Vehicles, Use of Laboratory or Government

BRIEF

Policy Summary

Berkeley Lab allows employees to use Laboratory or government vehicles, including Fleet Operations vehicles, for official use (the performance of Laboratory work and business) only. This policy describes authorized and unauthorized use of Laboratory or government vehicles, and the responsibilities of employees and divisions.

Each division director and department head is responsible for restricting the use of Laboratory or government vehicles to properly authorized personnel engaged in official Laboratory business, and for informing all authorized drivers of personal liability for costs involved in cases of misuse.

Who Should Read This Policy

- Employees who operate Laboratory or government vehicles
- Vehicle custodians, Laboratory division management, and the Fleet Operations staff

To Read the Full Policy, Go To:

The POLICY tab on this wiki page

Contact Information

Contracts and Fleet Manager
Facilities Division

POLICY

A. Purpose

This policy provides guidance on the appropriate use of Laboratory or government vehicles.

(For safety relating to the use of vehicles, please see the ES&H Manual, Traffic and Pedestrian Safety, Work Process C, Vehicle Use.)

B. Persons Affected

This policy applies to all employees who operate a Laboratory or government vehicle.

C. Exceptions

None
D. Policy Statement

Lawrence Berkeley National Laboratory (Berkeley Lab) provides each Laboratory department with access to effective transportation and material-handling equipment to meet its mission in the most cost-effective manner. The minimum number of vehicles will be retained to satisfy program and Environment, Safety & Health requirements. The Department of Energy (DOE) has provided Berkeley Lab with a fleet of cars, trucks, electric carts, and forklifts to support the Laboratory’s scientific mission.

D.1 Transportation Services

1. Berkeley Lab employees are never required to use their personal vehicles for business purposes, and such use is not for the convenience of the Laboratory.
2. The Berkeley Lab Facilities Division provides shuttle bus and other transportation services, including vehicles from Fleet Operations for individual and divisional use. Shuttle bus service is provided around Berkeley Lab, and to and from the University of California, Berkeley campus and local Bay Area Rapid Transit (BART) locations.
3. Laboratory or government vehicles are for official use only, i.e., for the performance of Laboratory work and business.
4. Passengers in Laboratory-furnished vehicles must be directly associated with the official University business for which the vehicle is assigned or with other official business of Berkeley Lab.

D.2 Division Directors’ and Department Heads’ Responsibilities

1. Each division director and department head is responsible for restricting the use of Laboratory or government vehicles to official Laboratory business carried out by properly authorized personnel, as described in Section D.5, License Requirements, below, and for informing all authorized drivers regarding misuse of such vehicles and personal liability for costs involved in cases of misuse. Division directors must appoint vehicle custodians for every government vehicle assigned to their division.
2. Questions concerning any use of an official vehicle should be referred to Fleet Operations.

D.3 Authorized and Unauthorized Uses of Vehicles

1. Transportation to Residence, Lodging, or Eating Places
   a. Laboratory-furnished vehicles may properly be used for transportation between an individual’s place of work, residence, lodging, or eating place only when at least one of the following circumstances exists:
      i. The nature of the work requires a vehicle at or near an employee's residence or lodging in order to respond to emergencies or expected off-hour calls.
      ii. A vehicle is necessary to perform special hauling or other services for Berkeley Lab between an employee's place of work and a location at, near, or en route to his or her residence or lodging.
      iii. An employee is required to depart on or return from a field trip at unusually early or late hours.
      iv. Public transportation is not practicable or reasonably available while an employee is on a field trip or official travel.
      v. Special or emergency situations required by Laboratory work, such as unexpected overtime, make it unreasonable to expect an employee to use other transportation to his or her residence or lodging.
   b. Use of an official vehicle in any of the above circumstances must be authorized by Form RL-2749, Request for Overnight Use of Official Vehicle, or Stock Form 7600-55366, Request and Authorization for Official Travel.
2. Personal Use. Use of an official vehicle for an employee’s personal convenience or benefit constitutes misuse and is prohibited. Misuse includes the following specific examples:
   a. Trips to service stations or repair shops in connection with the servicing or repair of any individual’s private car
   b. While on special assignment or official travel, side trips for meals involving significant extra time or distance to satisfy a personal preference when other reasonable and adequate eating places are more convenient to the employee’s lodging, place of work, or direct route of official travel
   c. Local stops for personal shopping or other business, even if such stops are on a direct route of travel on an official trip
   d. Trips within Berkeley Lab for personal convenience (e.g., to the cafeteria)
3. Use of Rental Vehicles
   a. Restrictions on the use of Laboratory or government vehicles also apply to rental vehicles used for official business. Because the agreement signed by an individual for rental of a vehicle is a contract between the individual and the rental company, rental vehicles may also be used for personal convenience or business as long as the individual pays for any additional costs, e.g., mileage, day charges, and insurance fees resulting from personal use.
   b. The University is self-insured for the deductible provision in the collision insurance normally included in rental agreements for vehicles used on official business. If an individual uses a rental vehicle for personal use, University insurance does not apply. Individuals who wish to use a rental vehicle for personal business should pay the additional fee for full insurance coverage on the vehicle. This fee is not reimbursable by the Laboratory.
4. Use by Non-employees
   a. Non-employees are normally not authorized to use Laboratory-furnished vehicles. They may be authorized to use Laboratory or government vehicles, however, when they are engaged in contract work and when it would be economically beneficial to the Laboratory for them to do so. Approval by the responsible division director or department head must be made in writing to the non-employee, with copies to Fleet Operations and the Environment, Health, Safety, and Security (EHSS) Division.
   b. Non-employee operators must be licensed as specified in Section D.5, License Requirements, below.
D.4 Operator’s Liability

1. **Vehicle Costs.** Operators of Laboratory-furnished vehicles are personally liable for the costs of any damages incurred due to their misuse of such vehicles. Misuse means unauthorized use, use for an improper purpose, gross negligence in the care and operation of an official vehicle, or not adhering to traffic safety regulations.

2. **Disciplinary Action and Penalties.** Employees who knowingly misuse Laboratory vehicles are subject to disciplinary action such as written reprimand, temporary suspension without pay, or dismissal. They may also be subject to criminal penalties, including a fine of not more than $10,000, up to 10 years in jail, or both (U.S. Code, Title 18, Section 641, Public Money, Property or Records).

3. **Public Liability.** The use of Laboratory or government vehicles, including rental vehicles, for unofficial business may expose the driver to public liability in the event of an accident, particularly if the accident is found to be caused by the driver's negligence. If the use of a vehicle is not official or the driver stops en route or deviates from a direct route to conduct personal affairs while on official business, he or she may be found to have departed from the scope of employment. In such a case, the University and the government would disclaim liability, and the driver would be financially responsible.

4. **Traffic Citations.** Operators of Laboratory-furnished vehicles are personally responsible for the payment of any fines levied by any public law enforcement agency and will receive parking violation points levied as a result of any violation of Laboratory parking regulations, except when the violation is a direct result of a failure of the vehicle and that malfunction was reported immediately to Fleet Operations.

D.5 License Requirements

1. **Laboratory-Furnished Standard Vehicles.** All individuals whose duties require them to drive University-owned or government-owned (e.g., DOE or General Services Administration) vehicles must possess a valid license, as specified in the California Vehicle Code. Generally, this means a valid State of California license of the appropriate class. When it is in the interest of Berkeley Lab business, however, a nonresident of California may drive a Laboratory-furnished vehicle if that person meets the requirements of the California Vehicle Code. Non-employees must also have written authorization to drive Laboratory-furnished vehicles as specified in Section D.3.4, Use by Non-Employees, above.

2. **Laboratory-Furnished Nonstandard Vehicles.** Personnel who operate nonstandard vehicles must carry certificates for operation of the specific type of nonstandard vehicles. Training and certification are required before operation of mobile or bridge cranes, earth-moving equipment, and forklift trucks. The EHSS Division will provide detailed information concerning appropriate certification. Operator certification may be revoked if there is evidence of failure to follow safe operating procedures.

3. **Training Courses.** All professional drivers and selected incidental drivers must attend training courses, as required by policy or departmental practice.

4. **License Suspension or Revocation.** If an employee whose duties involve operation of an official vehicle has his or her state driver's license revoked or suspended, the employee must notify his or her supervisor. Division directors or department heads must ensure that no one operates an official vehicle without a valid license (and certification, when required).

5. **Required Drug and Alcohol Testing for Certain Classes of Driver.** Drivers holding commercial driver's licenses (classes A and B) and who operate vehicles of 26,001 pounds gross vehicle weight or more, or who operate any vehicle carrying hazardous material for which the vehicle is placarded, will be enrolled in the Department of Transportation-mandated Laboratory Driver Drug and Alcohol Testing Program, as specified in the Workplace Substance Abuse policy, document number 02.02.005.000.

D.6 Drivers’ Public Driving Records

1. **General Requirements.** The California Commercial Motor Vehicle Safety Act requires employers of drivers of certain types of vehicles to obtain reports of their public driving record from the Department of Motor Vehicles (DMV). A public driving record includes incidents occurring while driving on and off the employer’s place of business. Under the California Vehicle Code, there are criminal penalties for employing or continuing to employ as drivers those persons who have had disqualifying actions taken against their licenses or certificates.
   a. This law applies to Berkeley Lab with regard to drivers who:
      i. Drive a vehicle requiring a class A or class B driver's license and
      ii. Must obtain special certificates to drive the following vehicles: ambulances, private school buses, farm labor vehicles, special construction equipment, youth buses, vehicles transporting radioactive materials, vehicles transporting hazardous wastes, and vehicles with tank configurations.
   b. Students, unless hired primarily as drivers, and van pool drivers are not included.
   c. California Vehicle Code, Section 12810.5, Negligent Operator Violation Points, also specifies the number of violation points assigned by the DMV that will result in a presumption that a driver is a negligent operator of a motor vehicle. Berkeley Lab could be liable if a negligent driver is permitted to continue driving for the Laboratory and is involved in an accident.

2. **Coverage.** This policy applies to Berkeley Lab employees who:
   a. Are hired primarily as drivers
   b. Drive a vehicle requiring a class A or class B driver's license in the course of their employment
   c. Must obtain a special license or certificate to drive any of the vehicles listed in Section D.6.1, General Requirements, above

3. Berkeley Lab employees in the following classifications are also covered by this policy:

<table>
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<tr>
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<th>Classification</th>
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<tbody>
<tr>
<td>345.0</td>
<td>Assistant Fire Chief</td>
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<tr>
<td>345.1</td>
<td>Fire Chief</td>
</tr>
<tr>
<td>566.2</td>
<td>Material Handler (Mailroom)</td>
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</table>
At the discretion of the involved division director or department head and with approval of the Chief Human Resources and Diversity Officer or designee, additional titles or positions may be covered as required.

4. Participation in the DMV Notification Process
   a. Berkeley Lab has requested and been assigned a Requester Code Number for participation in the DMV Pull Notice System. This system provides the employer with a report showing each driver's current public record and the status of any required driver's certification. Human Resources will initiate individual additions to or deletions from the DMV Pull Notice System.
   b. To protect confidentiality, DMV reports are maintained in a secure location by Human Resources and destroyed once their legitimate use has ended.
   c. Applicants for positions covered by this policy are required to provide a satisfactory current report on the status of their driver's license from the DMV as a condition of employment. No appointment may be made until appropriate documentation from the DMV has been received.
   d. On termination of a driver's employment, Human Resources will notify the DMV to cancel future reports for the individual.

5. Notification to Berkeley Lab Employees and Applicants
   a. Each Berkeley Lab employee covered by the policy will be notified by letter from Human Resources, with a copy to the responsible division director, stating that:
      i. Berkeley Lab receives reports of his or her public driving record from the DMV.
      ii. These reports may be used as a basis for discipline up to and including dismissal.
      iii. He or she is responsible for maintaining his or her required driver's license and, if applicable, driver's certification in good standing.
      iv. He or she is responsible for immediately informing his or her supervisor of any change in the status of his or her driver's license and/or driver's certification.
      v. Revocation or suspension of his or her driver's license and/or driver's certification may result in loss of employment with Berkeley Lab.
      vi. He or she is required to acknowledge receipt of the letter by dating and signing it and returning it to Human Resources.
   b. Postings of job vacancies for positions covered by this policy must inform applicants that, as a condition of employment, they are required to:
      i. Provide a satisfactory current report on the status of their public driving record from the DMV and
      ii. Acknowledge receipt of the letter described above in Section D.6.5, Notification to Berkeley Lab Employees and Applicants, by dating and signing it, and returning it to Human Resources.

6. Response to Information Received from the DMV
   a. On receipt of a report of a conviction, a failure to appear, an accident, a driver's license suspension or revocation, or another action taken against a Berkeley Lab employee, Human Resources will communicate the nature of the offense to the responsible division director.
   b. The California Vehicle Code states that Berkeley Lab is liable for criminal penalties if, after receiving a driving record, it continues to employ as a driver any person against whom a disqualifying action (suspension or revocation) has been taken regarding his or her driver's license and/or driver's certificate.
   c. The California Vehicle Code states that a driver will be presumed to be a negligent operator of a motor vehicle if his or her driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months.
   d. Whenever the Laboratory receives a report indicating that one or more points have been assigned to the employee driver by the DMV, a written warning (notice of corrective action) may be issued by the responsible manager or supervisor following consultation with Human Resources.
   e. Whenever the Laboratory receives a report indicating that a disqualifying action (suspension or revocation) has been taken regarding an employee's driving privilege and/or driver's certificate, or that he or she is presumed by the DMV to be a negligent operator of a motor vehicle based on a violation point count, disciplinary action (up to and including dismissal) may be taken by the responsible department head following consultation with Human Resources.
D.7 Suspension or Revocation of Driving Privileges

Individual driving privileges may be refused, revoked, or suspended by the responsible department/division or the Traffic Safety Committee whenever Berkeley Lab policy is violated.

D.8 Vehicle-Use Records

1. **Passenger Vehicles.** Each use of a passenger vehicle (car or van) must be recorded at the time of use in a vehicle register (sign-out sheet) furnished by Fleet Operations. These registers show the date, driver's name, operating account number, destination, time, and the vehicle's mileage before and after use. Vehicle registers must be sent to Fleet Operations each month. Any exception requires the approval of the Deputy Director for Operations. This applies to vehicles (a) signed out from Fleet Operations or a subpool for a trip or an errand and (b) assigned for departmental use.

2. **Nonpassenger Vehicles.** Groups assigned nonpassenger vehicles (scooters, trucks, and special purpose) for specified long-term needs must keep any use records required by Fleet Operations for three years. These records usually involve monthly mileage only but may require logging of individual uses to verify continuing need for a vehicle in case of low mileage or off-site use. Vehicle-use records (or copies) will be forwarded to Fleet Operations when requested.

D.9 Accidents

All accidents involving University-furnished vehicles will be reported as specified in PUB-3000 Section 5.1.1.5, *Motor Vehicle Accidents.*

D.10 Painting or Modification of Laboratory or Government Vehicles

1. **General.** Federal regulations restrict painting (including lettering and the use of decals or logos), modifying, or adding accessories to government-owned vehicles. Fleet Operations is responsible for determining the need and for obtaining authorization as required. Requests for such authorization should be made through Fleet Operations.

2. **Painting.** Normal painting of vehicles is only that required for preservation. Justification is required for nonstandard painting.

3. **Modification or Addition of Accessories.** Fleet Operations will be guided by current regulations as well as overall vehicle-use considerations in determining the need for modifying or adding accessories to Laboratory or government vehicles.

4. **Signs, Logos, or Other Identification.** Because the public will recognize any identification as representing Berkeley Lab, the University of California, and DOE, any identification must meet standards of size, design, color, and appropriateness for its specific use. To maintain consistency of such signs, logos, or other identification, plans (including sketches or other descriptive information) must be reviewed by the responsible Laboratory division, which will forward the information to Fleet Operations for appropriate action.

E. Roles and Responsibilities

Managers, supervisors, and employees have the responsibility to adhere to the provisions of this policy.

F. Definitions

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<th>Term</th>
<th>Definition</th>
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<tr>
<td>DMV</td>
<td>Department of Motor Vehicles</td>
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<td>DOE</td>
<td>Department of Energy</td>
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<td>GSA</td>
<td>General Services Administration</td>
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G. Recordkeeping Requirements

All associated documentation must be maintained for three years by the Contracts and Fleet Office in the Facilities Division.

H. Implementing Documents

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<th>Document Number</th>
<th>Title</th>
<th>Type</th>
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I. Contact Information

Contracts and Fleet Manager
Facilities Division

J. Revision History

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<th>By Whom</th>
<th>Revision Description</th>
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<td>K. Porter</td>
<td>Re-write for wiki (brief)</td>
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<td>3/16/2017</td>
<td>1.1</td>
<td>M. Stoufer</td>
<td>Update &quot;Associate Laboratory Director for Operations&quot; position title to &quot;Deputy Director for Operations&quot;</td>
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Document Information

DOCUMENT INFORMATION

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<th>Title:</th>
<th>Vehicles, Use of Laboratory or Government</th>
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<td>09.05.005.000</td>
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<tr>
<td>Revision number</td>
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<td>Publication date</td>
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<td>Effective date</td>
<td>9/1/2007</td>
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<td>9/21/2015</td>
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<td>Policy Area:</td>
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<td>Facilities</td>
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Source Requirements Documents

- California Vehicle Code, Division 11, Rules of the Road
- Contract 31, Clause I.58, FAR 52.251-2, Interagency Fleet Management System Vehicles and Related Services (Jan 1991)
- 41 CFR 101-38.301-1, Public Contracts and Property Management, Contractor's Use
- Department of Transportation (DOT) regulations, 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs

Other Driving Requirements

- DOE Motor Vehicle Management Handbook (September 2007)
- California Vehicle Code, Division 6, Drivers' Licenses
- U.S. Code, Title 18, Section 641, Public Money, Property or Records
- Ethics Policy (proper use of Laboratory Property)
- Workplace Substance Abuse Policy

Implementing Documents

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<td>07.03.004.000</td>
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Other References