

Chapter 40. Use of County-Owned Passenger Vehicles While Off-Duty¹

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40.001 Definitions

- (a) "County-owned passenger vehicle" shall mean any motor-driven vehicle which:
 - (1) Either has or, in accordance with this Policies, Procedures, and Regulations Manual, should have its title registered in the name of Travis County; and
 - (2) Is designed primarily to transport people, rather than to transport cargo or to perform some mechanical function, such as excavation or road grading.

Pick-up trucks and cargo vans shall be presumed to be designed primarily to transport people.
- (b) "Duty location" shall mean the place or places at which an employee must normally or usually attend at the beginning of any normal period of duty.
- (c) "Appointed official" shall mean any constitutionally or statutorily created office which is filled by appointment of more than one elected official acting together, such as the County Auditor, the Chief Juvenile Probation Officer, or the Juvenile Public Defender.
- (d) "Off-duty" shall mean any time when an employee of Travis County is not performing his or her duties as an employee of Travis County.

40.002 Use of County-Owned Passenger Vehicles by Employees

- (a) This Chapter 40 applies to the use of county-owned passenger vehicles by Travis County employees while off-duty. This Chapter 40 controls over section 1.019 of this Policies, Procedures, and Regulations Manual. The said section 1.019 shall, however, control the use of vehicles belonging to Travis County which are not county-owned passenger vehicles and will control the use of county-owned passenger vehicles by Travis County employees who are not off-duty.

¹ Chapter 40 was adopted by Travis County Commissioners Court on July 30, 1996, item #6A, and amended 9/3/2002, Item #16, through verbal motion and vote. See minutes for description of motion and vote. Text of motion has NOT been incorporated into this chapter.

- (b) An elected or appointed official or executive manager may authorize an employee to drive a county-owned passenger vehicle while off-duty if and only if:
- (1) The vehicle has been appropriated to the use of the elected or appointed official or executive manager by the Commissioners Court, and
 - (2) Either:
 - (A) The employee's duties are such that
 - (i) the employee may reasonably be expected to require the use of a county-owned passenger vehicle in order to perform his or her duties at times other than the employee's normal duty hours and
 - (ii) allowing the employee to drive a county-owned passenger vehicle while off-duty will
 - (I) increase Travis County's ability to respond to public safety or law enforcement emergencies or
 - (II) increase the operational efficiency of Travis County; or
 - (B) The employee has no duty location and uses the county-owned passenger vehicle in the performance of his or her duties; or
 - (i) there is no safe and suitable place at which to keep the county-owned passenger vehicle at or reasonably near the employee's duty location,
 - (ii) the employee uses the county-owned passenger vehicle in the performance of his or her duties, and
 - (iii) the employee's residence is closer to the employee's duty location than any other safe and suitable place at which to keep the vehicle.
- (c) No elected or appointed official or executive manager may authorize himself or herself to drive a county-owned passenger vehicle while off-duty. However, anything herein to the contrary notwithstanding, the Commissioners Court may, in appropriate circumstances, authorize an elected or appointed official or executive manager to drive a county-owned passenger vehicle while off-duty.
- (d) Any elected or appointed official or executive manager who authorizes an employee to drive a county-owned passenger vehicle while off-duty shall adopt written rules for their office or department governing the use of county-owned passenger vehicles while off-duty. Such rules shall include, at least:
- (1) whether and under what circumstances the employee may use a county-owned passenger vehicle to accomplish personal errands,

- (2) whether and under what circumstances the employee may use a county-owned passenger vehicle to travel to or from a place of employment other than employment with Travis County,
- (3) whether an employee may use a county-owned passenger vehicle for other employment while off-duty and, if so, the type of employment for which it may be used, and
- (4) whether and under what circumstances the employee may allow any other person to drive or to occupy a county-owned passenger vehicle.

Copies of such rules shall be delivered to the Travis County Auditor and the Travis County Risk Manager within thirty (30) days after the adoption of this Chapter 40 by the Travis County Commissioners Court. Thereafter, copies of such rules and any changes thereto must be delivered to the Travis County Auditor and the Travis County Risk Manager prior to authorizing any employee to drive a county-owned passenger vehicle while off-duty.

- (e) Any elected or appointed official or executive manager who authorizes any employee to drive a county-owned passenger vehicle while off-duty shall make the following reports to the Travis County Risk Manager.
 - (1) The elected or appointed official or executive manager shall provide to the Travis County Risk Manager a list containing, for each employee authorized to drive a county-owned passenger vehicle while-off duty, the name of each employee, together with each employee's job title, the county of the employee's residence, and whether the employee is authorized to drive a county-owned passenger vehicle while off-duty pursuant to section 40.002(b)(2)(A), (B), or (C). It shall not be necessary to identify which vehicle or vehicles any particular employee may be authorized to drive.
 - (2) A list of all vehicles which the elected or appointed official or executive manager has authorized to be driven by an employee while off-duty, uniquely identifying each vehicle by make, model, and year of the vehicle, the vehicle identification number, and the license number. If the vehicle is routinely assigned to a single employee for that employee's use while off-duty, then, for each such vehicle, the list of vehicles required by this section 40.002(e)(2) shall also include the estimated number of miles between the employee's duty location and the employee's residence. It shall not be necessary to identify which employee or employees may be driving any particular vehicle.
 - (3) A report describing the use of any county-owned passenger vehicle which is driven by any employee while engaged in the employment of any other employer than Travis County, hereinafter referred to as "off-duty employment," which report shall hereinafter be referred to as the "off-duty employment report."

- (A) The off-duty employment report shall uniquely identify each vehicle which has been driven by an employee while on off-duty employment and, for each separate use for off-duty employment, shall state the name of the off-duty employer, the date of the off-duty employment use, the actual odometer readings of the vehicle at the beginning and the ending of each such off-duty employment use, and the actual starting and ending times of each such off-duty employment use.
- (B) The off-duty employment report shall be filed with the Travis County Risk Manager within ten (10) days after each January 1, April 1, July 1, and October 1 and shall report all use of county-owned passenger vehicles by any employee while engaged in off-duty employment for the three months preceding each January 1, April 1, July 1, and October 1.
 - (i) The reports required by section 40.002(e)(1) and (2) shall initially be filed within thirty (30) days after the adoption of this Chapter 40. Thereafter, they shall be updated as often as needed to reflect the current lists of employees and vehicles. After the expiration of thirty (30) days after the adoption of this Chapter 40, no authorization pursuant to this Chapter 40 shall be valid unless the employee and the vehicle are contained on the reports filed with the Travis County Risk Manager pursuant to section 40.002(e)(1) and (2).
 - (ii) The beginning date of the period to be covered by the first off-duty employment report is thirty (30) days after the adoption of this Chapter 40. The first off-duty employment report shall be due within ten (10) days after the first January 1, April 1, July 1, or October 1 following the expiration of thirty (30) days after the adoption of Chapter 40.
- (f) Employees are not on duty or performing their duties as employees of Travis County while travelling to or from their duty locations and their places of residence. Nothing in this Chapter shall be construed to mean that an employee is on duty or is performing his or her duties as an employee of Travis County while travelling to or from the employee's duty location and the employee's residence.