

THE CITY OF GREATER SUDBURY POLICIES AND PROCEDURES

DEPARTMENTS:

All Departments

SECTION:

All Departments

TITLE:

Employee Use of CGS Vehicles Policy

APPROVED BY:

Senior Management Team (SMT)

DATE:

December 17, 2004 (Custodial Use of CGS Vehicles)

October 5, 2005 (Custodial Use of CGS Vehicles)

June 25, 2013

November 6, 2014

1.0 NEED FOR POLICY

This Policy is being implemented to ensure consistent and clear guidelines regarding the use of CGS vehicles as well as outline the procedures to be followed.

Employees use City of Greater Sudbury (CGS) vehicles for various purposes allowing them flexibility in the performance of work to provide services throughout CGS's geographical boundaries. In some cases this work requires ready access to a CGS vehicle or tools and Employees may be permitted custodial use of a CGS vehicle, use of a CGS pool vehicle or use of their personal vehicle to be ready to respond.

2.0 PURPOSE

The purpose of this Policy is to ensure that CGS Employees have a vehicle to use when the work they are performing requires it.

In many cases Employees can be permitted to use their personal vehicle and be reimbursed at the per kilometre rate in CGS's Remuneration By-Law or the relevant Collective Bargaining Agreement (CBA). Alternatively, they may be able to use a pool vehicle or a custodial vehicle.

3.0 SCOPE

This Policy applies to all CGS Employees (Non Union and Union). This Policy does not apply to those who receive a vehicle allowance.

4.0 DEFINITIONS

- a) **Standby** - a time period when an Employee is to be available for contact by CGS (via 2-

way radio, telephone, cell phone or pager) with the requirement to attend work immediately.

- b) **On Call** – a time period when an Employee is to be readily available for contact by CGS (via 2-way radio, telephone, cell phone, or pager) to provide verbal guidance or direction including but not limited to determining if an issue can be deferred until the next regular work day or requires immediate attention. On call duty does not frequently require attendance at a CGS worksite.
- c) **Custodial Use of a Vehicle** – Use of a CGS vehicle assigned to an identifiable CGS Employee to carry out their day to day work as well as personal driving between home and the Employee's regular reporting location.
- d) **Personal Driving** - the distance driven when an Employee uses a CGS vehicle for non-business related travel (e.g. driving home from their regular reporting location, etc.).
- e) **Business Use of a Vehicle** – the distance driven when travelling for the purposes of conducting CGS business, also includes travel from home to a work location other than the Employee's regular reporting location (as defined by Canada Revenue Agency (CRA) and in any relevant CBA).
- f) **Pool Vehicle** - a CGS vehicle which can be assigned to an Employee to conduct CGS business at alternate work locations or for use outside normal work hours when an Employee is likely to have to attend work immediately (i.e. is on Standby).
- g) **Taxable Benefit** – non-cash benefits provided to an Employee at the Employer's expense that is of personal benefit to the Employee, and its value is included in the Employee's income according to CRA legislation.
- h) **CGS Vehicle** – a vehicle owned and maintained by CGS for business use by Employees.

5.0 POLICY

CGS Employees are expected to attend work using their own personal means of transportation. However, in some circumstances, it is to CGS's benefit to provide the use of a CGS vehicle to an Employee for business related purposes.

As a work tool, a CGS vehicle will be assigned on the basis of the following four (4) criteria: frequency, urgency, scheduled standby and the requirement for tools or equipment contained in a CGS vehicle. The criteria are defined below:

1. **Frequency:** The frequency of the requirement for a CGS vehicle both inside and outside normal work hours. Frequency refers to both the number of occurrences of vehicle use and the amount of travel distance normally required by the role. Frequent use is defined as business use of greater than ten thousand (10,000) kilometres annually.

2. **Urgency:** The urgency of the requirement to attend at a worksite.
3. **Scheduled Standby:** The regular assignment of an Employee to scheduled standby duty as defined in this Policy. Generally speaking, Employees are named in a Standby Duty schedule, calendar, rotation etc., (i.e. there is a regular schedule for standby and the Employee is expected to perform it as a part of their job ... not an emergent, infrequent, periodic requirement.)
4. **Tools or Equipment:** The CGS vehicle in question contains specialized tools or equipment that are required to respond to perform the work in question. (e.g. emergency light packages, decals, signage, cones, measurement instruments etc.).

Senior Management Team (SMT) members in jurisdiction must apply these criteria in assigning the appropriate type of CGS vehicle in consultation with the Fleet Services Section subject to the following Policy directives.

- When an Employee frequently attends to CGS business outside their normal work hours and any of criteria 2-4 apply, they may be eligible for custodial vehicle use. The frequency threshold to build a business case for custodial use of a CGS vehicle is ten thousand (10,000) or more business kilometers annually.
- When an Employee is not frequently required to attend to CGS business outside their normal work hours they are permitted to use their personal vehicle or be assigned the use of a CGS pool vehicle, whichever is most cost effective and efficient to CGS operations.

Employees on scheduled Standby may be eligible to take a pool vehicle home for their period of standby duty only.

5.1 **Custodial Use of a CGS Vehicle**

Custodial use of a CGS vehicle shall only be granted to Employees in accordance with Section 5.0 above.

An Employee on vacation for a period of one (1) week or longer must leave the assigned CGS vehicle at their reporting location for the duration of their leave.

Any Employee granted custodial use of a CGS vehicle for periods of relief for the purposes of standby is also required to complete a Custodial Use Notice Form (Appendix A) prior to assignment.

Approval Process

Written requests for custodial use of a CGS vehicle must be presented by the Director in jurisdiction for approval by their SMT member highlighting the vehicle use frequency of the normal requirements of the role and which of the other criteria in Section 5.0 apply to the position in question. Fleet Services will assist the SMT member in jurisdiction in this decision. Authorization of Custodial Use of a CGS vehicle is the accountability of the SMT member in

jurisdiction as informed and audited by Fleet Services. The SMT member in jurisdiction indicates their authority by signing the Custodial Use Notice Form found in Appendix A.

5.2 Use of a CGS Pool Vehicle:

CGS vehicle pools will be established at each CGS reporting location as determined by the Fleet Services Section in consultation with the Operating Departments. These vehicles will be used to satisfy day to day requirements for work related activities at multiple work locations. These vehicles may also be taken home by Employees when on Scheduled Standby. Each Department/Section must work with the Fleet Services Section to make sure there are sufficient numbers and types of CGS vehicles at convenient work locations to satisfy their need for Employee transportation. Also, the Fleet Services Section will perform annual reviews of mileage on the various vehicles, by location in order to assist the SMT member in jurisdiction with the proper assignments of CGS vehicles.

5.3 Use of a Personal Vehicle

Employees will be paid the per kilometer rate established by CGS Council from time to time (as documented in the Remuneration By-law) while using their own vehicle on authorized CGS business. Employees who bring their personal vehicle to work park at their own cost and own risk on CGS properties and work sites. CGS does not accept liability for damage to Employees' vehicles. Employees who use their personal vehicle for CGS business must contact their auto insurance representative and inform them of the use of their vehicle on municipal business.

When an Employee is expected to report to a work location that is different from their usual reporting location contained in their job description, they will be paid the per kilometer rate established by CGS Council for the difference between the number of kilometers driven from home to the different work location minus the number of kilometers driven from home to their usual reporting location. Where this calculation results in a negative distance, there will be no vehicle rate payable. When an Employee reports to work at a work location that is different from their usual reporting location and then returns to their usual reporting location, they will be paid the per kilometer rate for the difference between their total number of kilometers driven and the number of kilometers driven from home to their usual reporting location.

5.4 Rules for Use of CGS Vehicles

1. A CGS vehicle is to be driven by the Employee only;
2. If a vehicle is taken home - On route from work to home (or vise versa), this Policy allows the Employee to stop off at retail outlets or recreational facilities. Alcohol is not permitted to be transported in CGS vehicles.
3. This Policy does not allow Employees with personal use of a CGS vehicle to transport family members or pets in the vehicle unless they are on route from work to home (or vise versa).
4. Employees should not transport personal bulky, visible materials, such as building supplies in a CGS vehicle.

5. CGS vehicles must remain within CGS's geographical boundaries unless approved by the Employee's immediate Supervisor for authorized business use.
6. CGS vehicles must be maintained and cleaned at all times. It is the Employee's responsibility to make sure the vehicle is clean after each use. It is the responsibility of the driver to fuel the vehicle.
7. Employees must be in possession of a valid driver's licence, appropriate to the vehicle they intend to operate, before driving any CGS vehicle as outlined in the Employee Handbook.
8. All driving and parking tickets issued to Employees during the course of their employment, are payable personally by the Employee as outlined in the Employee Handbook.
9. An Employee **on standby** must remain within CGS's geographic boundary/remain close enough to his/her geographic area of responsibility to respond within a reasonable time period to an emergent issue. Standby also requires that the Employee abstain from all alcoholic beverages, etc., which would prevent the Employee from safely being able to perform his/her duties when called out to work. Also, in accordance with the Outside Unit CBA, transportation from an Outside Unit Employee's residence to the trouble site and return will be provided when the Employee is called out to work while on standby duty.
10. An Employee **on call** will not be required to remain within CGS's geographical boundaries or abstain from alcoholic beverages (though moderation is always advocated by CGS). The Employee must be able to be reached in order to obtain verbal direction on work related issues. An Employee on-call will not be provided with a CGS vehicle.

Violations of the above restrictions will be addressed through the progressive discipline process, as outlined in the Employee Handbook.

6.0 **PROCEDURES**

6.1 **Custodial Vehicles**

Employees with custodial use of a CGS vehicle will not be required to pay gas, oil, repairs, or insurance on that CGS vehicle, notwithstanding that there is a personal benefit to them for use of that vehicle. To the degree that personal use is a taxable benefit, all Employees (Union and Non Union) will be required to pay that tax, in accordance with *the Income Tax Act*.

As a condition of custodial use of a CGS vehicle, these Employees are required to submit their personal mileage to their Supervisor on a weekly basis on their timesheets. Such Employees are strongly recommended to log their personal and business use of the CGS vehicle on a daily basis as per CRA regulations and retain these records for

possible future reference and audit.

All Employees who have custodial use of a CGS vehicle must complete a Custodial Use Notice Form (Appendix A) and, if applicable, a Custodial Use: Reduced Rate Form.

(Appendix B) prior to assignment, and January of each subsequent year the custodial use remains in effect. Copies of these forms must be forwarded to the departments indicated on the form. *Note: The forms found in Appendix A and B can be found under J:\S_Forms\payroll*

An Employee on vacation for a period of one (1) week or longer must leave the assigned CGS vehicle at their reporting location for the duration of their leave.

Any Employee granted custodial use of a CGS vehicle for periods of relief for the purposes of standby is also required to complete a Custodial Use Notice Form (Appendix A) prior to assignment as well as a Custodial Use: Reduced Rate Form (Appendix B) if applicable.

Fleet Services will provide payroll with a spreadsheet of all CGS vehicles and the necessary information to accurately determine taxable benefits on an annual basis. Payroll will use the vehicle number indicated on the Custodial Use Notice Form to cross reference to the spreadsheet.

6.2 Pool Vehicles

A general car pool has been established at Tom Davies Square for Employees who require transportation on an occasional basis. These cars may be booked through GroupWise, however, an Employee must obtain their Supervisor's approval prior to booking these vehicles (NOTE: an e-mail with Supervisor confirmation attached to the booking would be sufficient). Supervisors will consider requests for pool vehicles using the criteria in Section 5.0 above. The Fleet Services Section manages these pool vehicles and arranges vehicle pick up, keys and log books.

Vehicles in pools at various other reporting locations will have internal booking procedures. Employees must speak to their immediate Supervisor for information on internal procedures.

CGS vehicles must be fuelled at one (1) of the five (5) fuelling stations located at the depots. Training for refuelling vehicles is available on CGS's website.

7.0 APPEAL PROCESS

Any Employee who feels this Policy has been inconsistently applied or should be modified, can avail themselves of the dispute resolution mechanism contained in the Employee Handbook as a way of having their concerns with the above policy addressed.



Custodial Use Notice

NAME:		Taxation Year:
Job Title:	Dept:	Employee ID#:
Employee's Round Trip Mileage from Home to Work:		
Employee's Annual Vacation Allotment:		
This vehicle will be returned to CGS and keys returned during vacation absences: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(this information can reduce the taxable benefit)</i>		

CHANGES TO CUSTODIAL USE:

<input type="checkbox"/> New Assignment	Effect. Date:	Vehicle #:	Vehicle Type:
<input type="checkbox"/> Terminate Assignment	Effect. Date:	Vehicle #:	Vehicle Type:
<input type="checkbox"/> Change of Vehicle	Effect. Date:	Vehicle #:	Vehicle Type:
<input type="checkbox"/> Annual Update of Info	Year:	Vehicle #:	Vehicle Type:

SHORT TERM CUSTODIAL USE (RELIEVING PERIODS):

<input type="checkbox"/> Relieving Period	Vehicle #:	Vehicle type:
Relief Start Date:	End Date:	# Days Custodial Use:
Name of Employee Being Relieved:		Employee ID# Being Relieved:

LEAVE OF ABSENCE – TEMPORARY STOP OR REINSTATEMENT TO CUSTODIAL USE:

<input type="checkbox"/> Start of Leave Period	Effective Date:	Reason:	
<input type="checkbox"/> Return from Leave Period	Effective Date:	Vehicle #:	Vehicle Type:
This vehicle was returned to CGS and keys returned during my leave of absence: <input type="checkbox"/> Yes <input type="checkbox"/> No			

Employees with personal use of a CGS vehicle will not be required to pay gas, oil, repairs, or insurance on that CGS vehicle, notwithstanding that there is a personal benefit to them from use of that vehicle. To the degree that personal use is a taxable benefit, all Employees (Union and Non Union) will be required to pay that tax, in accordance with the *Income Tax Act*.

As a condition of personal use of a CGS vehicle, these Employees are required to submit their personal mileage to their Supervisor weekly through timesheet reporting. The log forms are available on the J:_drive Under Payroll Forms. It is the responsibility of the Employee under Canada Revenue Agency legislation to retain detailed logs of both personal and business use of the vehicle in case of personal audit.

It is the responsibility of the Employee and/or Supervisor to submit a revised form when any of the above information changes and to forward to the payroll department as soon as possible.

It is the responsibility of the Employee and/or Supervisor to submit a new form in early January of each calendar year.

There are conditions which, if met, can reduce the taxable benefit allocated to an Employee. Please see the form J:\S_ Forms\payroll\Reduced Taxable Benefit Rate Notice for further information and submit the form to Payroll if applicable.

If you experience an extended leave of absence and return the vehicle to CGS during this absence, you could have your taxable benefits reduced accordingly. Please submit a revised copy of this form. Do not complete this for vacation leaves. Your taxable benefit will be adjusted for vacation according to kilometers reporting on your timesheet.

Other Notes and Comments:

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With my signature below, I am confirming that I have approved custodial use of a CGS vehicle as outlined above.

Supervisor Signature: _____
Date: _____

With my signature below, I am confirming that I have reviewed this form in detail and understand my responsibilities associated with custodial use.

Employee Signature: _____
Date: _____

Send Original Notice To: Payroll Services, Attention: Supervisor of Payroll

Send Copies of This Notice To:

1. HR&OD	3. Section Head
2. Employee	4. Fleet Services

ATTENTION MANAGEMENT: Please submit this form to Payroll at least one week prior to change effective date.



Appendix B

CUSTODIAL USE: REDUCED RATE

Name:

Employee ID #:

Department:

Section:

Vehicle #:

Supervisor:

The Income Tax Regulations governing Personal Use of an Employer's vehicle have been amended to allow for a reduction to the taxable benefit rate for the personal use of Employer owned vehicles under specific circumstances. A "yes" answer to each of the following will indicate that you meet the criteria for the reduced taxable benefit rate of \$0.27. You must meet all criteria to be eligible for the reduced rate. Please tick each box if you can answer yes to the criteria.

- ☐ You do **not** drive the vehicle for personal use other than from home to work. This means that you never take the vehicle to the store, a recreation facility or movie. Any personal use, other than home to work, negates the availability of the reduced benefit.
- ☐ The vehicle for which you have custodial use has been specially designed or significantly modified to carry and store heavy, bulky or numerous tools and equipment and is essential for the performance of your employment duties. These items would be of a nature that they cannot be easily loaded and unloaded from the vehicle. The best description for this type of vehicle would be that it is a rolling workshop. You have custodial use of a vehicle that is used primarily for transporting goods, equipment or passengers in the course of business.

Or, You have custodial use of a motor vehicle that carries no more than a driver and two passengers.

- ☐ You have a bona fide business reason for taking the vehicle home at night, i.e.: on call to respond to public emergencies and the vehicle is provided to improve response to such emergencies.

This form should be resubmitted at the beginning of each calendar year or upon the assignment of an alternate vehicle for the reduced taxable benefit to remain in effect. Mileage must be reported through timesheet reporting.

Employee Signature: _____

Supervisor Signature: _____

Date: _____

Send Original Notice To: PAYROLL SERVICES – SUPERVISOR OF PAYROLL

Send copies of this Notice to:

1. HR&OD Department
2. Employee