

**THIS ORDINANCE WAS AMENDED BY ORDINANCE NO. 5552
AT THE 10-28-14 LPC MEETING**

The following ordinance was introduced by Mr. Aaron Caillouet in regular session convened on March 11, 2014.

PROPOSED ORDINANCE

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. Phillip Gouaux, seconded by Mr. Joe Fertitta.

ORDINANCE NO. 5440

AN ORDINANCE AMENDING ORDINANCE NO. 4859 AND AMENDING AND RE-ENACTING CHAPTER III, SECTION 11 OF THE LAFOURCHE PARISH GOVERNMENT POLICY AND PROCEDURES MANUAL (APPENDIX B OF THE CODE OF ORDINANCES) PERTAINING TO THE USE OF PARISH – PROVIDED VEHICLES; AND AUTHORIZING THE PARISH PRESIDENT TO SIGN, EXECUTE AND ADMINISTER ANY AND ALL RELEVANT DOCUMENTS.

WHEREAS, this ordinance was sponsored for Administration by Mr. Aaron Caillouet, Councilman, District 3; and

WHEREAS, Chapter III, Section 11 of the Lafourche Parish Government Policy and Procedures Manual (Appendix B of the Code of Ordinances) pertaining to the use of parish-provided vehicles shall be amended and re-enacted as follows:

SECTION 11. - USE OF PARISH-PROVIDED VEHICLES.

- 11.1 It shall be the policy of Lafourche Parish Government that no vehicle owned by the parish government be driven by an employee of the parish government unless on business of such government. Any employee who is not on a twenty-four hour call basis shall not drive a parish-owned vehicle to and from work and his place of residence, whether such residence is temporary or permanent. A driver of a parish-owned vehicle shall be an employee, official or a member of the Parish Rapid Assessment Team of the parish government. A violation of this section shall be grounds for disciplinary action, up to and including termination, as stated in this manual, ~~and/or termination of employment.~~
- 11.2 Any parish-owned vehicle deemed to be unused or unnecessary shall be declared surplus and advertise for public sale.
- 11.3 Operation of a Parish vehicle is a privilege, not a right. Drivers are responsible for operating the Parish vehicle according to state and federal laws and our Parish policy. Violation of these laws and rules will result in the removal of driving privileges or dismissal.

A. Drivers of Parish-owned Vehicles.

Employee driving records will be checked when an employee is hired at least every 12 months to make sure the employee has an acceptable record to operate a Parish vehicle. Motor vehicle Records are checked by the Parish Insurance Agent, who maintains the Approved Driver's List. The Parish Insurance Agent shall notify the Risk Management Department of the results of each MVR. The following is our Parish's Driver Performance Rating:

Number of Violations	Number of Preventable Accidents			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Poor	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor

Any major violation is automatically considered "Poor", "Clear", and "Acceptable" Motor

Vehicle Records (MVRs) will be monitored at least annually. "Borderline" MVRs will be watched closely and a warning will be given to the individual in that category.

Drivers are required to immediately notify their Supervisor if their driving status changes.

B. Penalties.

Any driver falling in the "poor" category will immediately be relieved of his/her Parish vehicle driving privileges. In addition to the MVR criteria outlined in the above Driver Performance Rating, the following will automatically place that individual in the "Poor" category:

1. Any major violations identified by State or Local Police officers.

The following are defined as major violations:

- DUI in past three years
 - Failure to stop/report an accident
 - Reckless driving/speed contest
 - Driving while impaired
 - Making false accident report
 - Homicide, manslaughter or assault arising from the use of a vehicle
 - Driving while license is suspended/revoked
 - Careless driving
 - Attempting to elude a police officer
 - Leaving the scene of an accident
2. Any employee permitting fellow employees, dependents or any other person not listed on the driver list to operate vehicles under their control or assigned to them.
 3. Suspension of driver's license.
 4. Failure to consistently drive in a safe manner as determined by [the] Safety Committee.
 5. Failure to pass the drug test.
 6. Refusal to take a drug test.
 7. Failure to notify your Supervisor within one business day of any moving violation and/or accident.

C. Safety Review Committee.

A driver will be reviewed by the Safety Review Committee if the driver drops from an "acceptable" rating to a "borderline" rating. The Safety Review Committee will review all accidents to determine if they were preventable or non-preventable. The Safety Review Committee will be made up of the Risk Manager, the OEP Director, one office employee and/or one field employee, the finance director and/or manager, and the Parish Administrator or their designee. Results of the Safety Review Committee will become a part of each driver's personnel file.

D. Insurability.

All employees are required to be insurable with the Lafourche Parish Government vehicle insurance carrier. In order to maintain driving privileges, employees operating motor vehicles or who may be required to operate motor vehicles on official business shall have their driving records reviewed upon hire and annually by Risk Management to make sure employees has an acceptable record to operate a Parish Vehicle. If an employee becomes uninsurable, and driving is a "bona fide" job duty, the employee will be subject to disciplinary action, up to and including termination.

E. Reportable Events.

Applies regardless of whether occurring in an Agency or personal vehicle while on Agency business, or on personal time. All employees operating a parish-owned vehicle or personal vehicle while conducting business operations for Lafourche Parish Government, irrespective of fault, injury or damage, must immediately report all accidents to the Risk Management Department and his/her Supervisor.

1. All traffic accidents

2. Notifications that driver's license is restricted, suspended, revoked or under threat of same for any reason, including but not limited to failure to meet insurance requirements, and/or failure to pay traffic tickets.

3. Conditions that impair one's ability to operate a motor vehicle and/or equipment.

4. Use of medications which cause drowsiness or which may impair the ability to operate a motor vehicle and/or equipment.

F. Reporting Procedures:

1. All employees operating a parish vehicle or personal vehicle while conducting business for Lafourche Parish Government, irrespective of fault, injury or damage, must immediately report all accidents to Law Enforcement, Risk Management Department and to his/her supervisor.

2. Post-Accident/Incident Drug Testing: Any employee directly involved in an on-duty vehicular accident shall be required to submit to drug and alcohol testing.

D G. Scope of Use.

1. Assigned Driver. No person other than the employee assigned to the vehicle shall operate the vehicle unless that person is an employee of the PARISH, is listed on the approved driver list and has the permission from the person to whom the vehicle is assigned and from a supervisor. ~~The Parish President may make approval of exceptions to this policy.~~

2. Possession, transportation, consumption of alcohol or illegal drugs by anyone in the vehicle is not allowed.

3. Smoking is prohibited for drivers and passengers in parish owned vehicles.

4. Driver and all passengers must wear available restraints.

5. Report any accident immediately to police and your manager.

6. Personal use of Parish Vehicles. Parish owned vehicles are to be used for parish business only. Personal use of a parish vehicle is prohibited. Personal trailers, including boat and recreational vehicles, are not to be pulled. Parish vehicles may be driven home and used as transportation to and from work only if approved by your Supervisor. Generally authorized personnel and those on official parish business are permitted to ride in parish vehicles.

7. Employees who drive or take home a vehicle are responsible for traffic violation fines. The driver must make sure that the truck and tool boxes remain locked and equipment in the bed is reasonably stored or secured as to prevent theft.

8. State law bans texting or reading messages while driving any vehicle. ~~Although the use of cell phones while operating a parish vehicle is legal, we ask that extreme caution be used.~~ School Bus drivers cannot use cell phones while operating their school buses with some emergency exceptions.

9. Parish vehicles are to remain locked and parked in designated areas when not in use.

10. Lafourche Parish Government strictly prohibits the operation of its vehicles by any employee who has used, abused or has within his/her system alcohol, controlled substances or other prohibited drugs in any measurable quantity.

11. All complaints made by the public on employees operating parish vehicle and/or equipment, will be fully investigated. If violation of this policy is determined, drivers will be disciplined accordingly.

12. Drivers are personally responsible for traffic and parking ticket fines and any other costs incurred due to unsafe operation of the vehicle or negligence.

13. Only employees who use hands-free devices may accept calls while driving but must find a safe place to pull off of the road to place calls. All other cell phone usage while operating a parish vehicle is strictly prohibited. The prohibition of personal cell phone or similar devices usage while driving includes receiving (if not using hands-free devices) or placing calls, surfing the internet, receiving or responding to email, checking for phone messages, and/or playing games on electronic devices. Employees who violate this policy will be subject to disciplinary actions, up to and including termination.

E H. Use of Personal Vehicle for Parish Business.

1. ~~Anyone that uses their personal vehicle for any Parish business must have permission from their immediate Supervisor and be on the approved drivers list maintained by the Parish's Insurance Agent.~~ **All employees must use a parish vehicle while conducting business matters for Lafourche Parish Government. The Parish President may make approval of exceptions to this policy in writing.**

2. All those who use their personal vehicle for Parish business must observe the same policies governing the use of Parish-owned vehicles including that the driver, while on Parish business, shall operate the vehicle.

3. In addition to those policies, the driver must provide a certificate of insurance that shows liability **as per State Law Requirements.** ~~limits of at least \$10,000.00 / \$20,000.00 / \$10,000.00.~~

4. ~~The vehicle must have a legal plate and brake tag.~~ **The vehicle must be maintained in compliance with law, including current safety inspection stickers and license plate. The vehicle must possess all safety equipment required by law (mirrors, horns, etc).**

5. Any changes in the license, insurance or address must be reported immediately.

F I. Driver Qualifications.

- Must be at least 18 years old. To operate a commercial motor vehicle, the driver must be at least 21 and have a valid license for the vehicle to be operated which may include a Commercial Driver's License (CDL)
- Must be on the Parish's approved driver list.
- Must pass the Parish's drug test.

G J. Maintenance and Upkeep.

Drivers are responsible for ensuring the vehicle is well maintained. The assigned driver is responsible for scheduled fluid changes, brake jobs, tire changes and other receipts. The employee is responsible for reporting any damage, faulty equipment or other needed repairs to his/her supervisor. The employee is also responsible for making sure the equipment is safe to operate on the road and insure that turn signals, brake lights, and headlights are in working order. Maintenance logs shall be turned in to the immediate supervisor on a quarterly basis, reviewed and signed by the supervisor and forwarded to the attention of the Risk Management Department. Failure to comply with the policies as set forth shall result in disciplinary action which may include suspension of driving privileges to dismissal.

The employee is responsible for keeping his vehicle as clean and orderly as job conditions permit.

H K. Vehicle Inspections.

The driver is responsible for completing a written vehicle inspection checklist at the beginning of every day. Any faulty equipment should be noted on the inspection report. The written vehicle inspection checklist should be turned in to the employee's immediate supervisor monthly. Parish vehicles will be subject to spot-checks by your Supervisor.

Parish vehicles must have the following standard items:

1. Current insurance verification and registration
2. Safety belt ready for use
3. Usable spare tire, jack and lug wrench
4. Binder with the following forms and information:
 - Vehicle mileage forms
 - Vehicle inspection forms
 - Emergency phone numbers
 - Parish phone numbers
 - Copy of vehicle inventory list
 - Accident investigation form
 - Operator's manual

I L. Vehicle Mileage Forms.

Driver must maintain a vehicle mileage form and turn in the form at the end of each week. Odometer Readings must appear for the beginning and end of each day, out of Parish Trips and/or at the time of each fueling. All vehicles shall indicate Odometer Readings per trip.

J M. Drug Testing.

Any employee who will drive a parish vehicle or personal vehicle for parish business will be drug-tested at hire, randomly and for cause. The drug testing procedure will follow the established Parish drug policy.

K N. Supervisor's Responsibility.

1. Each Supervisor is responsible for all vehicles and drivers under their control.
2. Each supervisor will spot check vehicles on a monthly basis and random basis.
3. It is the responsibility of the supervisor to follow up on all vehicles and all drivers to make sure this policy is implemented and enforced.
4. The supervisor shall at all times, with or without cause, restrict or eliminate the use of parish-provided vehicles by any employee.
5. The Supervisor shall notify the Parish Administrator and The Risk Management Department of any vehicle involved in an accident.

L O. Employee's Responsibility.

1. All employees are required to wear their seat belt while driving or riding in a Parish vehicle.
2. When an employee is on leave of absence (vacation, sick, etc.) for a period of longer of five days, the vehicle is to be parked at its assigned Parish facility.

P. Automatic Disqualification from Driving

An automatic disqualification of an employee from driving (for example: suspension or revocation of driver’s license) shall immediately terminate the employee’s driving privileges. Any employee who is unable to perform the routine job functions of his/her position due to the temporary or permanent loss of driving privileges will be subject to disciplinary action up to and including termination.

Q. Violation of Policy

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

NOW, THEREFORE, BE IT ORDAINED, by the Lafourche Parish Council, convened in Regular Session on March 25, 2014, and hereby approves amending Ordinance No. 4859 and amending and re-enacting Chapter III, Section 11 of the Lafourche Parish Government Policy and Procedures Manual (Appendix B of the Code of Ordinances) pertaining to the use of parish-provided vehicles; and authorizing the Parish President to sign, execute and administer any and all relevant documents.

SECTION 1. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items of this ordinance which can be given affect without the invalid provisions, items or application, and to this end the provisions of this ordinance are declared severable.

SECTION 2. All Ordinance or parts of Ordinances by the Lafourche Parish Council conflicting with or inconsistent with the provisions of these regulations are hereby repealed.

SECTION 3. This Ordinance shall be published in the Official Journal of the Lafourche Parish Council in the manner provided by law.

SECTION 4. A certified copy of this Ordinance shall be forwarded to MUNICODE; and the Office of the Parish Administrator, and the Department of Human Resources. The Department of Human Resources shall be responsible for sending a copy of this ordinance to all employees via email and supervisors shall be responsible for distributing said policy to employees who does not have email access.

SECTION 5. This Ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of said Council, was then submitted to an official vote as a whole, the vote thereon being as follows:

YEAS: Mr. Jerry Jones
Mr. Michael Delatte
Mr. Joseph “Joe” Fertitta
Mr. John Arnold
Mr. Lindel Toups
Mr. Phillip Gouaux
Mr. Jerry LaFont
Mr. Daniel Lorraine

NAYS: None

ABSENT: Mr. Aaron Caillouet

SECTION 6. This Ordinance shall become effective on the tenth day after final publication.

/s/ Daniel Lorraine
DANIEL LORRAINE, CHAIRMAN
LAFOURCHE PARISH COUNCIL

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

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Delivered to the Parish President on

March 27, 2014, at 4:35 p.m.

APPROVED: X

UNAPPROVED:

VETOED:

/s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

April 1, 2014, at 4:00 p.m.

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I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5440, enacted by the Assembled Council in Regular Session on March 25, 2014, at which meeting a quorum was present, and was finally adopted on April 1, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 9TH DAY OF APRIL, 2014.

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

DATE PUBLISHED: April 14, 2014

DATE EFFECTIVE: April 24, 2014