



**ERIE COUNTY WATER AUTHORITY  
INTEROFFICE MEMORANDUM**

To: Jerome D. Schad, Chair  
Mark S. Carney, Vice Chair  
E. Thomas Jones, Treasurer

Cc: Terrence D. McCracken, Secretary  
Russell J. Stoll, Chief Operating Officer  
Leonard F. Kowalski, Executive Engineer  
Jackie Mattina, Associate Attorney  
Daniel NeMoyer, Director of Human Resources  
John Catanzaro, Director of Operations

From: Karen A. Prendergast, Chief Financial Officer  
Margaret A. Murphy, General Counsel

Date: January 13, 2021

Subject: Amendment HR 94.1 Fleet Management Policy

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Lawley Services, Inc. has recommended certain changes to the Authority's Fleet Management Policy relating to the use of legally prescribed drugs by a driver operating an Authority's vehicle.

Due to technological advancements in enforcement of traffic and non-traffic laws, owners of vehicle are receiving summons and notices relating to parking, toll and moving violations. In the past, summons and notices were given to the driver of such vehicles. It has been the past practice that an employee driving an Authority vehicle would be responsible for such violations. The Executive Staff is now recommending these past practices formally be made part of the Fleet Management Policy.

These recommended amendments have been tracked in the accompanying Amendment 94.1 to the Fleet Management Policy. As stated in the Amendment 94.1, "[n]othing in this policy should be read in conflict with any collective bargaining agreement."

If you have any questions or suggestions relating to Amendment 94.1, please do not hesitate to contact us prior to the January 21, 2021 meeting.

**ERIE COUNTY WATER AUTHORITY  
HR Policies/Procedures**

**Re: FLEET MANAGEMENT**

**Policy No.: 94.10**

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**Application: All Employees Who Operate  
An Authority Vehicle**

**Adopted: 09/05/2019  
Amended: 01/21/2021**

**PURPOSE**

The purpose of the fleet management policy outlines under what conditions employees may be authorized to operate Authority vehicles while on Authority business. It does not cover personal use of vehicles addressed in policy 9.0.

**POLICY**

It is the policy of the Authority to provide vehicles to qualified employees who are required to travel between locations on Authority business, for business-related meetings, or training.

This policy is intended to set forth procedures ensuring the safe and lawful operation of all Authority ~~owned vehicles~~ owned vehicles. This policy, as adopted and as may later be amended, are to be interpreted to be consistent with the following: (1) Vehicles are not to be operated unless in a safe operating condition; (2) Drivers must be physically and mentally able to drive safely; (3) Drivers must conform to all traffic laws with allowances made for adverse weather and traffic conditions; (4) Employees are expected to respect the rights of other drivers and pedestrians; and (5) Drivers may not misuse drugs or use alcohol, or be under the influence of drugs or alcohol, ~~with the exception of legally prescribed drugs~~, while operating an Authority vehicle.

**PROCEDURE**

**Section 1 Definitions**

- a) "Fleet Manager" means the Administrative Assistant in the Facilities and Transportation unit.
- ~~b)~~ "LENS" is the License Event Notification Service, NYS Department of Motor Vehicles.

b)

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- c) “Operations Vehicles” means pick-up trucks, line maintenance trucks, and dump trucks.
- e) “Misuse of drugs” means not only the use of illegal drugs but also the misuse of legally prescribed controlled substances.
- d) \_\_\_\_\_
- d)e) “Passenger Vehicle” means fleet vehicle assigned to transport passengers only – i.e., SUVs
- f) “Qualified Employee” means an employee with a valid NYS drivers license approved for the type of vehicle needed. Consistent with federal and state laws, a qualified employee with a CDL may not use legally prescribed controlled substances while operating a commercial motor vehicle (CMV) without clearance from a medical profession.
- e)g) “Under the influence” means a driver whose ability to operate a vehicle is impaired by using alcohol, illegal drugs, or legally prescribed controlled substances.

## **Section 2      Rules**

- a) Nothing in this policy should be read in conflict with any collective bargaining agreement.
- a)b) \_\_\_\_\_ All Authority vehicles, except those defined in Policy 9(1) as personal-use vehicles, must be numbered and display Erie County Water Authority decals on both the left and right front doors.
- b)c) \_\_\_\_\_ All Authority vehicles, except those defined in Policy 9(1) must be equipped with an Authority-issued GPS tracking device. Removal or tampering with the device will result in disciplinary action.
- e)d) \_\_\_\_\_ Both passenger and operations vehicles, not permanently assigned to a treatment plant, must use the gasoline pumps located at the service center.
- d)e) \_\_\_\_\_ Vehicles permanently assigned to a treatment plant, or to an individual whose office is located at a treatment plant, must use the SUNOCO fleet cards assigned to the plant.
- e)f) Qualified employees requiring a vehicle from the general fleet, must request the vehicle through the Fleet Manager or the Director of Administration.

## **Section 3      Driver’s Privacy and the LENS System**

- a) The Authority complies with all provisions relating to the Federal Driver's Privacy Protection Act (DPPA).
- b) The Authority subscribes to the NYS LENS system. The service notifies authorized individuals of the following Motor Vehicle Record (MVR) events:
  - accidents (reportable)
  - convictions
  - expirations
  - Point and Insurance Reduction Program completions
  - license status changes
  - suspensions and revocations
- c) All Qualified Employees are subject to LENS notifications. Notifications will be handled in a confidential manner with the Human Resources Department.
- d) Any notice of suspension or revocation will render the employee unqualified to operate any Authority vehicle.

#### **Section 4 Accident Reporting**

- a) Any accident in an Authority vehicle must be immediately reported to the employee's immediate supervisor or to the Human Resources Department.
- b) A NYS Department of Motor Vehicles Report No. MV-104 must be completed at the earliest convenience.
- c) Any employee involved in an accident while operating an Authority's vehicle is subject to mandatory drug and alcohol testing.

#### **Section 5 Defensive Driving**

- a) The Authority shall offer a free defensive driving course annually to all employees, including employees who do not operate Authority vehicle.
- b) All Authority personnel who are required to have a CDL license are required to complete a defensive driving course every three years.

#### **Section 6 Driver's Responsibility for Traffic and Other Violations**

- a) Any driver operating an Authority vehicle will be responsible for traffic and non-traffic violations relating to the operation of a vehicle including but not limited to parking, toll, or moving violations. The Authority will not be responsible for the payment of any fines or surcharges imposed upon a driver operating an Authority vehicle for such violations.

- b) A driver operating an Authority vehicle must report to the Authority's Director of Human Resources any criminal charge issued against the driver including but not limited to charges relating the operation of any vehicle while under the influence of alcohol or drugs, or charges issued against the driver relating to a traffic accident or leaving the scene of an accident, while operating an Authority's vehicle. The Authority will not be responsible for any costs relating to such criminal charges including but not limited to attorney fees and expenses for the driver's defense or any fines or surcharges imposed upon such driver.
- b)c) Drivers of an Authority vehicle will not be responsible for violations relating to the registration, insurance, or equipment of an Authority vehicle. If a ticket or summons is given to the driver for such violations, the driver will promptly return to the Authority's Service Center and deliver the ticket or summons to the Director of Operations who will be responsible for removing the vehicle from the Authority's fleet until such time the vehicle has the proper registration, insurance, and equipment.