
SECTION TITLE: EQUIPMENT

CHAPTER TITLE: EQUIPMENT OPERATOR ACCOUNTABILITY

Effective: 10/15/2010

- INTRODUCTION
 - PURPOSE
 - APPLICABILITY
 - DEFINITIONS

- STANDARDS
 - STANDARDS APPLICABLE TO ALL EMPLOYEES OPERATING TRANSPORTATION OR ROLLING EQUIPMENT
 - ADDITIONAL STANDARDS APPLICABLE TO EMPLOYEES WHO COMMUTE IN STATE-OWNED EQUIPMENT
 - ADDITIONAL REQUIREMENTS FOR EMPLOYEES EMPLOYED AS EQUIPMENT OPERATORS
 - GUIDELINES FOR OPERATION AND MAINTENANCE OF TRANSPORTATION AND ROLLING EQUIPMENT
 - EQUIPMENT OPERATOR ACCOUNTABILITY BOARD
 - DISTRICT EQUIPMENT OPERATOR ACCOUNTABILITY COMMITTEES
 - TYPES OF POLICY VIOLATIONS
 - DUTY TO REPORT

- EQUIPMENT OPERATOR ACCOUNTABILITY BOARD
 - MEMBERSHIP
 - DUTIES OF CHAIRPERSON
 - TYPES OF POLICY VIOLATIONS
 - FACT-FINDING REVIEW

- DISTRICT EQUIPMENT OPERATOR ACCOUNTABILITY COMMITTEES
 - MEMBERSHIP
 - TYPES OF POLICY VIOLATIONS
 - FACT-FINDING REVIEW

- EXHIBIT A - WVDOH TRAINING REQUIREMENTS FOR WVDOH EQUIPMENT OPERATORS

- WVDOH POLICY ACKNOWLEDGEMENT STATEMENT

I. **INTRODUCTION**

EFFECTIVE: 5/4/10

A. **PURPOSE**

The purposes of this Policy are to establish:

1. Minimum requirements for equipment operators;
2. Guidelines for preventive maintenance of transportation and rolling equipment; and
3. Referrals to the disciplinary process consistent with § II. G. of this Policy.

B. **APPLICABILITY**

This Policy includes procedures applicable to all Division of Highways (DOH) employees, certified permanent, temporary, and probationary employees, as defined in DOH Procedures, § II, Chapter 6, Disciplinary Action, Suspension & Dismissal.

This Policy does not affect the procedures set forth in DOH Procedures, S IV, C-8, Equipment Review Program, which remain in full force and effect. This Policy supersedes all other prior procedures and memorandums on this subject, including but not limited to: 1) DOH Procedures, S IV, C-3, Equipment Operational Review Committee and 2) Commissioner's Order, dated October 19, 2005, entitled: Central Equipment Operational Review Committee.

C. **DEFINITIONS**

1. **"Equipment "**or **"Vehicle"** is any vehicle with an E.D. number including, but not limited to, Transportation Equipment and Rolling Equipment. A list of classes of Equipment follows this Policy as Exhibit A Training Requirements for WVDOH Equipment (Operators).
2. **"Equipment Operator"** is any person employed by the Division of Highways in any capacity who operates DOH equipment or vehicles.

II. STANDARDS**A. STANDARDS APPLICABLE TO ALL EMPLOYEES OPERATING TRANSPORTATION OR ROLLING EQUIPMENT**

All drivers of State-owned transportation or rolling equipment are subject to the following requirements:

1. **Valid Driver's License:** Must hold a valid driver's license and must have it in his or her possession at all times while operating State-owned equipment. Valid with interlock is not considered a valid driver's license.
2. **Driving Record Checks:** Must permit a regular check of his or her driving record.
3. **Usage of Restraints:** Must use a seat belt and must require all passengers also to use occupant restraints in accordance with State law.
4. **Observance of Traffic Laws and Applicable Policies:** Must operate equipment in accordance with agency and State policies and procedures and must know and observe all applicable traffic laws, ordinances, and regulations. Must be fully responsible for any parking and traffic violations incurred while operating State-owned equipment.
5. **Reporting Results of Violations and Accidents:** Must report all accidents, property damage, or legal or Policy violations immediately to both of the following: (a) his or her District Engineer/Manager, Division Director, or organizational supervisor, as applicable; and (b) the Claims Division, (304) 558-3136, as more fully set forth in § II.H. of this Policy.
6. **Prohibition Against Drug and Alcohol Possession and Usage:** Must not possess nor allow open or closed containers of alcohol in State-owned equipment. Must not drive under the influence of drugs except any medications prescribed to him or her that do not negatively impair his or her driving ability or cause drowsiness. Must not use a State vehicle while under the influence of alcohol, illegal drugs, or drugs for which the employee has no valid prescription.

7. **Prohibition Against Distracted Driving:** Must not engage in any activity unrelated to the operation of the vehicle that requires the vision of the driver to be focused on the activity for more than a moment or that requires the driver to cease to manipulate or lose the immediate ability to properly manipulate the vehicle's navigational devices.
8. **Prohibited Passengers and Drivers:** Must not allow non-employees to drive the equipment. Must not allow non-employees to ride in the equipment unless the purpose of riding is based on a legitimate business reason. Must not allow employees to drive the equipment unless the employee affirms that he or she has executed an Acknowledgement of this Policy.
9. **Disciplinary Action:** Any breach of this Policy may subject the employee to disciplinary action, up to and including dismissal.
10. **Indemnification:** By operating State-owned equipment, the employee agrees to indemnify and save harmless the agency against any claims, demands, suits, obligations, actions, causes of action, damages, liability, costs, and expenses of any character arising from injury to person or property caused, in whole or in part, by the employee's grossly negligent, reckless, or intentional conduct relating to the equipment while in the care of the employee, excepting only claims, demands, suits, obligations, actions, causes of action, damages, liability, costs, **and** expenses attributable to the agency's sole negligence or the employee's simple negligence.
11. **Execution of Acknowledgement Form:** Must execute the Acknowledgement Form attached to this Policy.
12. **Equipment Operator Accountability:** All drivers of State-owned transportation and rolling equipment are subject to the procedures set forth in § II of this Policy.

**B. ADDITIONAL STANDARDS APPLICABLE TO EMPLOYEES WHO
COMMUTE IN STATE-OWNED EQUIPMENT**

In addition to the requirements applicable to all employees who operate transportation and/or rolling equipment above, employees who commute to and from their homes or pooling locations in State-owned equipment are subject to the following requirements:

1. **Use of Vehicle Solely for Employee's Convenience:** By commuting in a State-owned vehicle, the employee represents that he or she wishes to use a State-owned vehicle solely for his or her convenience.
2. **Use of Vehicle Completely Optional:** By commuting in a State-owned vehicle, the employee represents that the use of such vehicle is completely optional, that such use is a matter of the employee's personal choice, and that the agency does not require the employee to use the vehicle for commuting.
3. **Use of Vehicle Is Within Normal Commuting Distance:** By commuting in a State-owned vehicle, the employee represents that, at the time of the execution of this Agreement, his or her use of the vehicle falls within the normal commuting area for agency business. The employee further agrees that if the employee's later use of the vehicle is considered by him or her to extend outside the normal commuting area for agency business, the employee will immediately inform his or her District Engineer, District Manager, or Division Director, as applicable, in writing.
4. **Travel Time and Hours Worked:** By commuting in a State-owned vehicle, the employee represents that he or she understands that his or her travel time will not be counted as hours worked unless required by the Fair Labor Standards Act or related laws or regulations and that any agency custom or practice allowing compensability of activities outside these legal requirements is inconsistent with agency Policy and this Acknowledgement. The employee further represents that he or she understands and agrees that this Policy is intended to satisfy the requirements of the Employee Commuting Flexibility Act.

5. **Future Vehicle Use:** Neither the execution of the Acknowledgement to this Policy nor the providing of a State-owned Vehicle for the employee's use shall create a right or entitlement to future vehicle use.

C. **ADDITIONAL REQUIREMENTS FOR EMPLOYEES EMPLOYED AS EQUIPMENT OPERATORS**

In addition to the requirements applicable to all employees who operate transportation and rolling equipment, employees who are employed as Equipment Operators are subject to the following additional requirements:

Equipment Operators must complete any training courses designated by the Equipment Operators Training Academy and the State's Board of Risk and Insurance Management. In addition, if required by the applicable classification specification, all employees must possess a Commercial Driver's License. (See Exhibit A - Training Requirements for WVDOH Equipment Operators).

Newly assigned operators may operate DOH equipment prior to completing any required training provided they have been selected for the training according to the procedures outlined in the Equipment Operator Training Academy Policy and the supervisor completes the Division of Highways Operators Qualification Report (Form DOH-20). Operation under these conditions is only valid for 12 months from the date of completion of the DOH-20, after which the employee shall have completed the formalized Academy training.

District Engineers/Managers and Division Directors are responsible for taking reasonable steps to ensure that qualified operators are assigned to operate DOH equipment.

D. **GUIDELINES FOR OPERATION AND MAINTENANCE OF TRANSPORTATION AND ROLLING EQUIPMENT**

District Engineers/Managers, Division Directors and organizational supervisors are responsible for ensuring that preventive maintenance and repair are properly performed on the equipment and that each operator completes an Operator's Daily Checklist-Form OE-28.

1. Rolling Equipment

Each organizational supervisor and Administrative Services Manager will maintain a list of "all employees" qualified to operate each piece of rolling equipment assigned permanently or temporarily to the organization. A copy of this list shall be provided to the Equipment Supervisor. This list will be maintained in each district and county, with the assigned operators' names and E.D. Numbers for equipment to which they are assigned. From the list of all qualified operators, the organizational supervisor will select a primary operator for the following; cranes, graders, backhoes, excavators, boom mowers and dump trucks over 26,001 pounds. When the primary operator is not operating this equipment, any qualified operator may be assigned to operate the equipment and assumes all the responsibilities of the primary operator. When this occurs, the operator may be eligible for temporary upgrade, in accordance with DOH policy.

It is the goal of the Division of Highways to allow all qualified operators enough time on equipment to maintain their skills and to be able to operate the equipment safely. All qualified operators will therefore, be allowed enough time on equipment to maintain their skills and stay qualified. Employees operating equipment requiring certification shall be allowed to operate the equipment no less than two (2) days every ninety (90) working days. However, allowing other operators to have time on a piece of equipment should not result in keeping primary operators off of equipment for long periods of time.

The organizational supervisor will be directly in charge of, and responsible for, assigning qualified operators to each piece of equipment. The equipment operator will be responsible for daily checklists and required maintenance reports.

Rolling Equipment Operators shall be responsible for the following:

- a. Each day, before starting heavy or tractor/mower equipment, check appropriate items listed on the Operator's Daily Check List, Form OE-28 (or OE-28T for tractor/mower units), and perform required pre-operation daily maintenance. After starting the equipment, check the remaining items of Form OE-28 (or OE-28T).
- b. Each week, the operator is to consult with the organizational supervisor for time availability for cleaning equipment. (Supervisors may, at their discretion, assign one individual to perform this service for all equipment in a given section).
- c. To report mechanical problems or unusual operating characteristics, the operator will complete the Equipment Repair Request. The operator will present the original of this form to the immediate supervisor so that work and/or inspection can be scheduled. The yellow copy of this form will remain with the equipment at all times. The operator must immediately report to the supervisor or crew chief any abnormal noises or actions of the equipment that occur during operation.
- d. At the end of each week, the Operator's Daily Check List, Form OE-28 or OE-28T for Tractor/Mower units, shall be submitted to the equipment coordinator, who shall verify that the appropriate days are marked for the operator checks. Upon completion of this verification, the Operator's Daily Check List will be kept on file.

Failure by any assigned operator to properly complete the Operator's Daily Check List, Form OE-28 (or OE-28T for Tractor/Mower units), shall be reported to the supervisor by the chief mechanic or any other individual the supervisor may deem necessary to appoint.

Periodic field checks to insure that Form OE-28 (or OE-28T for Tractor/Mower units) is being completed properly and accurately, will be conducted during working hours by personnel from Equipment Division, District Maintenance and Construction Sections, and maintenance and project supervisors.

2. Transportation Equipment

Drivers who have cars, pickups, vans, etc., permanently assigned to them are responsible for ensuring that standard preventive maintenance is performed on a regularly scheduled basis.

In organizations or sections within DOH that have "pools" established, the Division Director must assign the responsibility of upkeep and preventive maintenance to one individual. This employee will monitor vehicle service records and receive mechanical deficiency reports from drivers using the pool vehicles. All activities or usage of these vehicles will be coordinated through the "pool attendant".

Each driver of transportation equipment is responsible for checking the vehicle to be certain that it is in an acceptable condition for use (tires, brakes, and instrument panel) and for maintaining a reasonably clean interior. Any unusual sounds or discrepancies during the operation of the vehicle should be noted and 1) arrangements made to have the vehicle serviced or 2) reported to the pool attendant.

E. EQUIPMENT OPERATOR ACCOUNTABILITY BOARD

The Equipment Operator Accountability Board ("Board") is responsible for reviewing and evaluating violations of this Policy and for referring matters for consideration for disciplinary action, under § II, Chapter 6 of Disciplinary Action, Suspension & Dismissal.

F. DISTRICT EQUIPMENT OPERATOR ACCOUNTABILITY COMMITTEES

District Equipment Operator Accountability Committees ("Committee") are responsible for reviewing and evaluating minor violations of this Policy as assigned by the Chairperson of the Board and more fully, as set forth by § IV of this Policy.

G. TYPES OF POLICY VIOLATIONS

The Board and the Committees are charged with reviewing the following violations:

1. Failure to perform preventive maintenance,
2. Speeding and hazardous operation of equipment,
3. Accidents and misuse of equipment or other property,
4. Failure to report as more fully set forth in § II.H. of this Policy, and
5. Other violations as set forth herein and in § II, Chapter 6 of Disciplinary Action, Suspension & Dismissal.

H. DUTY TO REPORT

When an employee receives a citation while operating a state vehicle, has his/her driver's license or CDL suspended, revoked or limited, or otherwise violates the standards set forth in this Policy or other relevant policies, he/she must notify his/her supervisor immediately. When the employee is involved in an accident, he/she must complete an Accident Report, Form AR-13 within three (3) business days, as more fully set forth in the Amendment to WVDOH Administrative Operating Procedures, § III, Chapter 7. Failure to report the incident shall result in review by the Board.

When a violation of this Policy occurs, the District Equipment Supervisor, Division Director or District Engineer/Manager must: 1) report the occurrence to the Claims Section within 4 business days of the occurrence by completing an Accident Report, Form AR-13, if appropriate, as more fully set forth in the Amendment to WVDOH Administrative Operating Procedures, § 111, Chapter 7; or 2) email information regarding the violation to the Chairperson of the Board within four (4) business days. Upon receipt of the AR-13, the Claims Section Supervisor will forward the same to the Chairperson of the Board. Any District Equipment Supervisor who fails to report said violations shall be subject to review by the Board.

No disciplinary action shall be taken until after the Board review, Committees review, or disciplinary process have been completed with the exception of the following suspensions under § II, Chapter 6 of Disciplinary Action, Suspension & Dismissal: 1) suspension pending outcome of investigation; 2) suspension pending outcome of criminal proceedings; or 3) immediate oral suspension.

III. EQUIPMENT OPERATOR ACCOUNTABILITY BOARD

A. MEMBERSHIP

Membership of the Board is appointed by the Commissioner and shall include: the Chairperson; one (1) State Occupational Safety Specialist II, one (1) Equipment Training representative; and one (1) District Equipment Supervisor. Advisory members shall include: one (1) member from Human Resources and one (1) attorney from Legal Division, both of whom are appointed by the Directors of those respective Divisions. Each member of the Board must have a designated Board-approved alternate. The Chairperson may, at his/her discretion, appoint an assistant for the purpose of recording and generating reports. This assistant is not a voting or advisory member. In order for business to be conducted at any Board meeting, a minimum of three(3) members or alternates must be in attendance.

Meetings shall be held the 2nd Thursday of every month. The Chairperson, at his/her discretion, may reschedule this meeting, as necessary. Within five (5) business days of the regularly scheduled meeting, the Chairperson will forward the members an agenda with the matters to be discussed. At the same time, a general notice (which does not identify other employees) will be sent to any employee scheduled to be reviewed, his/her supervisor, and any witnesses, to notify them of the meeting date, time and location.

An emergency meeting of the Board may be held with four (4) business days notice if one of the following has been issued regarding a potential equipment standards violation pursuant to Section II, Chapter 6 of Disciplinary Action, Suspension & Dismissal: 1) suspension pending outcome of investigation; 2) suspension pending outcome of criminal proceedings; or 3) immediate oral suspension. Notice of the emergency meeting shall be given by email or via telephone.

B. DUTIES OF CHAIRPERSON

The Chairperson of the Board is responsible for collecting, maintaining and compiling all reports and accompanying documents submitted in accordance with this Policy.

Upon receiving a report from a District or Division, the Chairperson must determine whether the violation meets the threshold set forth for Board review as established by this Policy or whether it should be referred to the District or Division for review. Within three (3) business days of receiving the report, the Chairperson shall either: 1) add the incident to the agenda for the next scheduled Board Review; or 2) return the matter back to the District or Division to be reviewed at the next scheduled Committees Review.

Within 10 business days after each Board meeting, the Chairperson must: 1) complete and submit a monthly summary of all matters that have been reviewed by the Board and Committees, regardless of whether they warranted a disciplinary review, to the Deputy State Highway Engineer-Operations; and 2) submit a complete copy of all files which warrant review for potential disciplinary action to the Director of Human Resources and the Director of the Division of Highways' Legal Division.

Within 10 business days of receipt of each Committees Review, the Chairperson of the Board must: 1) complete and submit a monthly summary of all matters that did not warrant a disciplinary review to Deputy State Highway Engineer-Operations; and 2) submit a copy of the all files which warrant review for potential disciplinary action to the Director of Human Resources and the Director of the Division of Highways' Legal Division.

The Chairperson may, at his/her discretion and upon review with the Legal Division Representative, assign a Safety Officer and/or claims Investigator to investigate any occurrence to be reviewed by the Board or Committees. If the Chairperson determines that any District Equipment Supervisor, Division Director or District Engineer/Manager is not reporting as set forth by this Policy, the Chairperson shall schedule a review by the Board as set forth in Section III.D. of this Policy.

C. TYPES OF POLICY VIOLATIONS

1. **Accidents and misuse of equipment or other property** - Any employee who is involved in an accident involving transportation or rolling equipment or the misuse of equipment that causes injury, involves a third party, or causes damage exceeding ten thousand dollars (\$10,000.00) shall be reviewed by the Board.
2. **Multiple Policy Violations** - A review by the Board shall commence when an employee has either: 1) two (2) or more accidents within a twelve (12) month period and the cumulative monetary damage totals ten thousand dollars (\$10,000.00) or more; 2) four (4) or more accidents within a twenty-four (24) month period regardless of amount of monetary damage, or 3) two (2) or more violations of this Policy within a six (6) month period.
3. **Failure to Report** - Any employee who fails to report in accordance with ILA.5. and II.H. of this Policy shall be reviewed by the Board to determine the reason for noncompliance and to refer the matter for disciplinary consideration, as needed. Any District Supervisor, Division Director or District Engineer/Manager who fails to report under § II.H. of this Policy shall be reviewed by the Board to determine the reason for noncompliance and to refer the matter for disciplinary consideration, as needed.
4. **Other violations as set forth in § II, Chapter 6 of Disciplinary Action, Suspension & Dismissal.**

D. FACT-FINDING REVIEW

For each incident to be reviewed, the involved party(ies), and significant employee witnesses to the incident in question shall be called to present the facts as perceived by each of them. Each review shall be reported as set forth in § III.B. of this Policy.

IV. DISTRICT EQUIPMENT OPERATOR ACCOUNTABILITY COMMITTEES**A. MEMBERSHIP**

Members of the District Equipment Operator Accountability Committee in each district shall include the District Maintenance Engineer, the Equipment Supervisor, an Occupational Safety Specialist (OSS), one (1) District Equipment Operator and one (1) District Mechanic. The Chairperson of each Committees will be appointed from among these members by the District Engineer/Manager.

Meetings shall be held the 1st Thursday of every month. The Chairperson may reschedule this meeting with the approval of the Board Chairperson. Within five (5) business days of the regularly scheduled meeting, the Chairperson will forward the members an agenda with the matters to be discussed. At the same time, a general notice (which does not identify other employees) will be sent to any employee scheduled to be reviewed, his/her supervisor, and any witnesses to notify them of the meeting date, time and location.

Upon review of each matter, the Chairperson must report the outcome and send the complete original file to the Chairperson of the Board within ten (10) business days of the regularly scheduled meeting wherein the review took place. All Divisions will be included with District One, with the exception of the Equipment Division, which will be included with District Seven.

B. TYPES OF POLICY VIOLATIONS

1. **Failure to perform preventive maintenance** - Any damage that occurs to equipment as the result of the failure to perform preventive maintenance or repair will be reviewed by the Committees. Any employee and/or supervisor will be required to appear before the Committees to determine the reason for noncompliance and to refer the matter for disciplinary consideration, as needed.

Any operator of rolling equipment found to be operating equipment without first performing a daily pre-operations check and documenting on Form OE-28 (or OE-28T for Tractor/Mower units), shall be given a verbal reprimand by the immediate supervisor. A second offense will be cause for a written reprimand from the District Engineer/Manager or Division Director cautioning that continued non-compliance with these regulations may result in further disciplinary action, up to and including dismissal. Additional offenses will be subject to progressive discipline in accordance with agency's policy on disciplinary actions.

2. **Speeding and hazardous operation of equipment** - If an employee operates equipment in a hazardous manner, such actions shall be reviewed by the Committees.
3. **Accidents and misuse of equipment or other property** - Any employee who is involved in an accident involving transportation or rolling equipment or the misuse of equipment that does not cause injury, involve a third party, or cause damage exceeding four thousand dollars (\$4000.00) shall be reviewed by the Committees.

C. FACT-FINDING REVIEW

For each incident to be reviewed, the involved party and significant employee witnesses to the incident in question shall be called to present the facts as perceived by each of them. Each review shall be reported as set forth in § IV.A. of this Policy.

EXHIBIT A**WVDOH TRAINING REQUIREMENTS FOR
WVDOH EQUIPMENT OPERATORS**

Effective: 7/15/2003

DESCRIPTION	REQUIREMENTS*
Light Equipment Light weight vehicles/GVWR 26,000 lbs. or less	Valid Driver's License
Endloader, Conveyor Loader, Rollers, Skidsteer, Fork Trucks/GVWR 26,000 lbs. or less	Valid Driver's License Basic Training
Yard Cranes Lifting capacity less than 5 tons	Valid Driver's License Basic Training
Power Vegetation Equipment & Attachments Utility Tractor, Boom Mower, Brush Chipper, Flail	Valid Driver's License Basic Training
Highway Maintenance Equipment & Attachments Paver Planer, Rubber Tired Paver, Bituminous Paver, Planer Shoulder Maintainer, Tailgate Spreader, Stone Spreader Chipspreader, Concrete Scarifying Machine, Sweeper -Skid Mtd., Concrete Saw 24" w/trl., Arrow Board Traffic Dir. & Message Board	Valid Driver's License (May require CDL) Basic Training
Heavy Vehicles/GVWR 26,001lbs. or Greater Truck/Spreader/Plow, Road Tractor, Buses, Wrecker, Rock Truck, Flatbed Trucks, Box Van, Mech. Trucks, Auger	Commercial Driver's License
Dozer, Track Loader	Commercial Driver's License Basic Training
Aerial Platform, Aerial Bucket, Bridge Inspection Unit, Highlift	Commercial Driver's License Basic Training
Track Excavator	Commercial Driver's License Certification
Rubber Tired Excavator	Commercial Driver's License Certification
Loader w/Backhoe	Commercial Driver's License Certification
Graders	Commercial Driver's License Certification
Truck Cranes, Yard Cranes Lifting capacity greater than 5 tons	Commercial Driver's License Certification

*LICENSING REQUIREMENTS ARE BASED ON DOH CLASSIFICATION AND/OR STATE LICENSING REQUIREMENTS

**WEST VIRGINIA DIVISION OF HIGHWAYS
POLICY ACKNOWLEDGEMENT STATEMENT**

The Equipment Operator Accountability Acknowledgement Statement follows on the next page. It is also available for download from the Forms and Documents section of the DOT Intranet.

<http://sharepoint.wv.gov/sites/dot/Docs/DOH%20Forms/>

WEST VIRGINIA DIVISION OF HIGHWAYS
POLICY ACKNOWLEDGEMENT STATEMENT

This document certifies that I have **read** and **agree** to abide by the requirements set forth in the West Virginia Department of Transportation, Division of Highways Section IV, Chapter 3, Equipment Operator Accountability Policy. As an employee of the West Virginia Department of Transportation, I **agree** to comply with the portions of this Policy that are applicable to my use of State-owned equipment. I understand it is my responsibility to comply with this Policy and to review my current equipment use to make sure it complies with current Policy and procedure.

All Employee drivers:

1. I agree that, as a condition of my use of State equipment, the Division of Highways may conduct a regular check of my driving record.
2. I understand that any breach of this Policy may subject me to disciplinary action, up to and including dismissal.
3. I understand that if my gross negligence, recklessness, or intentional conduct causes property damage or personal injury, the Division of Highways may require me to indemnify and hold it harmless from claims or lawsuits made against it.

Commuters:

1. I certify that I wish to use an agency-provided vehicle solely for my convenience.
2. I certify that my use of a vehicle is completely optional, that it is a matter of my personal choice, and that the agency does not require me to use a vehicle for commuting.
3. I certify that my use of the vehicle falls within the normal commuting area for agency business and that I will notify my District Engineer/Manager or Division Director, in writing, if I later feel that my use of the vehicle extends outside the normal commuting area.
4. I understand that my travel time will not be counted as hours worked unless required by the Fair Labor Standards Act or related laws or regulations and that any agency custom or practice allowing compensability of activities outside these legal requirements is inconsistent with agency Policy and this Acknowledgement.
5. Execution of this Acknowledgement by a Commuter shall meet the requirement to complete a Vehicle Use Agreement set forth in the Assignment and Use of Transportation Vehicles Policy dated August 29, 2006, § 1.7.

NAME (print): _____

SIGNATURE: _____

LAST FOUR (4) DIGITS OF SOCIAL SECURITY NUMBER: ___/___/___/___

DATE: _____

ORGANIZATION NUMBER: _____