
 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Use of State-Owned Vehicles</b>		NO. 2932
			DATE 09/21/2022
SUPERSEDES DIR #2932 Dtd. 12/15/21	DISTRIBUTION A	PAGES PAGE 1 OF 14	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section II	APPROVING AUTHORITY 		

I. **PURPOSE:** To set forth a uniform Statewide policy that outlines the general rules, guidelines, and restrictions or limitations with respect to the use of State vehicles within the Department of Corrections and Community Supervision (DOCCS) that is compliant with the New York State Vehicle Use Policy. DOCCS is required to report annual compliance to the Executive Chamber and to the Office of General Services (OGS) Fleet Management. The Division of Support Operations will facilitate completion of this reporting requirement in collaboration with DOCCS Executives.

## II. REFERENCES

- NYS Vehicle & Traffic Law
- Criminal Procedure Law
- ACA Expected Practices:
  - 5-ACI-3A-24, 5-ACI-3A-25, 5-ACI-3A-26
  - 4-APPFS-3G-03, 4-APPFS-3H-01, 4-APPFS-3H-02
- Directives #3111, #4004, #4930
- Office of the State Comptroller (OSC) Annual Payroll Bulletin, "Reporting the Taxable Value of Personal Use of Employer-Provided Vehicles and Chauffeur Services"
- OSC [Form #AC 3173](#), "Report of Taxable Income"

## III. ELIGIBILITY FOR USE OF STATE VEHICLES

A. Unless specifically authorized otherwise by the Commissioner, any person driving a State vehicle must be an employee of New York State, or other person expressly authorized by the Commissioner, who is doing so in the performance of their duties or for the sole purpose of providing services to the State.

A State vehicle: is defined as any vehicle owned by the State or Department, or any vehicle leased or rented by the State, or Department for official State business.

Personally Owned Vehicle (POV) usage: is defined as the use of a non-State vehicle while in the course of State employment.

An employee's failure to comply with this policy may subject them to administrative action, up to and including termination.

B. Any person driving a State vehicle must have a valid driver's license of the class required for the vehicle being operated.

C. Any employee who may operate a State vehicle is required to **immediately** report any restrictions to their driver's license imposed as a result of physical impairment, driving violations, or the suspension or revocation of their driver's license, to their immediate supervisor prior to operating any State vehicle.

- D. The Department participates in the License Event Notification Service (LENS) Program, administered by the Department of Motor Vehicles, in order to receive reports of driver license revocations, suspensions, or restrictions. As such, all staff who drive, or have the potential to drive vehicles must be enrolled in the LENS program. This function is administered by DOCCS Employee Investigations Unit (EIU).

The EIU, upon receipt of a report of an employee, shall:

1. For employees whose licensure is a requirement of employment, the EIU shall issue written notices to facility Superintendents, Regional Directors, or Support Operations, directing that the employee is to be restricted from driving, and that immediate action is required to resolve the restriction within 30 days. Failure to resolve the restriction may result in administrative action. The Director of Human Resources shall receive a copy of the restriction notice issued by the EIU.
2. For employees whose licensure is not a requirement of employment, the EIU shall issue written notification to facility Superintendents, Regional Directors, or Support Operations to provide reasonable assurance that the employee does not operate a vehicle on public roadways.

NOTE: Questions or inquiries regarding staff licensure (e.g., suspended, revoked, etc.) should be addressed to EIU.

- E. No person shall be allowed to operate a State vehicle if there has been a change in licensure that restricts driving privileges unless the operation of the State vehicle complies with such restrictions. Furthermore, the Department retains the right to require any person using a State vehicle to participate in a safe driving program.
- F. Employees with an out-of-state license, prior to being permitted to operate a State vehicle must provide on an annual basis (by C.O.B. September 30<sup>th</sup> of each year), a current copy of their driving record to the:
1. Facility Superintendent or designee (for correctional facility staff).
  2. Bureau Chief or designee (for Community Supervision staff).
  3. Support Operations Fleet Management Unit (for Central Office staff), with a copy to the Division Head.

Each location must establish a mechanism whereby any out-of-state license restriction, suspension, revocation, or expiration is tracked so that the employee is not allowed to operate a State vehicle until resolved with the issuing state. For any instance where an employee maintains an out-of-state license, such driver's license must be consistent with the issuing state where the driver maintains their residence, and the employee is responsible for compliance with all other aspects of this policy.

#### IV. USE OF STATE VEHICLES

- A. Official State Business: State vehicles may only be used for official State business and their use for all other business is strictly forbidden, except under very limited circumstances where personal use, such as commuting, has been approved by the Commissioner and subsequently submitted and expressly authorized by the Director of State Operations, or where the personal use is authorized or is incidental to official business. Even in cases where personal use is authorized or is incidental to official business, each person operating a State vehicle is expected to exercise good judgment to avoid the appearance of impropriety.

The use of a State vehicle to attend a social event, such as a retirement party, is prohibited. The following are examples of such use:

1. Scenario 1: *An employee, who is required to stay overnight for an out-of-town meeting, drives the State vehicle to a restaurant in close proximity to the overnight lodging in order to have dinner.*

All vehicle use in this scenario is consistent with this policy because the State vehicle is used for official business and the personal use (driving to and from the restaurant) is incidental to official business.

2. Scenario 2: *An employee has an all-day meeting in a different part of the State. Because it would not be practical to pick up or drop off the vehicle from the official work location on the day of the meeting, the employee takes a State vehicle home the evening prior to the meeting, drives to the meeting early the next morning, drives home that evening, and returns the vehicle the following morning.*

All vehicle use in this scenario is consistent with this policy because driving from the official work location to home and from home back to the official work location is personal use incidental to official business.

While usage described in Scenario 2 is deemed incidental to official business, such usage must be authorized by either the Assistant Commissioner of Administrative Services or the Director of Support Operations.

3. Scenario 3: *Same facts as Scenario 2, except that on the trip back to home, the employee stops to pick up a loaf of bread and a gallon of milk at a supermarket that is on the route home.*

All vehicle use in this example is consistent with this policy because the brief stop at the supermarket, while clearly personal, is a minor deviation from official State business and is considered incidental to official State business.

4. Scenario 4: *Same facts as Scenario 3, except that instead of stopping briefly at a supermarket on the route home, the employee stops at an outlet mall just off the highway to shop for one hour.*

Even assuming that the employee stops at the outlet mall outside of their regular work hours, using the State vehicle for outlet shopping is in violation of this policy.

Unlike the stop in Scenario 3, the purpose of this detour is not to obtain necessary items of sustenance, such as bread or milk, nor is the detour brief. For these reasons, the personal use of the vehicle is clearly not incidental to official business.

5. Scenario 5: *An employee takes a vehicle home overnight prior to an all-day meeting in another part of the State and leaves his vehicle at his official work location. He has tickets to a ball game the evening before this trip, and because the only vehicle he has available is the State vehicle, he drives himself and three friends to the ball game.*

Using the State vehicle to take friends to the ball game is in violation of this policy. First, travel to and from the ball game is clearly personal and not connected in any way to official State business. Second, carrying persons who are not State employees and who are not engaged in official State business violates this policy and creates a potential liability for the Department.

6. Scenario 6: *An employee who is in travel status for multiple days drives the State vehicle to a dry cleaner, pharmacy, or convenience store in close proximity to the overnight lodging in order to purchase goods or pick up clothing.*

**All vehicle use per this example is consistent with this Policy** because the State vehicle is used for official business, and the non-official use (driving to and from the store) is incidental to official business.

- B. Personal Use: In the very limited circumstances where personal use, such as commuting, has been approved by the Commissioner and subsequently submitted and expressly authorized by the Director of State Operations, it must be reported on [Form #1665](#), "Daily Vehicle Log," as outlined in Section IX of this directive, unless the personal use is incidental to official business. For any personal use that is not incidental, the user of the State vehicle must reimburse the Department the value of such use or the value must be treated as imputed personal income for tax purposes. For requirements, see the OSC Annual Payroll Bulletin, "Reporting the Taxable Value of Personal Use of Employer Provided Vehicles and Chauffeur Services," and [Form #AC 3173](#). In the case of reimbursement, the amount of the reimbursement will be determined from review of the submitted [Form #1665](#), which contains fields where drivers must identify E-ZPass toll charges during their personal use of the vehicle.
- C. State vehicles should not be used to transport passengers unless they are either:
1. State employees engaged in official business.
  2. Non-State employees engaged in official business with State employees.
  3. Incarcerated individuals, releasees, or absconders in the control or custody of the Department.

Picking up or dropping off friends or family members at their place of employment or school in a State vehicle, regardless of their status as a State employee, is strictly prohibited.

- D. An employee may have another State employee as their primary duty drive the employee in a State vehicle for official business, but that State employee must have additional duties to perform in support of the agency while not actively driving.
- E. Due to the public nature of the work being performed when operating a State vehicle, persons using a State vehicle have a limited expectation of privacy in connection with such use. The Department expressly reserves the right to monitor and record the use of any equipment issued or assigned for a legitimate work-related purpose, including the use of State vehicles. Accordingly, the use of a State vehicle may be monitored and recorded at any time by visual, documentary, or electronic means.

NOTE: Emergency use by unlicensed/restricted licensed staff: A State vehicle may be operated by an unlicensed/restricted licensed employee on correctional facility land/grounds **ONLY** in an emergency where such use would be necessary to save a life, or diffuse an imminent threat to institutional security, or to prevent significant loss of state assets, *and* provided the employee is properly trained to operate the vehicle and will not be travelling on a public roadway. A public roadway for these purposes is defined as a way over which the public has general right of passage, not a place or area of restricted passage.

## V. GENERAL REQUIREMENTS AND RESTRICTIONS

- A. Lawful Operation: State vehicles must always be operated in full compliance with all applicable Federal, State, and local laws and regulations.
- B. Prohibition of Drugs and Alcohol: No person driving a State vehicle may be under the influence of alcohol, recreational drugs, or narcotics that would impair driving. The possession and/or use of alcohol, illegal drugs, or other intoxicating substances in a State vehicle is strictly forbidden.
- C. Smoking: Smoking of any kind, including but not limited to (e-)cigarettes, pipes, and/or vaping in State vehicles is strictly prohibited.
- D. Seat Belts: The use of seat belts by drivers and all passengers, regardless of seating locations, in State vehicles is mandatory.
- E. Mobile Telephone/Electronic Communications Device: No person driving a State vehicle may use a mobile telephone or other electronic communications device to engage in a telephone call while driving unless the mobile telephone or other electronic communication device is used in hands-free mode and is absolutely necessary (e.g., emergency, public safety, etc.). Hands-free calling should be conducted only if it does not interfere with the safe operation of the vehicle.

The use of State-owned cellular phones while driving is prohibited unless allowed by law.

Vehicle and Traffic Law §1225-c-3 allows the use of a cellular phone while driving for:

1. The use of a mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office, or health clinic; an ambulance company or corps; a fire department, district, or company; or a police department.
2. Any of the following persons while in the performance of their official duties: a Police Officer or Peace Officer; a member of a fire department, district, or company; or the operator of an authorized emergency vehicle.
3. The use of a hands-free mobile telephone.

**No person driving a State vehicle may send or view emails or text messages while driving.**

NOTE: "Hands-free," as is defined in Vehicle Traffic Law, states in part: "...Has an internal feature or function, or that is equipped with an attachment or addition... ..by which a user engages in a call without the use of either hand..."

- F. Radar Detector Restriction: The use or possession of radar detectors in State vehicles is strictly prohibited.
- G. Firearms: All persons are prohibited from carrying, possessing, or transporting firearms, other weapons, or explosive devices in a State vehicle unless expressly authorized to do so in connection with carrying out their official duties.
- H. Operator Responsibilities: Prior to operating a State vehicle, each employee is responsible for:
  1. Becoming familiar with and adhering to the procedures relating to the operation of the State vehicle.

2. Conducting a complete vehicle inspection, as required in Section XIII. If the repair or replacement of any equipment is necessary, arrange to have it done immediately. Do not use the vehicle until such repair or replacement is made.
  3. If assigned to correctional facilities, complying with any other related facility procedures.
- I. Vehicle Security: The driver is responsible for securing and locking the vehicle when left unattended. Under no circumstances should an unattended vehicle be left running or left with the keys in the ignition.
- J. Parking Privileges: Parking tickets, permits, or placards that grant special parking privileges for State vehicles may be used only for official State business.
- K. Accident and Moving Violation Reporting & Responsibilities: If the vehicle is involved in an accident, it is the operator's responsibility to:
1. If physically able, seek immediate medical attention for any person(s) injured and/or call 911 as needed.
  2. Immediately notify State Police or local sheriff/police if there are any injuries, or any damage to any vehicle or other property for which the owner is not present at the scene, or any other circumstances which indicate that police presence would be beneficial. Obtain a copy of the police report and forward to Support Operations.
  3. For Central Office, Community Supervision, and facilities who participate with the Fleet Maintenance Services Program (currently administered by Holman Enterprises), you must contact them at **(877) 353-3874** to report the accident.
  4. Obtain all pertinent data from other vehicle operators, passengers, witnesses, etc., for completion of the required accident report.
  5. Complete and process an Accident Report Form ([MV-104](#)) in accordance with Section 605 of the NYS Vehicle and Traffic Law. After filling in the name on this form, the employee may, at their discretion, leave blank those other portions of the form which seek personal identifying information, such as driver's license. Also, the facility address can be filled in for the address information. A copy of the [MV-104](#) report must be submitted to the employee's immediate supervisor, who in turn must submit a copy to the facility Business Office (facility vehicles) and the Division of Support Operations (for Central Office and Community Supervision vehicles). The facility Business Office must send a copy of each [MV-104](#) report and photos of the vehicle damage to the Division of Support Operations. This report should be completed and distributed as soon as possible, but no later than ten days after the accident.
  6. Complete and process an Unusual Incident Report, where applicable (see Directive #4004, "Unusual Incident Report," which requires a telephone report within one hour to the Corrections Command Center (CCC) in addition to the submission of the Unusual Incident Report; and Directive #9430, "Unusual Incident – Community Supervision," **which requires immediate supervisory notification** in addition to the Unusual Incident Report submission protocols as outlined in Sections IV and V).

NOTE: For any accident or moving violation, whether in a State vehicle or a POV while conducting official State business, the authorized driver must immediately notify an appropriate agency contact as outlined in this policy, and in **no case later than the following business day**. Failure to report timely may result in administrative action.

NOTE: DOCCS staff may be assigned to a detail or official duty where they may be the driver of a non-DOCCS/State vehicle (e.g., law enforcement task force). Regardless, in this scenario, since staff are acting in an official capacity, the accident reporting notifications as outlined above are applicable.

- L. Fueling (Best Value): If it is necessary to obtain fuel at a commercial service station for a State vehicle, the fuel should be obtained by the most economical manner possible (i.e., use self-service gas pump in lieu of full service, regular unleaded only).
- M. Direct Routes: Except as required by traffic, weather, or road conditions, travel should be by the most direct route possible, taking into consideration cost-effectiveness, actual distance traveled, and the time to travel such distance.
- N. Banner/Advertising Restriction: Unless expressly authorized, no banners, advertising, placards, decals, or stickers may be placed on a State vehicle.

## VI. **SUSPENSION AND REVOCATION OF STATE EMPLOYMENT DRIVING PRIVILEGES**

The heads of agencies and authorities reserve the right, in their sole discretion, to limit, suspend, or revoke an employee's authority to operate a State vehicle when the employee's driving habits or record indicate:

- A pattern of unsafe operation.
- Change in licensure as a result of DMV action which restricts driving privileges.
- Any incident or series of incidents that reasonably appear to reflect adversely on driving skills or ability.

## VII. **EMERGENCY OPERATION – USE OF EMERGENCY LIGHTS AND SIREN**

- A. DOCCS Peace Officers are defined by New York State Criminal Procedure Law (CPL) §2.10(25). As stated in CPL §2.20 (1)(e), Peace Officers have the power to issue a simplified traffic information whenever acting pursuant to their special duties. As stated in CPL §2.20(2), a Peace Officer acts pursuant to their special duties when they “perform[s] the duties of his office, pursuant to the specialized nature of his particular employment...” Enforcement of the Vehicle and Traffic Law on a public roadway does not fall within the special duties of a Peace Officer employed by DOCCS, inclusive of staff assigned to Community Supervision (CS), Community Supervision Operations Center (CSOC), and the Office of Special Investigations (OSI). Therefore, DOCCS Peace Officers shall not operate the emergency lights and siren or other audible emergency device of a State-owned vehicle for the sole purpose of enforcing the Vehicle and Traffic Law; the emergency lights and siren may only be used as discussed below.
- B. DOCCS staff operating State vehicles equipped with emergency lights and/or a siren must abide by Vehicle and Traffic Law §1104, entitled “Authorized Emergency Vehicles.” DOCCS staff members who operate an authorized emergency vehicle, when involved in an emergency operation, may exercise the privileges set forth in Vehicle and Traffic Law §1104, but subject to the conditions below.



DOCCS staff members driving a State authorized emergency vehicle and who are involved in an emergency operation may:

1. Stop, stand, or park irrespective of the provisions of the Vehicle and Traffic Law.
2. Proceed past a steady red signal, a flashing signal, or a stop sign, but only after slowing down as may be necessary for safe operation.
3. Exceed the maximum speed limits so long as they do not endanger life or property.
4. Disregard regulations governing directions of movement or turning in specified directions.

These actions may only occur when the emergency vehicle's red emergency lights and bell, horn, siren, electronic device, or exhaust whistle are activated.

The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of their reckless disregard for the safety of others.

- C. An "emergency operation" of an authorized emergency vehicle for the purposes of this policy and procedure consists of the following situations:
1. Effectuating a lawful arrest for an offense pursuant to an OSI, CSOC, or CS case.
  2. Stopping another motor vehicle in order to conduct a lawful search or seizure pursuant to an OSI, CSOC, or CS case.
  3. Responding to an escape, riot, or other emergency at a DOCCS correctional facility.
  4. Responding to an emergency incident involving a DOCCS employee, incarcerated individual, releasee, person under Community Supervision in New York State, or any other person associated with DOCCS.
  5. Pursuing another motor vehicle or person pursuant to an OSI, CSOC, or CS incident or investigation in accordance with DOCCS policies and procedures on vehicle pursuits and foot pursuits.
  6. Acting in order to reasonably protect persons from an immediate threat of physical injury, serious physical injury, or death.
- D. Law Enforcement Contact: Whenever a DOCCS employee encounters another member of law enforcement, or a citizen in the course of operating a State-owned or leased vehicle, the DOCCS employee shall identify themselves by name, title, office, and agency (DOCCS). DOCCS Peace Officers who are armed with a firearm shall also advise another law enforcement member encountered on the roadway that they are so armed.

## VIII. ASSIGNED DRIVER/OPERATOR & ASSOCIATED RESPONSIBILITIES

- A. Employees that are assigned a vehicle (under the authorization of the Director of State Operations), and that are responsible for annually submitting [Form #AC 3173](#), **must** contact Support Operations or Budget and Finance as soon as possible to request training/orientation on the rules and responsibilities of having an assigned vehicle. This training/orientation will include guidance on how to correctly fill out [Form #1665](#), and an overview of [Form #AC 3173](#) (for compliance with OSC requirements).



- B. Employees who are assigned vehicles on a permanent basis are responsible for maintaining the vehicle in accordance with the manufacturer's recommended schedule contained in the owner's manual provided with the vehicle.
- C. Even though State-plated vehicles are permanently registered, there is an annual requirement for a Department of Motor Vehicle inspection. The assignee should be aware of the inspection expiration and make arrangements to have the vehicle inspected.
- D. Each State vehicle owned by the Department shall be inspected by the operator prior to its use. Refer to Section XIII of this directive for more information.
- E. Vehicles are to be kept clean both inside and outside.
- F. Prior to the transfer of a vehicle from one employee to another, the transfer must be approved by Support Operations and:
  - 1. The employee/previous driver, or designated staff from their area, is responsible for sending the final logs to Support Operations as soon as possible and providing appropriate confirmation that the keys to the vehicle have been handed over to the properly authorized employee/new driver.
  - 2. This transfer should not take place prior to receipt of the vehicle logs and completion of the training/orientation as outlined in subsection VIII-A.
- G. As required by the New York State Vehicle Use Policy, annually DOCCS must provide a status report regarding assigned vehicles to the Director of State Operations by December 31<sup>st</sup>. The Division of Support Operations will facilitate completion of this reporting requirement in collaboration with DOCCS Executives.

NOTE: Confirmation of the receipt of keys can also be accomplished during the training/orientation session, or via e-mail to [SupportOps@doccs.ny.gov](mailto:SupportOps@doccs.ny.gov), to include the date of transfer.

**IX. DAILY VEHICLE LOG:** [Form #1665](#), will be maintained for each State vehicle.

A. Procedure

- 1. Except for personal use that is incidental to official State business as provided for in the scenarios outlined in Section IV, all personal use must be clearly identified as such on [Form #1665](#), under the column, "Purpose of Travel," and any miles associated with commuting totaled in the "Commuter Miles" column. All E-ZPass charges during the personal use of the vehicle must also be clearly identified on [Form #1665](#).  
It shall be the operator's responsibility to complete [Form #1665](#) for each day the vehicle is in use. Each leg of a trip must be separately recorded on [Form #1665](#). For example, if an employee who has an all-day meeting in a different part of the State takes a State vehicle home the evening prior to the meeting, drives to the meeting the next morning, drives home that evening, and returns the vehicle the following morning, they should separately record:
  - a. The trip from the official work location to home.
  - b. The trip from home to the meeting.
  - c. The trip from the meeting back to home.
  - d. The trip from home to the official work location to return the vehicle.

This information is essential to comply with reporting requirements of OSC Payroll Bulletin, "Reporting the Taxable Value of Personal Use of Employer Provided Vehicles and Chauffeur Services," and [Form #AC 3173](#).

2. In the "Fuel" column, drivers should check the box if the fuel was obtained at a facility Fuel Master.
3. Daily Vehicle Logs shall not be stored in a vehicle on a long term basis; but be collected, safeguarded in a secure location, and reviewed and approved for completeness and accuracy by a designated supervisor on a regular basis. Each facility must implement a procedure to account for the monthly submission of a completed [Form #1665](#) for every vehicle. The Supervisor signing off on the log must include their printed name and title.

NOTE: For correctional facilities, each facility must implement a procedure to account for the monthly submission of a completed [Form #1665](#) for every vehicle.

**B. Central Office/Community Supervision/Board of Parole**

1. A completed [Form #1665](#), along with all fuel and repair receipts, is required to be submitted to Support Operations by the 15<sup>th</sup> of the following month.
2. Prior to submission, a supervisor must review and sign off on completed logs for all vehicles.

NOTE: For DOCCS staff that are assigned vehicles for personal use as authorized by the Director of State Operations, Support Operations will conduct a review of submitted vehicle logs for accuracy and completeness, in collaboration with the Office of the Deputy Commissioner for Administrative Services.

3. Monthly log entries reviewed by Support Operations and deemed insufficient or unclear will be returned to the Area Supervisor for clarification and certification.
4. The employee's workstation address will be listed on each log in the "Work Location" column. In the rare circumstances of telecommuting, the work location should be the home address with a notation of telecommute.

Description of the starting location and destination must include enough information to identify a specific location. For employees permitted to commute with a State vehicle, the employee's home city/town must be listed to allow Support Operations to audit vehicle usage.

5. Drivers authorized to use their state vehicle for personal use must document the Thruway Exit where any personal tolls are recorded on [Form #1665](#) (see sample below). For those authorized drivers, Support Operations staff will fill in the cost of the toll.

DATE/TIME		STARTING LOCATION	DESTINATION	ODOMETER		PURPOSE OF TRAVEL	FUEL GALLONS	COMMUTER MILES	E-ZPASS COMMUTER CHARGES		OPERATOR'S NAME	OPERATOR'S SIGNATURE
				BEGINNING	ENDING				EXIT #	TOLL COST	OCCUPANT'S NAME	
10/1/2020 4:00 p.m.		Support Operations 550 Broadway Menands, NY 12204	Driver's Home City/Town	42,405	42,419	Personal Use/ Commute	<input type="checkbox"/> FM*	14	23	This	John Smith	

- C. The Daily Vehicle Logs for each vehicle must be retained for three years.

**X. WEX FUEL CARDS**

- A. The driver of a State vehicle is responsible for the use and safekeeping of the WEX Fuel card(s).
- B. The cards are to be used only for fuel purchases directly related to the operation of the vehicle (e.g., gas, oil, etc.) within the restrictions established by the Office of General Services (OGS).
- C. A unique Personal Identification Number (PIN) will be issued to individual employees as needed. A PIN is unique to the employee and is not to be assigned to a vehicle or to a WEX Fuel card. The employee is responsible for the use and safekeeping of their assigned PIN.
- D. WEX Fuel cards, will be administered by each facility Business Office. Support Operations will administer WEX Fuel cards for all Central Office and Community Supervision vehicles. The only commercial WEX Fuel card to be used will be the card approved through the OGS contract process.
- E. Lost, damaged, or stolen WEX Fuel cards should be reported to an employee's supervisor and Support Operations immediately.
- F. Requests for replacement commercial WEX Fuel cards shall be submitted, in writing, to the Division of Support Operations (for Central Office and Community Supervision vehicles) or the facility Business Office (for facility vehicles) with a full explanation stating the date of loss and an indication that a diligent search was made. If replacement of a damaged or worn credit card is requested, the old card must be included with the request. Requests for replacement WEX Fuel cards cannot be submitted directly to OGS.
- G. Receipts obtained when using WEX Fuel cards should be turned in as follows:
  1. Vehicles assigned to locations other than facilities: Receipts must be attached to the corresponding travel voucher before submission of the voucher to the employee's supervisor. If a travel voucher is not required, receipts must be submitted with [Form #1665](#).
  2. Vehicles assigned to a facility: Receipts must be submitted to the facility's Business Office on a weekly basis.

**XI. E-ZPASS TAG ACCOUNTABILITY**

- A. State-provided E-ZPass tags are numbered and assigned to a vehicle license plate. Tags should not be removed from their assigned vehicle or transferred from vehicle to vehicle.
- B. E-ZPass tags are to be used for State vehicles only, while conducting official State business. Use of State-provided tags in personal vehicles will result in disciplinary action. Supervisors should review monthly E-ZPass account statements to ensure that E-ZPass charges correspond to vehicle trips.
- C. Special care should be exercised in safeguarding the E-ZPass tags, as well as all contents of a vehicle in accordance with subsection V-I of this directive. Lost or stolen E-ZPass tags should be reported immediately to the employee's supervisor (facility vehicles) or Support Operations (Central Office and Community Supervision vehicles).

- D. New or replacement tags can be requested from the facility Business Office (facility vehicles) or from Support Operations (Central Office and Community Supervision vehicles).
- E. E-ZPass tags assigned to vehicles that are to be surplussed may not be transferred to another vehicle. They are to be turned in to Support Operations (Central Office and Community Supervision vehicles) or the facility Business Office (facility vehicles) for reassignment or surrender to E-ZPass.

NOTE: Facility business offices are required to maintain and update their E-ZPass accounts with any plate and tag number changes.

**XII. ACCOMMODATIONS FOR PHYSICALLY DISABLED EMPLOYEES:** Employees with physical disabilities, who own specially equipped personal vehicles, are authorized to use their personal vehicles when automobile transportation is required to perform official State business.

**XIII. OPERATOR'S VEHICLE INSPECTION:** Each State vehicle owned by the Department shall be inspected by the operator prior to its use. This inspection is for the operator's safety and provides a type of "work-order" for correction of any defects noted.

- A. Procedure: The following steps shall be performed by the operator prior to taking the vehicle:
  - 1. Obtain [Form #1590](#), "Operator's Vehicle Inspection," when keys to the vehicle are obtained.
  - 2. Enter the information as follows:
    - a. Vehicle type and make in item 1.
    - b. Vehicle license plate number in item 2.
    - c. Starting odometer reading in item 3.
    - d. Date in item 5.
    - e. Enter general condition of vehicle body in item 8, such as dents and broken or cracked glass.
  - 3. Inspect vehicle for each item listed in item 9, checking either "S" for satisfactory or "U" for unsatisfactory.

NOTE: When inspecting the locking system, vehicle keys may consist of a FOB for ignition operation and remote keyless entry that may conceal a removable manually operated door key. If unsatisfactory for safe operation, enter suitable remarks in item 6, sign in item 7, and return the vehicle. The vehicle keys and [Form #1590](#) are to be returned to the Arsenal.\*

- B. The following steps shall be performed by the operator after using the vehicle:
  - 1. Upon return of vehicle, make any Remarks necessary in item 6.
  - 2. Enter ending odometer reading in item 4.
  - 3. Sign in item 7.
  - 4. Turn in form with vehicle keys to the facility Arsenal.

\*NOTE: The Superintendent may designate an alternate location (outside the Arsenal) as the depository for vehicle keys and inspection forms. Inspection forms and keys are to be returned to Support Operations for Central Office pool vehicles.

- C. Facilities Vehicles: The following steps shall be performed by the Maintenance Supervisor after the vehicle is turned in:
1. Examine [Form #1590](#) and determine if any immediate work is needed on the vehicle.
    - a. If immediate work or servicing is required, see Directive #3111, "Scheduled Maintenance/Reports."
    - b. If no immediate work is necessary, file a copy in the vehicle folder.
  2. File the original [Form #1590](#) for 12 months retention (throw away first three months of records at end of 15 months, thereby maintaining a minimum of 12 months).
  3. Use the file of originals to spot check efficiency of maintenance operation.
- D. Community Supervision Vehicles: The Vehicle Control Officer (VCO) will:
1. Work with the Regional Director or designee to advise of availability of daily vehicles and will coordinate utilization of the vehicles.
  2. Oversee the maintenance of required records for each vehicle within the Region.
  3. Notify the Regional Director and Finance Officer if expenses are incurred for street parking.
  4. Arrange for required maintenance and repairs through ARI; ensure that all safety repairs are made immediately, and that no car is used again until the necessary repairs are made.
  5. Ensure that each vehicle contains an ARI "Account Information Card" for driver reference. This information card is included with all new vehicles and is available from the Division of Support Operations at [SupportOps@doccs.ny.gov](mailto:SupportOps@doccs.ny.gov), it contains information needed for vehicle maintenance, repairs, ARI account information, and the Support Operations telephone number.
  6. Advise drivers of all rules and regulations for vehicle operation.
  7. Ensure that all State vehicles used for prisoner transport are equipped with the authorized restraining and safety equipment, and the following safety equipment:
    - a. First aid kit
    - b. Fire extinguisher
    - c. Safety reflective triangle

NOTE: If any of the safety equipment items listed directly above are missing, you must notify the VCO immediately so a request can be made through Support Operations for replacement.
  8. Ensure that each vehicle is inspected annually by a New York State Vehicle Inspection Station/Shop. Upon successful completion of the inspection, the vehicle inspection shop will affix an inspection sticker.
  9. No vehicle will be reassigned without the prior approval of Support Operations.

**XIV. TICKETS:** Payment and/or resolution of any tickets (e.g., parking, speeding, E-ZPass violations, etc.) that are issued against any State vehicle, or staff member operating the State vehicle, are solely the responsibility of the driver who was operating the vehicle at the time the ticket was issued. The Department will not reimburse any staff member for such ticket fines or fees incurred.

**XV. MONTHLY REPORTS AND AUDITS PERTAINING TO STATE VEHICLES**

- A. Monthly invoices for E-ZPass and commercial credit cards are submitted to the facility Business Office and Support Operations for review and payment processing. Invoices will be audited as follows:
1. Central Office and Community Supervision: A quarterly random audit will be conducted by Support Operations. A detailed billing will be sent to the Division Head/Regional Director for review to determine that charges are within Department guidelines. The review must be signed and returned to Support Operations within five business days. A log shall be maintained of all audits conducted.
  2. Facility: A quarterly audit will be conducted by the Superintendent or designee. A detailed billing of E-ZPass and WEX fuel cards for each month will be sent by the Superintendent (or designee) to the respective facility Department Head for review. The review is to identify the use of the vehicle, the employees authorized to use the vehicle, and that any gas charges during the trip were made by authorized staff. Documents used for the audit include trip itineraries for incarcerated individual transportation, travel authorizations, and Daily Vehicle Logs. The Superintendent or designee must sign the audit, verifying all charges are within the Department guidelines, and return, with copies of corresponding documentation, to Support Operations within two weeks of review. A log shall be maintained of all audits conducted.
- B. The Maintenance Supervisor, or equivalent, will compile monthly; the mileage, monthly repair cost, and fuel usage (total gallons) for each vehicle assigned to the facility. The information for each vehicle must also to be entered in the MP2/EAM system, to assist with the preventive maintenance of the vehicle.
- Once compiled, the information is to be submitted to the Deputy Superintendent for Administration for review and submission to Support Operations using [Form #2932B](#), "State Vehicle Maintenance/Mileage Log." Logs and [Form #2932B](#) must be submitted to Support Operations by the 15<sup>th</sup> of the following month.
- C. Vehicle Log audits will be conducted to ensure compliance with existing Department guidelines.
1. Central Office and Community Supervision: Quarterly random audits will be conducted by Support Operations.
  2. Facility: Quarterly random audits will be conducted by the Superintendent (or designee).
  3. A log shall be maintained of all audits conducted.
- D. The Central Office Internal Audit Unit will conduct random audits of the vehicle usage, E-ZPass, commercial gas card usage, and of any prior audits performed by Support Operations or the facility.