

Executive Chamber Policy:

STATE VEHICLE USE

Executive Chamber fleet managers:

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This shall constitute the Executive Chamber's policy for use of State vehicles.

Eligibility for Use of State Vehicles

Any person driving a State vehicle must be either an employee of New York State or someone who is providing service to the State and is expressly authorized by the Chief Administrative Officer to drive a State vehicle in the provision of that service.

Any person driving a State vehicle must have provided a photocopy to the Administration Office of a valid driver's license of the class required for the vehicle being operated.

Any person driving a State vehicle who has a non-NYS driver's license must submit a current copy of their driving record annually to the Administration Office. No person who has a non-NYS driver's license but who lives in NYS may drive a State vehicle.

The Executive Chamber may require any person using a Chamber vehicle to participate in a safe driving program.

Use of State Vehicles

Due to the public nature of the work being performed when operating a Chamber vehicle, persons using a Chamber vehicle have a limited expectation of privacy in connection with such use. The Executive Chamber, through the Office of General Services, reserves the right to monitor and record the use of any equipment issued or assigned for a legitimate work-related purpose; this includes State vehicles. Accordingly, the use of a State vehicle may be monitored and recorded at any time by visual, documentary, or electronic means. Every person operating or riding in a State vehicle is expected to exercise good judgment at all times to avoid the appearance of impropriety.

State vehicles may be used only for official State business. Exceptions may be allowed under very limited circumstances where commuting is expressly authorized by the Secretary to the Governor or where the use is incidental to official business (see *Appendix A: Illustrative Examples* below).

The value of any non-official use that is not incidental must be either reimbursed to the State or reported as imputed personal income for tax purposes. For more information, contact the Administration Office.

State vehicles can be used to transport only passengers who are State employees engaged in official business or who are non-State employees engaged in official business with State employees. Use of a State vehicle to transport friends or family members for any reason—regardless of their status as State or other governmental employees—is strictly prohibited.

Long-Term Assignment of State Vehicles

A State vehicle may be assigned to a specific employee only in extraordinary circumstances and only when approved by the Secretary to the Governor. To request an individual assignment of a State vehicle, the employee shall provide a justification, information as to whether the vehicle will be used for commuting purposes, and where the vehicle will be parked when not in use.

The Chief Administrative Officer shall review individual vehicle assignments at least annually. If at any time the employee's job duties change and the individual vehicle assignment is no longer warranted, such assignment shall be terminated.

Employees with an assigned State vehicle must either reimburse the State for non-official use that is not incidental or report that value as imputed personal income for tax purposes. Commuting from home to the workplace is the primary non-official and non-incidental use of a State car that would require either reimbursement to the State or reporting the value as imputed personal income.

Vehicle Use Logs

Every employee must complete the Vehicle Use Log for each leg of every trip whenever a State car is used. Failure to complete the Vehicle Use Log may result in administrative action.

These Vehicle Use Logs shall require any person using a State vehicle to record at least the following information: driver name, dates and times of use, occupants of the vehicle, starting location and destination, purpose of the trip, starting and ending odometer readings, fuel and oil purchases, and driver signature. Except for personal use that is incidental to official State business, all personal use must be clearly identified as such in the vehicle use log.

The Administration Office shall collect and review all Vehicle Use Logs monthly to ensure that logs are complete and accurate. The Administration Office shall also conduct an annual audit of Vehicle Use Logs in conjunction with the annual certification that use of State vehicles is consistent with this Policy and with all other applicable vehicle use policies.

Vehicle use logs shall be maintained in accordance with the Executive Chamber's record retention policy.

General Requirements and Restrictions

State vehicles must at all times be operated in full compliance with all applicable federal, State, and local laws and regulations.

Use of seat belts in State vehicles is mandatory for drivers and all passengers, regardless of seating location.

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

Employees must use the vehicle-specific WEX fuel card for all gas purchases.

Employees are strongly encouraged to not use any mobile telephone or electronic communication device while operating a vehicle. If such use must take place, the device must be used in hands-free mode.

An employee must immediately report any new restriction to his or her driver's license imposed as a result of physical impairment, driving violations, or the suspension or revocation of their driver's license. This information must be reported to the employee's supervisor and the Administration Office.

No person driving a State vehicle may be under the influence of alcohol or narcotics that would impair driving.

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

Smoking of any kind, including but not limited to e-cigarettes, pipes, and vaping, is strictly prohibited.

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

The use of radar detectors in State vehicles is strictly prohibited.

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

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

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

Unless expressly authorized by the Secretary to the Governor, no banners, advertising, placards, decals, or stickers may be placed on a State vehicle.

All State-owned vehicles must have a permanently affixed, non-transferable E-ZPass, which may not be disabled or removed from the vehicle by any driver.

Moving Violation and Accident Reporting

Any driver cited for a vehicle or traffic violation while driving a State vehicle or while performing official State business shall notify the Chief Administrative Officer immediately, and in no case later than the following business day.

Any driver in an accident involving a State vehicle must do the following at the scene:

- Attend to any personal injuries first by calling 911.
- Call law enforcement, even if the damage is as minor as a scrape or small dent.
- Exchange insurance information with any other involved vehicle.

Immediately upon returning safely to a work location or home, the driver must:

- Fill out the MV-104 Report of Motor Vehicle Accident and send to the Administration Office.
- Notify the driver's supervisor and the Chief Administrative Officer.

The Administration Office will manage all communications with OGS Fleet Management and all communications related to insurance.

Failure to timely report these instances may result in administrative action.

Copies of these instructions, forms, and insurance information are kept in the glove compartment of every State vehicle.

Suspension and Revocation of State Vehicle Driving Privileges

The Chief Administrative Officer reserves the right, in his or her sole discretion, to limit, suspend, or revoke an employee's authority to operate a State vehicle for violations of the Vehicle and Traffic Law, a history of preventable accidents with State vehicles, violations of this Policy, or for any other reason.

Compliance

An employee's failure to comply with these policies and procedures may subject the employee to administrative action up to and including termination.

This policy shall not restrict, impair, or otherwise alter the Chamber's ability to take any and all other administrative action, including disciplinary action, against an employee for the employee's conduct or actions involved with driving a State vehicle or a personally owned vehicle while conducting official State business.

This policy shall not restrict, impair, or otherwise alter the Chamber's ability to terminate employment where an employee loses their driver's license and such license is a requirement of employment.

Dissemination and Acknowledgment

The Chief Administrative Officer shall provide this policy at the on-boarding of each new employee and annually to all Executive Chamber employees. All such employees shall acknowledge annually in writing that they have received and read this policy.

Appendix: Illustrative Examples

Example 1: An employee who is required to stay overnight for an out-of-town meeting drives the State vehicle to a restaurant in close proximity to the overnight lodging in order to have dinner.

*All vehicle use in this example is **consistent with this Policy** because the State vehicle is used for official business and the non-official use (driving to and from the restaurant) is incidental to official business.*

Example 2: An employee has an all-day meeting in a different part of the State. Because it would not be practical to pick up or drop off the vehicle from the official work location on the day of the meeting, the employee takes a State vehicle home the evening prior to the meeting, drives to the meeting early the next morning, drives home that evening, and returns the vehicle the following morning.

*All vehicle use in this example is **consistent with this Policy** because driving from the official work location to home and from home back to the official work location is non-official use incidental to official business.*

Example 3: Same facts as Example 2, except that on the trip back to home the employee stops to pick up a loaf of bread and a gallon of milk at a supermarket that is on the route home.

*All vehicle use in this example is **consistent with this Policy** because the brief stop at the supermarket, while clearly non-official, is a minor deviation from official State business and is considered incidental to official State business.*

Example 4: Same facts as Example 3, except that instead of stopping briefly at a supermarket on the route home, the employee stops at an outlet mall just off the highway to shop for one hour.

*Even assuming that the employee stops at the outlet mall outside of his or her regular work hours, using the State vehicle for outlet shopping **violates this Policy**. Unlike the stop in Example 3, the purpose of this detour is not to obtain necessary items of sustenance (such as bread and milk), nor is the detour brief. For these reasons, the non-official use of the vehicle is clearly not incidental to official business.*

Example 5: An employee takes a vehicle home overnight prior to an all-day meeting in another part of the State and leaves his vehicle at his official work location. He has tickets to a ball game the evening before his trip, and because the only vehicle he has available is the State vehicle, he drives himself and three friends to the ball game.

*Using the State vehicle to take friends to the ball game **violates this Policy** for two reasons. First; travel to and from the ball game is clearly non-official-and not connected in any way to official State business. Second, carrying persons who are not State employees and who are not engaged in official State business violates this Policy and creates a potential liability for the State.*