ◆ The agency issues Voyager fuel cards to each VDOF vehicle. The card should remain with that vehicle at all times. Voyager cards are for use at VDOT and commercial facilities.
- ◆ To use the card, employees will need to locate a station that accepts Voyager. Most commercial stations accept Voyager but if you need assistance locating a participating station, you may search for one online at <https://www.fleetcommanderonline.com/app/public/merchantLocator.do>.
- ◆ If an assigned vehicle does not have a Voyager fuel card, send a request via e-mail to the ATO, including the vehicle type, property number and license number.
- ◆ Employees are encouraged to record the telephone numbers on the Voyager cards and keep them available in the event the card is lost or stolen.
- ◆ The PIN number and current vehicle mileage must be used when purchasing fuel with a Voyager card. Mileage must be entered in whole numbers (no tenths of a mile).
 - For a VDOF-owned vehicle, the user PIN number is the six-digit vehicle number indicated on the card.
 - For a pool vehicle, the PIN number is the pool car number.

- ◆ Voyager has a safety feature on the fuel cards whereby if an incorrect PIN is entered three times, the card will be locked out for further use. If a card is not working or it keeps getting rejected, contact the ATO and have him/her check the PIN number and request reactivation.



- ◆ VDOF fueling stations do not have automated pumps. Fuel pumps at those locations are physically locked and may be accessed with the use of a master key.
 - When obtaining fuel from one of these stations, the operator must record the amount of fuel on the Form 5.2 Fuel Log at that location.
- ◆ To report a lost or stolen VDOF card, contact the ATO for deactivation and replacement. Provide the card number, license plate and property number of the vehicle it was assigned to, work unit, phone number and mailing address.
- ◆ To report a lost or stolen Voyager card, contact the ATO for deactivation and replacement. You may also contact the fuel card program administrator fleet assistance center at (800) 987-6591. Once reported lost or stolen, the card cannot be reactivated and you must wait for the issuance of a replacement card.
- ◆ Replacement of damaged or expired Voyager fuel cards should be requested through the ATO. Include the card number, vehicle license plate and property number, work unit, phone number and mailing address. It may take up to 10 working days to receive replacement Voyager cards.
- ◆ To cancel a card, send a request via e-mail to the ATO. Include the property number of the vehicle the card was assigned to and return the card.

Recording Mileage

The accurate and timely tracking of vehicle mileage is essential to the safe and cost-effective management of the agency's fleet. To that effect, employees with assigned vehicles will enter the mileage for all vehicles assigned to them into IFRIS on an annual basis. The odometer reading for June must be reported between the 20th day of June and the 10th day of July.

Use of Pool Vehicles

- ◆ Various work units have unit-assigned vehicles in a pool that may be borrowed by employees who do not have a permanently-assigned vehicle or require a special-use vehicle for a particular task. Pool vehicles must be reserved in advanced through the appropriate program support technician (PST).
- ◆ Pool vehicles will be returned within the timeframe that usage was requested. If plans change and the vehicle will be returned later than expected, or is not needed, the driver will notify the program support technician responsible for scheduling of the vehicle.
- ◆ Upon returning a pool vehicle, the operator will refuel it, remove all personal items and any trash. The key will be promptly returned.
- ◆ It is the responsibility of the individual and their cost center to replace lost keys to any vehicle. Notify the PST immediately if you lose a key. These costs will be passed to the cost center of the last user, or the individual may be held responsible.

Emergency Vehicle Operation

When responding to emergencies, employees will:

- ◆ Obey all moving vehicle laws and not exceed the posted speed limit for any reason.
- ◆ Come to a complete stop at all stop signs, traffic lights or other similar devices.
- ◆ Exercise utmost caution, sound judgment and due regard for public safety if the right of way is yielded to them at an intersection or along the route.
- ◆ Refrain from passing on hills or other areas where their view of the road is not clear and unobstructed.
- ◆ Activate the vehicle's emergency lights, but are not required to sound their emergency siren, when following all moving vehicle laws and highway guidelines.
- ◆ Transport units equipped with emergency lights, but not equipped with an emergency siren may only place the emergency lights in the on position when the vehicle is parked at the site of an emergency.
- ◆ Individuals driving transports, which are not equipped with an emergency siren, must fully comply with all moving vehicle laws and highway guidelines.
- ◆ Transports equipped with both sirens and emergency lights may be operated as authorized above.

Drug and Alcohol Testing Program for Commercial Motor Vehicle Drivers

- ◆ This program does not apply to VDOF employees who are not required to possess a commercial driver's license (CDL).
- ◆ VDOF will maintain a drug and alcohol-testing program for CDL drivers.
- ◆ Employees who operate commercial vehicles on-the-job are subject to drug and alcohol testing.

Testing Conditions

Classified employees will be designated for alcohol and drug testing under the following conditions. A refusal to take the tests; the discovery of an adulterated specimen, or the tampering of the sample will be considered a Group III violation of the Standards of Conduct and may result in the termination of employment:

- ◆ **Pre-Employment** – As a condition of employment, individuals applying for covered positions will be tested.
 - Within three days of accepting a position requiring the use of a Commercial Driver's License (CDL), the candidate is sent for drug testing. For a classified employee, the candidate is notified by the Director of human resources, provided with a listing of authorized testing sites and provided with the drug testing form. If the test results come back positive, the offer of employment is immediately rescinded.
 - For a wage employee, including a part-time firefighter, the candidate is notified by the VDOF employee responsible for hiring that person, provided with a listing of authorized testing sites and provided with the drug testing form. The VDOF employee sending a new wage employee for drug testing then must notify the director of human resources in writing – via e-mail is acceptable – of the person's name, position and when he/she was sent for testing. A part-time firefighter needs to submit to the pre-employment testing only one time. The employee does not need to submit to retesting each time he/she is required to update his/her hiring packet. If the test results come back positive, the offer of employment is immediately rescinded.
 - A candidate receiving a positive drug test result is not eligible for future employment unless he/she provides proof of completion of an accredited drug rehabilitation program, passes pre-employment testing and passes unannounced follow-up testing conducted throughout his/her first year of employment.
 - Applicants will be advised of the requirement and the procedure at the time a conditional offer for employment is made. A positive test on the applicants will result in VDOF rescinding the offer of employment.
- ◆ **Reasonable Suspicion** – Classified employees will be tested when the individual's behavior or appearance causes the supervisor to question the employee's ability to perform his/her CDL duties safely.
- ◆ **Random** – Classified employees will be tested whenever the random selection process designates the employee for testing. Employees being randomly tested will not be relieved of CDL duties while the results are being analyzed.

- Each quarter, the director of human resources sends the list of employees in positions requiring a CDL to all units. Each unit must review the list and send any additions or deletions. The list is then submitted to the state's drug testing contractor.
- The contractor's computer program generates a list of employees selected for random testing. The director of human resources contacts the supervisor of each classified employee selected. The supervisor is then responsible for notifying the employee. Within 48 hours of being notified, the employee must go to an authorized testing site for testing. The employee needs to bring a drug testing form with him/her.
- The supervisor determines the best time to notify the employee that he/she is selected for testing. The supervisor may wait until an employee returns from vacation or finishes a special assignment. In addition, notifications should take place Monday or Tuesday to ensure the employee is able to go for testing during the regular work week. Testing is considered an employment activity and employees should go during their regular work hours.
- For wage employees, the director of human resources notifies the unit manager – regional forester or Division Director – of each wage employee selected for testing. The unit manager is then responsible for either personally notifying or determining the appropriate person to notify the wage employee. The wage employee must be provided with the list of authorized testing sites and a drug testing form. Then, the wage employee must go for testing within 48 hours of being notified. Again, the person notifying the wage employee may determine the best time to notify that person to account for vacations and/or that person's regular work schedule. Wage employees are paid for two (2) hours of time when required to submit to random drug testing.
- ◆ **Post-Accident** – Classified employees will be tested any time they are involved in an on-the-job commercial vehicle accident resulting in a citation for moving violations arising from an accident that requires: (1) a vehicle to be towed; (2) an injury requiring immediate medical attention away from the scene, or (3) resulting in a fatality. The alcohol breathalyzer test must be administered within two hours and the controlled substances test must be conducted within 32 hours of the accident. Classified employees are prohibited from using alcohol or controlled substances following an accident until after they have been tested. Further, the failure to report a vehicle accident is a violation of the Standards of Conduct. If the accident results in the death of the employee, blood/urine samples will be tested for the presence of drugs/alcohol.
- ◆ **Other Testing** – Classified employees will be tested when any of the following events have occurred: (1) after completing a drug and alcohol rehabilitation program; (2) before being allowed to return to work and perform CDL duties following a positive test, or (3) after having refused to be tested. After returning to work, these classified employees will be tested randomly during the next 12 months. A refusal to be re-tested may result in termination of employment. Further, employees in this re-testing group will also continue to be part of the random testing pool.

Test Results

- ◆ Any person testing positive for the presence of marijuana, cocaine, opiates, phencyclidine and/or amphetamines will be contacted directly by the contractor's medical review officer. The agency will not receive any notification of the testing results until the medical review officer's process has been completed.
- ◆ Negative and confirmed positive testing results are sent to the director of human resources by the contractor. For negative results, no further action is taken. An employee sent for testing should contact the director of human resources if he/she wishes to confirm a negative result.
- ◆ For confirmed positive results, the director of human resources immediately notifies the State Forester, the deputy state forester and either the chief of administration or the chief of operations depending on the division to which the employee is assigned and the employee's unit manager. Appropriate disciplinary action is prescribed and the unit manager meets with the employee to present the disciplinary action.
- ◆ All drug testing records are kept by the director of human resources either electronically in a secure file or in a locked cabinet. These records are confidential and accessible to only the director of human resources, human resources/benefits specialist and state forester.

Responsibilities

- ◆ Supervisors are responsible for ensuring that their classified employees secure a CDL prior to operating a commercial vehicle; for evaluating the fitness of their classified employees to perform their duties; and, taking corrective action where appropriate. In the event classified employees do not appear able to perform their CDL functions safely, supervisors must relieve these employees of their duties; document the circumstances and notify HR or the departmental designee so that those individuals may be tested.
- ◆ The Human Resources is responsible for the consistent application of this policy. The HRD is to ensure that classified employees are informed of this policy and any subsequent changes. Regional Foresters/Division Directors are responsible for their unit's prompt, effective adherence twice-yearly to this policy.
- ◆ The authority to interpret this policy rests with the State Forester and the HRD.

Testing Facilities

A contract medical facility will conduct drug and alcohol tests; analyze the results and counsel classified employees regarding the outcome of the test(s). Only personnel trained in the use of equipment and taking specimens will be involved in the testing process. Further, VDOF will rely on the contractor and its medical review officer to provide appropriate documented data and testimony in the event the test results in an adverse employment action.

Testing Process

- ◆ **Random Selection** – The contractor will conduct a random selection of CDL drivers each month. Some employees may be selected more than once. After selection, the director of human resources or his/her designee will notify the employee that he/she needs to go to a contract medical facility as soon as feasible. If an employee is not readily available, he/she will be notified and tested upon return to the work site. Waivers are not permitted.
- ◆ **Selective Testing** – Selective testing occurs: (1) pre-employment; (2) for reasonable suspicion, or (3) after an accident. In cases where classified employees are designated for selective testing, the supervisor or designee will transport the individual to a contract medical facility as soon as feasible. Applicants completing pre-employment testing will transport themselves. Employees who are being tested for these reasons will not be restored to duty until after the medical review officer determines that the test results are negative.
- ◆ **Alcohol Test** – The Contractor will test the breath for the presence of alcohol. In the event alcohol level does not exceed .02, the results will be recorded as negative and the employee will return to his/her normal duties. If the test results indicate the alcohol level to be between .02 and .04, covered personnel will be removed from driving functions for the remainder of the day and will be re-tested the next day or prior to performing driving functions. If the alcohol level exceeds .04, covered personnel will be removed from duty and applicants will not be further considered for the position unless the medical review officer so recommends. The director of human resources will be notified of the results of the test.
- ◆ **Drug Test** – A split urine sample will be taken from classified employees and analyzed for the presence of marijuana, cocaine, opiates, phencyclidine and amphetamines. Any trace of an illegal substance will be considered a positive result. The medical review officer will determine whether or not the results indicate further testing or counseling. When a covered employee has been referred to the contractor for reasonable suspicion, the medical review officer will also consider the supervisor's observations. The contractor is responsible for safeguarding the split sample for a possible second analysis.

Medical Review Officer Procedures for Positive Test Results

The medical review officer will have a confidential discussion (in person or by telephone) with covered personnel as soon as feasible whenever there are positive results to the tests. In the case of alcohol, a positive result is anything above the .02 level. The medical review officer will determine if there is a legitimate explanation for any deviation from the normal. Classified employees will have 72 hours to decide if he/she would like the split urine specimen sent to another laboratory (all laboratories must be certified for alcohol and drug testing by the U.S. Department of Health and Human Services); to have the split examined in the same laboratory, or take no action in the matter. The employee is responsible for the cost of the second analysis. The cost may be waived only if it results in a negative presence of alcohol or illegal substance. At

the conclusion of the counseling, the medical review officer will send a confidential report to the director of human resources, or his/her designee.

Training

Supervisors are required to complete the MVP HR Policy and Law Alcohol and Other Drugs course. This course is located in the COVLC.

Employees are required to complete the DHRM-HR Policy - Alcohol and Other Drugs Policy course. This course is located in the COVLC.

Discipline and Corrective Action

- ◆ Employees testing positive for drugs or alcohol will be immediately removed from driving functions; be charged with a Group III violation of the State's Standards of Conduct, and receive disciplinary action up to and including termination.
 - Note: Wage (hourly) employees do not receive written notices under the State's Standards of Conduct policy; however, all other elements of that policy pertain to these individuals.
- ◆ For a first offense, the employee may be issued a Group III Written Notice and suspended for a minimum of 5 days with the stipulation that the employee receives treatment through the EAP or a Substance Abuse Professional (SAP). In that case, the employee will be expected to satisfactorily complete the prescribed treatment as a condition of his/her return to work. Payment for the treatment is the responsibility of the employee. While under treatment, the employee shall be removed from his/her position with CDL functions. This may entail the employee needing to be off work completely. If so, the employee may utilize accumulated leave to cover his/her absence. If the employee does not have enough leave time, the employee will be placed on leave without pay. Note: As stated above, wage (hourly) employees are not subject to receiving written notices; however, they are subject to all other disciplinary and corrective actions.
- ◆ Employees who commit a first offense under this policy and who already have any other active written notice will normally be terminated.
- ◆ After being returned to work from rehabilitation treatment, any subsequent written notice will also normally result in termination.
- ◆ VDOF management reserves the right to apply the full range of disciplinary actions under the Standards of Conduct, considering mitigating circumstances.

Return-to-Duty Re-Evaluation

Prior to returning to a position with CDL functions, classified employees must undergo substance abuse testing and counseling by the same SAP. If returned to duty, the employee will be subject to unannounced follow-up tests over the next 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP).

Recordkeeping

All records and correspondence for classified employees must be maintained and available during the length of employment plus five years. The material will consist of the notification memorandum, training periods and tests conducted for any reason. In addition, Human Resources will maintain a confidential file concerning any positive alcohol and drug tests; moving vehicle accidents; communications with the medical review officer; related corrective actions, and reports of drug/alcohol tests for reasonable suspicion. All recordkeeping that is required by law and listed in U.S. DOT Rule 49 Part 40 may be kept by the Contractor as long as it can provide the information within two business days of an official request by DOT officials. The information will be released on a need-to-know basis only.

Special Driving Situations

Impaired Driving

No employee shall operate any motor or special purpose vehicle while impaired. This includes but is not limited to the influence of alcohol or other drugs (prescription or non-prescription), undue fatigue, illness and emotional distress.

The consumption of alcohol or illegal drugs by any employee during duty hours is prohibited. Duty hours consist of all working hours, including break periods and on-call periods, whether on or off Agency premises.

The consumption of alcohol or illegal drugs while performing company business is prohibited.

Drowsy Driving

- ◆ Employees will not operate a motor vehicle while under the influence of medications that cause drowsiness, are unduly tired or when suffering from fatigue.
- ◆ Employees will make all attempts to be well-rested before operating a motor vehicle, particularly when embarking on long trips.
- ◆ For non-emergencies, employees will not drive more than eight hours in any one day. They will avoid driving long distances at night, change drivers regularly if possible, and stop frequently for stretch breaks.
- ◆ Employees will acknowledge signs of sleepiness while driving and take precautions to avoid falling asleep at the wheel or driving impaired.
- ◆ Firefighters, overhead teams and emergency support personnel will follow the Emergency Response Mobilization Operations guidelines as follows:
 - Personnel who have been without sleep for 24 hours must sleep a minimum of six hours before attempting to drive to another incident or to return home.
 - When long distance travel is required to reach an incident, every effort should be made to obtain a minimum of eight hours of rest before reporting to the incident.
 - Travel should be limited to no more than 12 hours per day. This requirement may be extended on a case by case basis only under the following conditions:
 - There is more than one driver, so that no one driver will exceed eight hours of driving per day.
 - Reasons for the time extension are documented and justifiable. Reasons may include proximity to the final destination, adequate rest available for personnel who are not driving, an early start in the day, etc.
 - In no case should travel time exceed 16 hours per day.
 - Personnel on duty for less than twelve hours before demobilizing to a second incident may travel to the second incident without prior rest provided that:
 - Travel time to the second incident is less than six hours, and
 - A minimum of six hours of rest will be provided upon arrival to the second incident before reporting to the incident.
 - Unless otherwise delegated to a safety officer, the incident commander will make all decisions related to travel with one exception; the regional forester or designee receiving move-up crews has the responsibility and authority to make all decisions concerning travel for visiting crews and personnel. In situations where there is no incident commander, the designated safety officer, strike team leader or convoy commander has the authority to make decisions concerning travel.
- ◆ All VDOF personnel temporarily assigned to other agencies will comply with the receiving agency's safety requirement, to the extent that those requirements do not conflict with VDOF safety minimums.

Aggressive Driving and Road Rage

- ◆ Employees will be patient and courteous while driving and not display any aggressive driving behaviors or personal gestures while operating a state vehicle.
- ◆ If an error in driving is made the employee will immediately raise his/her hand and acknowledge to the other driver that he/she was at fault – this will help avoid conflict.
- ◆ Employees will avoid potential conflict situations with other motorists.
 - Do not take another driver's aggressive actions personally.
 - Do not retaliate against or antagonize an aggressive driver. Simply get out of the way.
 - Avoid eye contact with a driver that is being aggressive as this may enrage them.
 - Do not use your horn unless absolutely necessary as this can be seen as antagonistic.
- ◆ If an employee finds him/herself face to face with an aggressive driver, he/she will remain calm and try and be polite and courteous – even if the other driver isn't. If the employee feels threatened they are to call the police immediately.
- ◆ Do not drive home if you think you are being followed by an aggressive driver as it will show the person where you live.
- ◆ Remain inside the vehicle and make sure the windows are up and doors are locked if in a situation where an aggressive driver has gotten out of his or her car and is approaching. If possible, try to drive away from the situation to a police station or at least to a crowded area.
- ◆ If possible, report aggressive drivers to local authorities.

Distracted Driving

- ◆ Employees will consider the safe operation of their motor vehicle as their primary responsibility when behind the wheel.
- ◆ Employees will not perform other tasks while driving besides that of operating the vehicle.
- ◆ Texting, e-mailing or reading text messages while driving is strictly prohibited.
- ◆ Employees will pull off the road if it is necessary to refer to a map, look up a number, check email or text messages, obtain directions, make a phone call, etc.
- ◆ Phone calls may be sent or received while driving only if using a hands-free device. Regardless, employees are to use good judgment.
 - Unless expecting an important call, employees should allow voice mail to handle calls while driving and return messages when not driving.
 - Keep all calls brief, and, if not of an urgent matter return the call at a later point when not driving.
 - Suspend conversations during hazardous driving conditions.
 - Do not engage in stressful or emotional conversations.
 - Cell phones may be used without hands-free devices to make emergency calls while driving only when safety is not jeopardized.
- ◆ The use of two-way radios and related mission essential communication equipment while the vehicle is in motion is allowed only when operating in emergency response mode provided that the safety of the public or the operator is not jeopardized.

Winter Weather

During the winter, months when severe snow and ice events occur employees will:

- ◆ Locate vehicles away from trees, power lines and anything that could cause damage to our vehicles and equipment from the weight of ice and snow.

- ◆ Be prepared for severe winter conditions and emergency response by:
 - Keeping the fuel tank full
 - Frequently checking fluids, lights, wipers, tire pressure etc.
- ◆ Clean all ice, snow and debris from windows and hood of the vehicle.
- ◆ Increase following distance, slow down, avoid distractions
- ◆ Avoid using cruise control on slick roads.

Trailer Towing

- ◆ When not in use, the ball mount should be removed from the receiver hitch.
- ◆ Employees will conduct a pre-travel inspection before driving with a tow vehicle to ensure that everything is adequately sized, in good working order and connected properly. The inspection will ensure the following:
 - The towing vehicle is of adequate size to haul the trailer and its load.
 - Safety chains or cables are adequately rated for the load being hauled; in good condition; and, connected properly.
 - Safety chains have some slack to permit sharp turns but should not drag on the road. In addition, they should cross under the trailer tongue to help prevent the tongue from dropping to the road in the event the trailer separates from the tow vehicle.
 - The hitch of the towing vehicle is of adequate rating for the load being hauled, securely mounted, tight in the connection to the receiver and ball mount and has a locking device that prevents separation of the towing vehicle and trailer.
 - A bumper mounted ball is NOT sufficient for hauling Firewise trailers or larger. Make sure these trailers are towed with a vehicle of a proper size and with a suitable hitch (class 2 or 3).
 - Safety hitch pins are used to secure hitch latches.
 - The height of the tow vehicle/trailer is properly adjusted (most trailer and tow vehicles should be parallel to the ground during travel).
 - There is correct tire pressure on the tow vehicle and trailer. Remember – your tow vehicle tires may require a higher tire pressure for towing, especially heavy loads.
 - Wheel lug nuts/bolts on the tow vehicle and trailer are tightened to the correct torque.
 - The hitch, coupler, draw bar and other equipment that connect the trailer and the tow vehicle are properly secured and adjusted.
 - The wiring is properly connected – not touching the road, but loose enough to make turns without disconnecting or damaging the wires.
 - All running lights, brake lights, turn signals and hazard lights are working.
 - The brakes on the tow vehicle and trailer (if required) are operating correctly.
 - All items are securely fastened on and in the trailer in order to prevent them from moving during travel.
 - The trailer jack, tongue support and any attached stabilizers are raised and locked in place.
 - The load is distributed to ensure proper balance front to back and side to side.
 - Side and rear-view mirrors are properly adjusted.
- ◆ Use the tow-mode or driving gear recommended by the manufacturer. Some tow vehicles have specifically calibrated transmission tow-modes.
- ◆ Drive at moderate speeds. This will place less strain on the tow vehicle and trailer and reduce the risk of sway.
- ◆ Allow considerably more stopping distance between vehicles.
- ◆ Check for rear obstructions before backing, or use a spotter.

- ◆ To decelerate on long downgrades, apply brakes at intervals to keep speed in check and/or downshift. Never use brakes for extended periods of time or they may overheat.

Motor Vehicle Driver Training

- ◆ Employees who operate a state vehicle requiring a Commercial Driver’s License (CDL) must maintain a valid CDL.
- ◆ Employees who operate emergency response vehicles must complete and pass a Virginia Emergency Vehicle Operator Course.
- ◆ All new employees, (both full and part time) who have not completed the Advanced Tractor Course are required to complete and pass the Fire Suppression Equipment Operator’s Essential Task Training Program prior to unsupervised operation of tractors and/or transport units.
- ◆ All employees are required to take the DHRM – WC – driver safety course, A Crash Course in Accident Prevention within one year of employment. This course is located in the Virginia Learning Center.
- ◆ Supervisors are encouraged to offer optional motor vehicle driver training to their staff every two years via training videos, classroom presentations, on-line courses or practical.
- ◆ Employees who exhibit poor driving skills or have one or more preventable vehicle accidents may be required to take a Defensive Driving Course.

AUTHORITY

This policy and procedure is issued by the Virginia state forester.

INTERPRETATION

The agency transportation officer, director of fire and emergency response, and the deputy state forester are responsible for the interpretation of this policy and procedure.

APPROVAL

I certify that this policy and procedure is approved and ready for publication.

Danny Fortune

Agency Transportation Officer Name (Print)

Agency Transportation Officer Signature

John Miller

Director of Fire and Emergency Response (Print)

Director of Fire and Emergency Response Signature

Edward Zimmer

Deputy State Forester Name (Print)

Deputy State Forester Signature