

## **11.00 USE OF COUNTY PROPERTY**

**11.01 GENERAL POLICY.** The county attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

**11.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES.** Employees who are assigned tools, equipment, vehicles, keys, uniforms or any other county property by their departments are responsible for them and for their proper use and maintenance. Upon separation from the County, an employee shall immediately return any and all property of the County to their supervisor or to the Human Resources Supervisor.

No personal or political use of any county property, materials, supplies, tools, equipment, or vehicles is permitted. If an employee is in doubt about a circumstance, he or she must check with the appropriate elected official or department head before proceeding. Violations of this policy may result in discharge and possible prosecution.

**11.03 VALID DRIVER'S LICENSE.** All operators of county vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle in the State of Texas and to keep the department head or elected official informed of any changes of status in their licenses. The Human Resources office will periodically check the driving records of all employees who operate county vehicles or are required to use their personal vehicle to conduct county business. Failure to maintain a safe driving record may result in disciplinary action. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation.

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or discharge.

**11.04 VEHICLE INSURANCE.** The county maintains up-to-date insurance coverage on all vehicles owned by the county. Elected or appointed officials or employees who drive a personal vehicle on county business are required to maintain automobile liability insurance as required by the State of Texas. Failure to do so may be grounds for disciplinary action up to and including discharge. A copy of the employee's current automobile liability insurance should be submitted with Travel forms if personal automobile usage is authorized. The County is not responsible for damage to the employee's vehicle or for employee's private insurance deductible. In addition, the County is not responsible for the operation and maintenance of privately owned vehicles beyond the amount of travel reimbursement as described in Section 18.00.

**11.05 ACCIDENT REPORTING.** Any employee operating county equipment of vehicles must report all vehicular accidents and property damage or liability claims to his or her supervising elected official or department head and to the appropriate law enforcement authorities immediately.

Each vehicular accident, no matter how minor, must be reported to appropriate law enforcement authorities so that an official accident report can be filed. The department head or elected official in charge of the department must notify the Health and Safety Officer of any accident on the day of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday. In addition, the Health & Safety Officer will be responsible for reporting any accident involving damage to County property to the County Auditor's office for insurance purposes. Failure to make the notifications required herein is ground for disciplinary action.

A copy of any accident report involving county equipment or vehicles must be forwarded to the health and safety officer as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

All third party claims and any notice of claim or notice of potential litigation against the County shall be immediately forwarded to the County Judge.

**11.06 TAKE-HOME (OR ASSIGNED) VEHICLE POLICY.** The purpose of this policy is to outline the procedures, rules and regulations regarding the use of county vehicles by county employees; to permit or prohibit certain activities in respect to the use of an assigned or department vehicle; and to outline procedures for repair and maintenance of county vehicles.

### **I. General**

- A. County employees will be eligible for the use of a county vehicle if approved by their supervising Elected Official, appointed department head, and/or the Commissioner's Court. Any employee operating a county vehicle shall possess a valid Texas Drivers License appropriate for the type of vehicle being operated. Employees operating county emergency vehicles in emergency mode shall be trained in the operation of same by an appropriate licensing agency (e.g., Texas Association of Counties, Texas Department of Public Safety, TCLEOSE approved or certified academy). County vehicles shall at all times be operated in a lawful fashion and with due regard for the safety of the employee, passengers, if any, and the motoring public.
- B. Vehicles assigned to county departments are subject to reassignment within the department at the discretion of the Elected Official or appointed department head. In addition, the driving privileges of any county employee may be suspended at any time for any reason by his/her supervising Elected Official or department head.

- C. Employees that are assigned or are in possession of a county vehicle shall surrender said vehicle at any time upon the request of their supervising Elected Official or department head.
- D. Alcoholic beverages and controlled substances will not be transported in county vehicles except in furtherance of a law enforcement or emergency health care task. Evidence or contraband should not be stored in vehicles during off-duty periods except when circumstances prevent the prompt storage of such evidence in a secure law-enforcement facility. In such event, all effort should nonetheless be made to secure any such evidence within the vehicle, for example, in a lock-box locked and secured within the locked vehicle.
- E. Elected officials and appointed department heads should make every effort to ensure that a minimum number of department vehicles will be used to achieve any departmental objective. Employees in possession of an assigned or “take home” vehicle shall either store said vehicle at an appropriate county facility during extended leave or vacation, or shall ensure that the vehicle is stored in a secure location that is known to and promptly accessible by his/her supervisor.
- F. Non-departmental personnel should not be transported in a county vehicle except in furtherance of or incidental to an official county act related to the official duties of the department or law-enforcement task.
- G. County vehicles should not be used outside of the county except in furtherance of an official county act related to the official duties of the department.
- H. Law Enforcement officers may utilize their assigned vehicle to travel to and from an approved extra-job assignment *within the County* which is related to law enforcement; however, the vehicle should not be used a part of the employment unless specifically required by the very nature of the job, e.g., traffic control, escorts, parades, etc. In no event shall a county vehicle be used for an extra-job assignment outside of the County. Mileage on any vehicle used for an extra job assignment should be logged with a dispatcher and/or supervisor before and after any such use. Employees using county vehicle on an extra job assignment where remuneration is received shall replenish any fuel used during such assignment at his/her expense.
- I. Except as provided in Section H, *supra*, employees/officers shall only use their assigned vehicles in furtherance of the official duties of their department. Use of a county vehicle by employees/officers for minimal personal tasks such as meals, laundry, banking, etc., while on duty or on travel, or when traveling to or from work, shall be permitted only when such use is incidental to officials duties. Employees should refrain from any personal use of a county vehicle. Complaints regarding personal use of a county vehicle will be reviewed on a case by case basis and the employee may be called upon by his/her department head or supervisor to justify any personal use of a county vehicle. Employees should further remain mindful that misuse of government property is a criminal offense subject to prosecution under Section 39.02 of the Texas Penal Code.
- J. When a county vehicle is being serviced, the employee/officer shall either remove all county property contained within same; or secure such property in such a fashion as to prevent tampering or theft. Failure to adhere to this policy may result in the employee/officer being held financially accountable for any loss or damage.

- K. Employees/officers operating or traveling in county vehicles should at all times comply with Texas law concerning the use of safety belts/restraints. The operator of the vehicle should ensure that passengers comply with same.
- L. All damage to or accidents involving any vehicle belonging to Polk County will be reported immediately to the supervisor, department head or elected county official, who will require completion reports set out within the County policies and which describe all details of the damage incident. Employees involved in accidents in county vehicles should not discuss the details of any such accident with non-law enforcement personnel except as directed by their department head or supervisor.

## **II. Vehicle Maintenance**

- A. Employees/Officers will keep their assigned vehicles and associated equipment in good working order and strive to maintain a clean and positive appearance. It is the responsibility of the assigned Employee/Officer to maintain the vehicle's appearance and meet required maintenance inspections, schedules, etc.
- B. Assigned vehicles will be delivered for regular or required service to the department or County maintenance section in accordance with established routine maintenance schedules. All requests for service and/or repairs must be outlined on Maintenance Engineering Department Request for Maintenance forms and submitted to supervisory personnel for approval.
- C. In addition to following regular maintenance schedules, it is the responsibility of the employee/officer utilizing a county vehicle to notify the department supervisor in writing of any mechanical and/or operational problem experienced or suspected. Written documentation of any such problem should be furnished to the department supervisor at the first available opportunity.
- D. Employees/Officers will refrain from installing any additional equipment of any kind on any county vehicle without approval from their department head. In addition, employees/officers will not alter or change department issued and/or installed equipment or the operation of such equipment without approval from his/her department head.

**11.07 COMPUTER, ELECTRONIC MAIL, AND INTERNET USE.** It is the policy of Polk County to ensure that the use of computers and electronic communications equipment is consistent with the County's legitimate business interests. Therefore, Polk County, reserves and intends to exercise the right to access and monitor the use of such equipment as deemed necessary. Employees shall adhere to the following guidelines when using computer and/or electronic communications equipment:

- 1. Computers, computer files, software, the E-mail system and the Internet furnished to employees are County property intended primarily for business use only. Limited personal use of the Internet may be allowed if authorized by the Elected Official or Department Head. However, employees are reminded that use of any and all Polk County property is primarily for the use and purpose of County-related business. Any personal use of the Internet is expected to be on the user's

own time and is not to interfere with the person's job responsibilities. Employees should not use a password, access a file, or retrieve any stored communication without authorization. County employees are prohibited from installing any software on County Computers without the approval of the county. This includes software on and software upgrades available on the internet. Of specific note are those software products that afford peer to peer connectivity and open up portals which pose a significant security risk to the County's Network. The use of radio station software programs, all of which utilize large amounts of bandwidth, are also prohibited on county machines, unless otherwise authorized for a county business related purpose, as the use of these programs interferes with the operation of the County's network. Such software (peer to peer and radio stations software) should never be installed on County owned computers or any computer attached to the County's network without explicit authorization and prior notification to and review by the County's Data Processing Department. Existing installations of such software should be reported to the Data Processing Department. County employees are prohibited from installing County software on their (non-county) personal computer, unless authorized by an Elected Official. In addition, employees are prohibited from altering the existing hardware or making additions to hardware on County computers without authorization.

2. The County prohibits the use of computers, the E-mail system or the Internet in ways that are disruptive to others. Inappropriate or offensive messages, images, or documents containing racial or religious slurs or sexually suggestive or explicit language/photographs are prohibited. Employees should also note that E-mail messages and other contents of a computer hard drive are public record and are open to public inspection in accordance with the Open Records Act of the State of Texas.
3. Sensitive information is not to be sent via electronic mail; for example, performance reviews, disciplinary actions, employee terminations, health related information, or type of confidential reporting or any other information protected by law from public disclosure.
4. The County purchases and licenses the use of various types computer software for business purposes. The County does not own the copyright to this software or its related documentation and unless authorized by the software developer, does not have the right to reproduce it. Employees shall use the software only in accordance with the license agreement. According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment.
5. The Internet is to be used primarily for County business only and is not to be used for personal gain. Employees should adhere to the highest professional/ethical standards when using the Internet as they are representatives of the County. Employees should not access the Internet without County-authorized virus detection software enabled.

6. Employees having knowledge of the misuse of any computer equipment, electronic communications equipment or software shall notify their respective Department Head or Elected Official. The Department Head or Elected Official is responsible for notifying the Human Resources Department, the Data Processing Department and/or the appropriate law enforcement agency when necessary and applicable.
7. Employees in violation of any portion of this policy shall be subject to disciplinary action, up to and including termination. In addition, there are a number of state and federal laws regarding computer crimes. Certain violations may result in a person being charged with an offense or civil action being taken or which criminal or civil administrative penalties may be imposed. In the event that Polk County incurs a cost due to employee negligence or misuse, the employee may be responsible for reimbursement of that cost.
8. Non county employees should never be permitted to use county computer equipment without approval of the Elected Official for specific authorization of county business only.

**11.08 COUNTY ISSUED CELL PHONES.** County issued cell phones are intended for County business only. County issued cell phones can be used in place of a cell phone allowance for elected official, department head or position requiring 24/7 access. Employees issued a cell phone are discouraged from using them for personal use. They must never use them for private business and/or political purposes. Use of County issued cell phones for illegal, unethical, sexual or purposes that interfere with or affect the ability of the employee to perform their duties is expressly prohibited. Personal use of the cell phone could result in cost to the employee if minutes, data or messages exceed the contracted amount. The employee must re-pay the County for all charges plus taxes, by the end of the payroll period in which the billing is received. The County Auditor's office will review all billing statements and any discrepancies will be reported to the elected official or department head. If you misuse or fail to return the issued property when requested to do so you will be liable for full replacement cost of the equipment. Failure to comply with this policy as stated could result in disciplinary action up to and including termination.

**POLK COUNTY ISSUED CELLULAR TELEPHONE AGREEMENT**

As an employee of Polk County, I, the undersigned employee, recognize and understand that County issued cell phones are provided for use in support of the business operations of this County and are to be used for legitimate business purposes. I further understand that the equipment belongs to Polk County and is to be used in an effective, efficient, ethical and lawful manner and in compliance with the Polk County Cell Phone Policy.

I am aware that the County reserves the right to review, audit and inspect the County issued cell phone records at any time, with or without notice.

I understand that I am responsible for good care and maintenance of my assigned cell phone and may be required to pay for any damage done to this equipment due to my negligence.

I am aware that my assigned cell phone may be reassigned or withdrawn at any time, with or without notice, at the discretion of my supervisor.

I understand that I will surrender my County issued cell phone upon termination of employment (voluntary or involuntary termination, including retirement). At that point, I am aware no further use of my cell phone is authorized.

I understand work communications for County business conducted on the County issued cell phone are considered Polk County records and are subject to the Freedom of Information Act. It is a violation of this policy and a Class "A" misdemeanor, to delete, destroy, or otherwise make unavailable any Polk County business records.

I certify and acknowledge that I have read and understand Polk County's Cell Phone Policy and will comply with the terms and conditions stated therein.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cell Phone Number Assigned

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