

FLATHEAD RESERVATION WATER MANAGEMENT BOARD & OFFICE OF THE ENGINEER VEHICLE USE POLICY

(October 2024 Draft)

PURPOSE. The purpose of this policy is to establish standard operating procedures and criteria for maintenance of equipment, personal conduct, and responsibility for Board owned vehicles.

SCOPE. This policy applies to all employees, volunteers, or contractors authorized by the Flathead Reservation Water Management Board or Office of the Engineer to operate a Board owned vehicle.

DEFINITIONS. The following definitions shall apply to this policy:

“Flathead Reservation Water Management Board” or “Board” as defined in Compact, art. II.34.

“Board employee” shall mean an employee or staff member of the Board or the Office.

“Board Owned Vehicle” or “Vehicle” means a motor vehicle, trailer, snowplow, or other vehicle designed for travel on public roads that is subject to motor vehicle registration, including any machinery or apparatus attached to the vehicle. The term includes the following: a “leased vehicle” obtained by the Board through an open-ended lease or lease with an option to buy contract; a “loaned vehicle” provided to the Board as a gratuity; an “owned vehicle” to which the Board has title; and a “rented vehicle” rented by the Board for a fee, typically for short-term use in Montana or for out-of-state travel.

“Office of the Engineer” or “Office” as defined in Ordinance, § 1-1-104(43).

“Operator” means any Board member or Board employee who has obtained a proper Montana State Drivers’ License.

“Texting” or “text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, email, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

“Under the influence” means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person’s ability to safely operate a Board owned vehicle has been diminished.

BOARD AND OFFICE DUTIES. The Board shall have the responsibility of enforcing the following guidelines to achieve the most effective and equitable utilization of the vehicles covered

by this policy. The Office has the prerogative to formulate or implement additional procedures and safe practices within this policy, as required or necessary.

VEHICLE USE. Operators shall not use the vehicle for private business, personal errands, recreation, transportation of family members, or personal friends without written approval from the Operator's immediate supervisor, the Board Chair, or Vice Chair.

Privately owned vehicles being used or leased by the Board or Office shall show proof of liability insurance which can be obtained from the Finance & Budget department. Personal vehicles are required to operate under the same safety standards as Board owned vehicles.

All Operators, whether operating a Board owned vehicle or a privately owned vehicle, must report past and current vehicle infractions to their immediate supervisor. [Edited on 1/13/2025]

AUTHORIZED USES. Except as otherwise provided in this policy, the following individuals may operate a Board owned vehicle if the Operator conducts business on behalf of the Board, the Operator is in travel status to obtain food and lodging and to respond to medical emergency situations; the Operator is required to conduct Board business to obtain items needed while in travel status; the Operator may park the Board owned vehicle overnight at the Operator's residence if the Operator must begin travel the next day or if the Operator is subject to emergency response, on-call, or other off-shift duty associated with Board business; the Operator is required to stay overnight at a location other than the Operator's established work location during non-work time to drive to a cultural, recreational, or leisure activity or to conduct other personal business, if the activity is within 30 miles of the Operator's lodging; a non-Board employee to aid or assist a disabled Board employee if the aid has signed a Board vehicle use agreement and obtained authorization from the Operator's immediate supervisor, the Board Chair or Vice Chair; a non-Board employee to assist a Board employee or other Operator during a medical emergency for transportation and related purposes; a non-Board employee accompanying an Operator for official Board business where the Operator becomes ill, fatigued, or is otherwise rendered physically or mentally incapable of driving. Any exception to the authorized uses requires the prior written approval of the Operator's immediate supervisor, the Board Chair or Vice Chair.

AUTHORIZED PASSENGERS. Except as otherwise provided in this rule, the following individuals may ride as passengers in a Board owned vehicle: (a) a Board employee conducting business on behalf of the Board or Office; (b) a non-Board employee who is: (i) an independent contractor conducting business on behalf of the Board; (ii) an aide rendering assistance to a disabled Board employee; (iii) a guest or client of the Board, including a public or tribal employee, if conducting, participating in, or providing a benefit to the conduct of Board business; (iv) rendering assistance during an emergency situation; or (v) a nursing infant if the parent is an Operator or authorized passenger. Any exception to the authorized passengers and uses requires the prior written approval of the Operator's immediate supervisor, the Board Chair or Vice Chair.

SAFETY. Operators shall operate the Board owned vehicle or personal vehicle for Board business safely and prudently in the following manner: (1) Operators shall not push or tow another vehicle with a Board owned vehicle. Operators shall not leave the motor running in an unattended vehicle. Operators will not smoke or consume alcohol in Board owned vehicles or while operating a personal vehicle for Board business. Operators are required to wear seat belts at all times. Operators shall turn on lights while operating vehicles.

SAFETY EQUIPMENT. Safety equipment shall be carried on the vehicle at all times. It shall be the Operator's responsibility to assure that safety equipment is in the vehicle and that the vehicle is in good operating condition. Any shortages of safety equipment will be reported to the Operator's immediate supervisor and replacements made before the vehicle is put back into service.

INFRACTIONS. All fines for traffic or parking citations issued against the Operator or the Board owned vehicle itself is the responsibility of the employee operating the vehicle. Neither the Board nor the Office will be responsible for the payment of any fines. The employee will be required to immediately report any and all citations to said employee's immediate supervisor or Board Chair or Vice Chair.

CONVICTIONS. An Operator required to drive as part of the Operator's job shall report any single driving infraction of five or more conviction points accumulated while driving a Board owned vehicle or a personal vehicle for Board business to their immediate supervisor, the Board Chair, or Vice Chair within ten (10) days of conviction. Operators are responsible for promptly paying all penalties following the court procedures established for contesting citations. The Board has the authority to restrict Board employees otherwise authorized as Operators from using Board owned vehicles when it knows the employee is an unsafe driver from means other than the accumulation of conviction points.

CELL PHONE USE. Operators shall drive in a careful and prudent manner so as not to unduly or unreasonably endanger the life, limb, property, or rights of a person entitled to use a street or highway. Operators are strongly encouraged not to use handheld cell phones or other handheld electronic communications devices or objects while operating Board owned vehicles or personal vehicles for Board business. All Operators are prohibited from texting while operating a Board owned vehicle or a personal vehicle for Board business.

ALCOHOL AND DRUG USE. No Operator or guest may be under the influence while on Board business. No Operator may have an alcoholic beverage container in the passenger compartment of a Board owned, leased, or loaned vehicle.

IMMEDIATE ACCIDENT REPORTING. The Operator of a Board owned vehicle involved in an accident resulting in injury or death of any person, property damage to an apparent extent of \$500.00 or more shall immediately by the quickest means of communication, give notice of the accident to Law Enforcement.

SERIOUS ACCIDENT REPORTING PROCEDURES. An Operator involved in an accident shall: (1) contact law enforcement immediately and notify the Operator's immediate supervisor; (2) complete an accident report; (3) report to the nearest hospital or medical facility for a post-accident test; (4) obtain three repair estimates; (5) submit the accident report, three estimates and pictures with license plate to the Office.

POST ACCIDENT TESTING. Post accident testing shall be required when: a Vehicle or other accident occurred during the performance of work and the Operator's immediate supervisor has reason to believe alcohol and or drugs were involved; or the Operator is cited under local or state law for a moving violation; or the operation of the Vehicle involved in the accident resulted in property damage of \$500.00 or more; or any motor vehicle involved incurs disabling damage as a result of an accident which requires the vehicle to be removed from the scene by a tow truck or other motor vehicle; or the accident results in bodily injury to any person who, because of the injury immediately receives medical treatment away from the scene of the accident.

The employee is to report directly to the nearest hospital or medical facility, and request a post-accident test. The employee should not be allowed to drive if the accident is serious.

All accidents must be immediately reported to the Operator's immediate supervisor, the Board Chair, or the Vice Chair. An accident report, three (3) estimates and pictures showing damage with license plate in full view. All documentation shall be submitted to the Office of the Engineer.

DISCIPLINE. Failure to comply with the requirements of this policy may result in disciplinary cation, including suspension or termination. Any supervisor who becomes aware of any violation of these rules by an employee they supervise shall take appropriate disciplinary action.

ACKNOWLEDGEMENT

I hereby acknowledge receipt of the Flathead Reservation Water Management Board Vehicle Use Policy regarding use of Board owned vehicles.

I understand that it is my duty to read and understand the policy. I am aware that failure to comply with this policy is cause for disciplinary action, up to and including termination.

Employee's Printed Name

Date

Employee's Signature