

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT VEHICLE AND INDUSTRIAL INCIDENT REVIEW, REPORTING, AND DISCIPLINE PROGRAM	Number 75.12	Issue 12	Page Page 1 of 23
			Effective Dates: December 1, 2023: DCAA, MEA, L127, POA, L911, L145, Unclassified/Unrepresented

1. PURPOSE

- 1.1. To reduce the number of vehicle and industrial incidents by:
 - 1.1.1. Determining the cause and preventability of each incident
 - 1.1.2. Recommending effective corrective actions
 - 1.1.3. Encouraging safe operating practices
 - 1.1.4. Ensuring consistent adherence to City policies and procedures and State and Federal laws
 - 1.1.5. Encouraging all departments to develop policies and procedures which will prevent and reduce vehicle and industrial incidents.

2. SCOPE

- 2.1. This regulation covers the duty and off duty use of Vehicles/Industrial Equipment utilized to accomplish City purposes, conducting City Business, or in the performance of job duties.
- 2.2. This regulation applies to all City Employees who drive/operate or ride in or upon any City vehicle/industrial equipment owned, leased, rented, or borrowed by the City, and Privately-Owned Vehicles (POV) utilized to conduct City Business.
- 2.3. Off duty use of a POV normally used for City business is not covered by this Administrative Regulation (A.R.)
- 2.4. Volunteers for the City will follow the Department's Instruction (D.I.) and/or policy of their assigned department.
- 2.5. San Diego Police (SDPD) and San Diego Fire-Rescue (SDFD) Departments follow their respective department Instructions (D.I.s) for personnel where noted in this A.R.

Supersedes Administrative Regulation 75.12, Issue 11, effective October 1, 2021

Authorized By:

{Signature on File}

Chief Operating Officer

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3. DEFINITIONS

- 3.1. California Vehicle Code (CVC) – The *California Vehicle Code* sets forth the traffic laws for the State of California.
- 3.2. City Business – *City Business* means a purpose or function related to the duties or activities of employment.
- 3.3. City Equipment Trainer (CET) – The *CET* is authorized to administer the State of California Department of Motor Vehicles Employer Testing Program (ETP) to eligible *Drivers*.
- 3.4. City Vehicle – A *Vehicle* or *Industrial Equipment* that is owned, leased, rented, or borrowed by the City and used by *Employees* to conduct *City Business*. For purposes of this A.R., a *City Vehicle* also includes a *Privately-Owned Vehicle (POV)* that the City has authorized for use for the conduct of *City Business*.
- 3.5. Department Head Designee - Department employee at the Appointing Authority level and above selected to assign *Discipline* once the *Screener* has made their screening results.
- 3.6. Discipline - For purposes of this A.R., *Discipline* and the 125-day calendar day completion requirement will only be relevant to the *Vehicle/Industrial Incident* being processed under this A.R. and does not include or limit *Discipline* taking place beyond the scope of or in addition to this A.R., including under the Personnel Manual L-2, Dimensions in Discipline Manual, appropriate MOU, or City policies for unclassified personnel.
- 3.7. Discipline Chart - The *Discipline Chart* provides the City’s proposed *Discipline* for the *Incident* Category of preventable *Incidents* by the *Driver* in the Last Consecutive Four-Year Period (LCFYP), unless a proposed *Discipline Deviation* has occurred. The date(s) of the preventable *Incident(s)* are used in determining the LCFYP.
- 3.8. Discipline Deviation –Written recommendations that deviate from the *Discipline Chart* that are made by the Deputy Director, Assistant Director, Assistant Deputy Director, or equivalent and must be supported by the Department Head or Chief. These recommendations must be in a written memo, may rely on Personnel Manual L-2, Dimensions in Discipline Manual, appropriate MOU, or City policies for unclassified personnel and must be included as part of the *Incident* package. Nothing in this A.R. prevents the City from reassigning personnel to positions within the City that do not require driving so long as the City follows the applicable policies.

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- 3.9. Driver(s) – City *Employees* who are responsible for the operation of any *Vehicle* or *Industrial Equipment* or *POV*. For purposes of this A.R., the last known *Driver* or operator will, by default, be designated as the *Driver* of a parked or unoccupied *Vehicle/Industrial Equipment* or *POV* and will be listed as such in the *Incident* processing paperwork.
- 3.10. Driver Operator Manual (DOM) – City policies and procedures related to driving a *City Vehicle*. The manual outlines operational responsibilities, care and maintenance, and safety procedures.
- 3.11. Employees - Elected officials, officers and *employees* of the City as described in the annual Salary Ordinance, the City’s annual compensation setting schedule.
- 3.12. Employee Clinic Passport DOT/FMCSA (CD-1694) – Department of Transportation / Federal Motor Carriers Safety Administration (DOT) – The *DOT* is the Federal government agency responsible for regulating and providing safety oversight of commercial motor vehicles. As part of the *DOT* requirements, City commercial drivers will use form *CD-1694* for post-*Incident* or reasonable suspicion drug and alcohol testing. The criteria and procedures for this form’s use are outlined in the City of San Diego’s Drug and Alcohol Testing (*DOT*) Program for Commercial Drivers.
- 3.13. Employee Vehicle/Industrial Incident: Damage Report (CD-1551) - A *Driver* involved in an *Incident* must complete this form and submit it to their supervisor within 48 hours. Completion of this form is the first piece of evidence in an investigation. San Diego Police (SDPD) and San Diego Fire (SDFD) Departments follow their respective D.I.s.
- 3.14. Incident(s) – *Incidents* include any of the following that results in actual or alleged property damage, and injury or death associated with the operation or placement of any *Vehicle/Industrial Equipment*:
- 3.14.1. *Vehicle* collisions
 - 3.14.2. *Incidents* involving moving and stationary *Industrial Equipment*
 - 3.14.3. *Incidents* involving stationary *Vehicles*
 - 3.14.4. All criminal acts including but not limited to Vandalism 594 CA Penal Code, and Arson 451 CA Penal Code (application of City and/or Department approved bumper stickers is not considered vandalism)
 - 3.14.5. Intentional acts
 - 3.14.6. Equipment malfunctions
 - 3.14.7. Unintentional acts, such as trees falling or acts of nature

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- 3.15. Incident History – A driver’s Vehicle and Industrial Equipment Incident History for the Last Consecutive Four-Year Period (LCFYP) immediately preceding the *Incident* in question. The Compliance Department’s Occupational Safety and Health Division (CD) is the recordkeeper of *Vehicle and Industrial Incidents*.
- 3.16. Incident Report Envelope (DC-361) - These envelopes are to be placed in all City *Vehicles* and are available from Central Stores. The responsible department should ensure they contain the following forms: *Employee Vehicle/Industrial Incident Damage Report CD-1551*, *Supervisor Vehicle/Industrial Incident Investigation Report CD-1555*, *Employer Notification CD-1666* (Refer to A.R.75.50) and where applicable, *POV* instructions. SDPD and SDFD to follow their respective D.I.s.
- 3.17. Incident Review Committee (IRC) – A departmental committee that convenes when an *Employee* disputes in writing their screening results. The IRC is appointed by their Department Head/Assistant Director or equivalent and is composed of three (3) *Employees* at a supervisory level. The *IRC*’s role is to review the Driver’s Incident and not any associated *Discipline*. The *IRC* reviews new *Incident*- related documentation, holds a meeting with the *Driver*, and provides detailed written comments as to the preventability and classification of the *Incident* to the *Department Head designee*. The Department Head/Assistant Director or equivalent, must appoint an alternate *IRC* member if there is a conflict due to that member’s relationship with the *Driver(s)*. For example, the *IRC* member will be replaced by an alternate if they are the immediate supervisor of the *Employee* involved in the *Incident*. SDPD and SDFD Departments follow their respective D.I.s.
- 3.18. Incident Review Committee Chair (IRC Chair) – A City supervisor or equivalent appointed by the Department Head/Assistant Director or equivalent who coordinates the *IRC* review and presents the final detailed written comments to the *Department Head designee*. SDPD and SDFD Departments follow their respective D.I.s.
- 3.19. No Fault Implied Collision – An *Incident* in which fault could not be determined by the investigating law enforcement agency or investigating supervisor for SDPD, unless it can be determined that the *Driver* could have prevented the collision by using defensive driving techniques (see the *Driver Operator Manual* for a list of several Defensive Driving Techniques). In those types of cases, the *Incident* would be determined to be preventable. If it is determined that the *Driver* could not have prevented the collision, the *Incident* will be classified as non-preventable. See 4.2.6. for the *No Fault Implied* process with SDPD.

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- 3.20. Privately Owned Vehicle (POV) – Designation for City *Employees* who are authorized by their department and have completed the appropriate training to drive their personal vehicle in the performance of *City Business*. *POV Drivers* will follow the reporting process outlined in the document titled Instructions for City of San Diego Employees Who Use Their Privately Owned Vehicle (POV) for City Business. This includes the additional step of notification of their insurance company and following the requirements of A.R. 45.10.
- 3.21. Public Works Dispatch – The Infrastructure/Public Works Branch communications center (aka Station 38), that is operational 24 hours a day, seven (7) days a week. The *Public Works Dispatch* is responsible for handling calls regarding maintenance or obstruction issues in the public right of way. Their services also include reporting of any *Vehicle/Industrial Incidents* which occurred while driving on *City Business* and City owned *Vehicle* breakdowns.
- 3.22. Screener – An Appointing Authority or management designee, appointed by their Department Head/Assistant Director/Deputy Assistant Director or equivalent, who conducts the investigation of *Incidents* and ensures processing timelines are being followed. SDPD and SDFD Departments follow their respective D.I.s.
- 3.23. Supervisor Vehicle/Industrial Incident: Employee Damage Report (CD-1555) - The responding supervisor to the *Incident* must complete Page 1 of this form and submit, along with any other supporting documentation (i.e., *CD-1551*), to the *Screener* within seven (7) calendar days from their *Incident* notification date. This form documents the supervisor’s investigation and screening results of the *Incident*. It contains sections for the approval of the findings, determination of *Discipline* (if any), signatures of department management, etc. SDPD and SDFD Departments follow their respective D.I.s.
- 3.24. Vehicle(s)/Industrial Equipment –
- 3.24.1. Vehicle(s) – Any type of motorized equipment, including any apparatus or trailer towed by a *Vehicle*, which is generally licensed to operate on the public right-of-way by the State of California and owned, leased, rented, or borrowed by the City and *POV’s* utilized to conduct *City Business*. This definition includes any licensed *Vehicle* having aspects of both *Vehicle* and *Industrial Equipment* while it is being used solely as a *Vehicle* (i.e., moving from place to place) at the time of the *Incident*.

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3.24.2. Alternative Vehicles – Motorcycles, motorized scooters, mopeds, motorized bicycles, electric bicycles, electronically motorized boards, and that are owned, leased, rented, or borrowed by the City and utilized to conduct *City Business*.

3.24.3. Industrial Equipment – Any equipment owned, leased, rented, or borrowed by the City, wheeled and/or tracked, that is driven/operated. This includes specially designed equipment having aspects of both *Vehicle* and *Industrial Equipment*.

3.25. Volunteer(s) – *Volunteers* are individuals who are authorized by the City to perform services without pay. Departments using *Volunteers* for any driving function performed on *City Business* must create a D.I. approved by the CD’s Program Manager for Occupational Safety and Health, that will define any training/restriction/limitation of their activities or even removal from the *Volunteer* program if a driving *Incidents* occur.

3.26. Witness – Any *City Employee* or *Volunteer* observing or involved in an *Incident*.

4. POLICY

4.1 Incident Reporting

4.1.1 *Driver* must follow instructions on *CD-361*. All *Drivers* must keep *CD-361* in all *City Vehicles*. Notwithstanding any emergency circumstances (i.e., injuries to self and others), *Drivers* must immediately notify by radio, telephone or other approved communication method, the *Public Works Dispatch* (619-527-7660) or their designated dispatch (refer to specific department procedures for reporting guidelines) of all alleged and actual damage to, or caused by, *City Vehicles/Industrial Equipment*. Immediately thereafter, *Drivers* must notify the department supervisor, and/or supervisor on-duty who shall report to the Incident site. SDPD and SDFD Departments follow their respective D.I.s.

4.1.2 In any injury collision, *Drivers* must keep the *Vehicle/Industrial Equipment* in their position of rest until instructed by law enforcement.

4.1.3 *City vehicle(s)* can be moved for safety reasons or to relieve traffic congestion, only if there is no property damage or injuries. All *Drivers* of *City Vehicles* must stay at the scene of the *Incident* until law enforcement has completed their investigation. In cases not requiring law enforcement (i.e., *City Vehicle(s)* only on *City property* involved in a non-injury *Incident*), *Drivers* must stay at the scene until their department supervisor

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has completed their investigation. *POV drivers* will follow the reporting process outlined in the document titled Instructions for City of San Diego Employees Who Use Their Privately Owned Vehicle (POV) for City Business.

- 4.1.4. If more than one *City Driver* is involved in the *Incident*, all parties shall complete a separate *CD-1551*. If multiple departments are involved, each will process their own *Driver's Incident*.
- 4.1.5. Any *Witness(es)* or passenger(s) either in or outside the *Incident*, shall have their statement taken by the investigating officer or investigating supervisor to complete the supervisor's investigation portion of *CD-1555*. Non-City *Employee Witnesses* will be questioned by the investigating law enforcement officer.
- 4.1.6. If the circumstances of the *Incident* are suspected to involve alcohol or substance abuse, the supervisor's first duty is to notify law enforcement if they are not already present. If the *Incident* is determined by law enforcement to not fall under criminal scrutiny, and the *Driver* is still suspected of being under the influence of alcohol or drugs, then the supervisor shall determine which of the following apply and follow the process and procedures therein:
 - a. A.R. 97.00 (Substance Abuse Policy) for drug and alcohol testing.
 - b. If the *Driver* is a commercial *Driver*, refer to *CD-1694* for instructions related to drug and alcohol testing requirements.
- 4.1.7. City owned *Vehicles* must be turned in to Fleet Operations Division for evaluation after any *Incident*. This is to be done as soon as possible after the investigation by law enforcement and/or the supervisor is completed. Leased, rented, or borrowed *Vehicles* or *Industrial Equipment* will be turned into the appropriate party per the City's agreement with the vendor. *POV Drivers* will follow the reporting process outlined in the document titled Instructions for San Diego Employees Who Use their Privately Owned Vehicle (POV) for City Business. *POV Drivers* should immediately contact their insurance carrier and follow their instructions for reporting an *Incident*.
- 4.1.8. Unless there are extenuating circumstances (examples of which include, but are not limited to an approved vacation, injury/illness, industrial leave, etc.), *Drivers* must complete and submit the *CD-1551* form to the supervisor within forty-eight (48) hours from the time of the *Incident*. SDPD and SDFD Departments follow their respective D.I.s.

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- 4.1.9. The supervisor must complete and submit all required documentation (photos, *CD-1551* form and the supervisor’s portion of *Supervisor Vehicle and Industrial Incident Investigation Report (CD-1555)*) within seven (7) calendar days from being notified of the *Incident* to their *Screener* unless there are extenuating circumstances (examples of which include, but are not limited to an approved vacation, injury/illness, industrial leave, etc.). SDPD and SDFD Departments follow their respective D.I.s.
- 4.1.10. The *Screener* is required to send a copy of the *CD-1551* form to CD within ten (10) calendar days from when they received the *CD-1555* unless there are extenuating circumstances (examples of which include but are not limited to, an approved vacation, injury/illness, industrial leave, etc.). All *Incident* reports (*CD-1551* and *CD-1555*) regarding the *Vehicle/Industrial Incident* will be submitted to CD within 125 calendar days of when *Screener* receives all the *Incident* paperwork for processing, except in the case of a request for an appeal, noticed delays as defined in this A.R., or an extension granted by department management due to extenuating circumstances (examples of which include but are not limited to an approved vacation, injury/illness, industrial leave, etc.). The 125-calendar day completion requirement starts once all the *Incident* paperwork, (*CD-1551* and *CD-1555*) is submitted to the *Screener* for screening.
- 4.1.11. The *Screener* will request the law enforcement report for the *Incident* immediately after they receive forms *CD-1551* and *CD-1555*. If the investigative agency report of any law enforcement organization is not received within fourteen (14) calendar days from the request, a day will be added to the 125-calendar day completion requirement for each day following the fourteen (14) calendar days. If the *incident* occurred within the jurisdiction of SDPD, first contact SDPD’s Records Division and if they are unable to assist in this matter, contact SDPD Fleet Safety Sergeant at 858-495-7825 to determine the report status.
- 4.1.12. The *Screener* can also request the pre-trip inspection report, photos, GPS reports, video surveillance, etc., for the date of the *Incident* and beyond if this information is deemed relevant and is available.

4.2 *Incident* Investigation

- 4.2.1 The *Screener* is investigating the *Incident* to determine whether the *Employee* has contributed to an *Incident* and should be disciplined. The City is not conducting the investigation to attribute liability to the City or other *Incident* participants. As such, the

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Screener's findings are not intended to be used in civil litigation resulting from the *Incident*. The *Screener* shall make a finding and determine the following:

4.2.2 Type of *Incident*

- a. *Vehicle Collision*. An *Incident* involving *City Vehicles* that occurs when a *Vehicle* in motion strikes, collides, or has any contact with, for example, another *Vehicle*, a stationary object, terrain, landscape, vegetation, a pedestrian, an animal, etc., and results in actual or alleged property damage, injury, or death.

- b. *Industrial Incident*. An *Incident* involving *City Vehicle* that occurs when a piece of *Industrial Equipment* strikes, collides, or has any contact with, for example, another piece of *Industrial Equipment*, a *Vehicle*, a stationary object, terrain, landscape, vegetation, a pedestrian, an animal, or any other object that results in actual or alleged property damage, injury, and/or death. If the equipment is specially designed having aspects of both *Vehicle* and *Industrial Equipment*, when the automated appendage is in operation and an *Incident* occurs, it is an *Industrial Incident*. This excludes *Incidents* where the automated appendage is not secured by the operator, and the equipment moves backward and forward and causes damage, injury, or death. These types of *Incidents* will be classified as *Vehicle collisions*. Examples of *Industrial Incidents* are, but are not limited to the following types of equipment:
 - i. Backhoe and similar construction equipment
 - ii. Forklift
 - iii. All-Terrain *Vehicles* (Surface street operation resulting in property damage, injury or death will be carried as a *vehicle collision*).
 - iv. Electric Cart
 - v. Boat Trailers
 - vi. Truck Aerial Ladder

- c. No *Vehicle/Industrial Incident* Non-Preventable. This occurs when damage to *City Vehicle/Industrial Equipment* was the result of damage from potholes, road debris, acts of nature, faulty equipment (as verified by the Fleet Operations Division), etc.

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- d. No *Vehicle/Industrial Incident* Preventable. This occurs when damage to City *Vehicle/Industrial Equipment* or other property results from the actions of the operator of, person in control of, or person responsible for a City *Vehicle/Industrial Equipment*, during instances, for example, opening doors, dropping equipment, etc., which cause property damage and/or injury. While this list is not all-inclusive, cases such as those described, will result in a preventable finding being rendered, and appropriate *Discipline* being issued per the *Discipline Chart*.
- e. Vandalism or Crime. Action or omission affecting City property or City Employees while driving on *City Business* directly intended to cause unlawful property damage, injury, theft, or death.

4.2.3 Preventability

- a. Preventable: An *Incident* in which the *Driver*:
 - i. Reasonably could have prevented the *Incident* by utilizing defensive driving/operating techniques (see the *Driver/Operator Manual* for a list of several Defensive Driving Techniques)
 - ii. violated City Municipal Code
 - iii. violated *CVC*
 - iv. violated the *Driver Operator Manual*, A.R.'s or City policy
 - v. violated D.I. and/or any Standard Operating Procedures
- b. Non-Preventable: An *Incident* in which the *Driver* could not reasonably have foreseen or prevented it as determined by the *Screener* based on the above criteria.

4.2.4 Classification as Category 1 A, 1 B, 2, 3 or 4. Once an *Incident* is classified as Preventable, it is then assigned a Category by the *Screener*, which denotes the level of severity. The SDPD and SDFR Departments will consider extenuating emergency circumstances when evaluating *Incidents* and are to follow their respective D.I.s.

- a. Category 1 A – This includes an Incident involving a single City *Vehicle* or *Industrial Equipment* with minor damage such as mirrors, reflectors, turn signals, taillight/headlight lenses, bent wheel/rim, bent light bar, paint transfer or paint scratch, flattened or pitch tire (as long as there is no suspension damage), and

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minor bumper damage. Also includes non-City property such as clipping a fence or fence board, clipping tree branches, and clipping low hanging utility wires.

- b. Category 1 B - A *Vehicle/Industrial Incident* that occurred while the *Driver* failed to drive/operate *Vehicle/Industrial Equipment* defensively (actions, maneuvers, or adjustments a licensed driver/operator would be expected to take or make to avoid an *Incident* from occurring) and/or failed to prepare the *Vehicle/Industrial Equipment* properly for operation.
- c. Category 2 – A *Vehicle/Industrial Incident* that occurred while the *Driver* was negligent and/or violated City policies or procedures, D.I.s, Standard Operating Procedures, state, or federal regulations.
- d. Category 3 – A *Vehicle/Industrial Incident* that occurred while the *Driver* by their actions demonstrated a flagrant, willful, or deliberate disregard for safety and/or the law.
- e. Category 4 – A *Vehicle/Industrial Incident* that occurred while the *Driver* (regardless of placement of fault) was under the influence of alcohol, drugs and/or other substance(s), in violation of A.R 97.00 (Substance Abuse Policy) and/or an applicable *CVC*, or *Federal DOT regulations*.

4.2.5 Exceptions for Training and Testing *Incidents*. *Employees* who drive/operate City *Vehicle/Industrial Equipment* during authorized training programs and testing situations, remain responsible for any *Incident* and must follow proper reporting procedures. The *Incidents* occurring under the conditions indicated below may be deemed Non-Preventable if pre-authorized by the Department as a training or testing exercise:

4.2.4.1. A *Driver* is in a controlled or supervised training environment; and/or

4.2.4.2. A *Driver* is testing new equipment under direct supervision

4.2.6 If there is any question regarding the law enforcement findings/report, the *Screener* shall contact SDPD Fleet Safety Sergeant at 858-495-7825 for technical assistance prior to

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finalizing their screening results. This is especially important when the investigating report indicates “*No Fault Implied Collision.*”

- 4.2.7 The *Screener* will contact CD to request the *Driver’s Incident History* for the *LCFYP* and include that information on *CD-1555*.
- 4.2.8 The *Screener* will forward their results and the *Incident* investigation documents (*CD-1551*, *CD-1555*, law enforcement reports, etc.) to the *DHD* for review and determination of discipline (if any).

4.3 *Discipline Determination*

- 4.3.1 The *DHD* will review the *Incident* investigation documents (*CD-1551*, *CD-1555*, and supporting documents) to confirm that the recommendations are consistent with the intent of this and other related regulations (examples include, but are not limited to *Driver Operator Manual*, A.R.75.50, D.I.s, etc.). The *DHD* will determine the following:
 - a. If they **agree** with the screening results.
 - b. If they **disagree** with the screening results, they meet with the *Screener* and if needed, SDPD Fleet Safety representative to review the *Incident* and discuss the screening results.
- 4.3.2. If the *Driver* disagrees with the determination, they must notify the *DHD* (with a copy to their supervisor), in writing, within seven (7) calendar days from the date they received notice of the determination. Disputed determinations will be addressed in an *IRC* review meeting. SDPD and SDFD Departments follow their respective D.I.s.
- 4.3.3. The *IRC Chair* will convene the *IRC* to review a Preventable *Incident* which has been challenged in writing by a *Driver*. The *IRC* shall have access to and use of all law enforcement reports, investigation material, and testimony it deems appropriate for their review.
- 4.3.4. The *IRC Chair* will determine if City *Witness(es)* are required to attend the *IRC* review meeting. If the employee requests or *IRC Chair* determines investigating agency testimony is required, the *IRC Chair* will coordinate those arrangements with the SDPD

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Fleet Safety Sergeant at 858-495-7825. The investigating supervisor for the *Incident* is required to attend the *IRC*.

- 4.3.5. Scheduling of the *IRC* review meeting will take place within thirty (30) calendar days of the review meeting request unless there are documented extenuating circumstances approved by the *DHD*. In those cases, the clock for the 125-calendar day completion will be put on hold until the completion of the *IRC* review meeting.
- 4.3.6. All documentation regarding the *Incident* will be provided to the *Driver* and their designated employee representative at least seven (7) calendar days prior to the review meeting.
- 4.3.7. After the review meeting the *IRC Chair* will prepare and forward a review summary that includes a recommendation with detailed written comments to the *DHD*, the *Driver*, and their designated employee representative.
- 4.3.8. The *DHD* shall review the *Incident* package (*CD-1551*, *CD-1555*, and supporting documents) with the comments from *IRC* and determine the following:
 - 4.3.8.1. Based on the *IRC's* comments, if the *DHD* confirms the previously determined screening results they will assign *Discipline* per the *Discipline Chart*.
 - 4.3.8.2. Based on the *IRC's* comments, if the *DHD* decides to change the screening results, they will assign *Discipline* per the *Discipline Chart*.
- 4.3.9. The *DHD* determines the *Discipline* level (if any) and sends the paperwork on for review by the Deputy Director, Assistant Director, Assistant Deputy Director, or equivalent. The *DHD* must write a memo if they identify extenuating circumstances that justify deviation (increase, decrease, elimination) from the *Discipline Chart*.
- 4.3.10. The Deputy Director, Assistant Director, Assistant Deputy Director or equivalent will review the *Incident* investigation documents (*CD-1551*, *CD-1555*, and other supporting documents) sent by the *DHD*, to confirm that the findings are consistent with the intent of this and other related regulations (examples include but are not limited to *Driver Operator Manual*, A.R. 75.50, D.I.s, etc.) and confirm the appropriate *Discipline* for the *Incident* under this A.R. The Deputy Director, Assistant Director, Deputy Assistant Director, or equivalent will determine the following:

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- a. If the Deputy Director, Assistant Director, Assistant Deputy Director, or equivalent **agrees** with the screening results and the appropriate *Discipline* (if any) for the *Incident* under this A.R., they sign *CD-1555* and return the document to the *DHD*.
 - b. If the Deputy Director, Assistant Director, Assistant Deputy Director, or equivalent **disagrees** that the facts of the case do not sufficiently support the results of the screening results of the *Incident* investigation by the *DHD*, they must request additional information from the *Screener* and *DHD* prior to making their final determination of the screening results and *Discipline* (if any). The Chiefs of SDPD and SDFD Departments will make the final determination of *Discipline*. Any *Discipline Deviation* from the *Discipline Chart* must be documented in a written memo describing the justification for the change and must be included in the *Incident* package. *Deviation* can include a transfer or demotion of an *Employee* to a non-driving position per the City's existing *Discipline* process.
- 4.3.11. If the determination for the *Incident* is Non-Preventable, the process is completed, and a memo is sent to the *Driver* to confirm a Non-Preventable Incident. The *DHD* will provide the completed *CD-1555* (with all signatures) to CD.
- 4.3.12. The screening results and any proposed *Discipline* (Advanced Notice of Suspension (ANOS), Advanced Notice of Termination (ANOT), Written Warning, Written Reprimand, and classes) gets issued by the *DHD* to the *Driver* with a copy to the representative following the instructions set forth in the Dimensions in Discipline Manual, Personnel Manual L-2, appropriate MOU, or City policies for unclassified personnel.
- 4.3.13. All documentation regarding the *Incident* will be provided to the *Driver* and their designated Employee representative (if the *Driver* elects) at least seven (7) calendar days prior to the date of *Discipline* issuance.
- 4.3.14. If a Written Warning or Written Reprimand is issued, the *Driver* can accept or reject the results. The *Driver* has ten (10) calendar days for the date of the proposed *Discipline* issuance to accept or reject the results. If the *Driver* accepts the results, they sign the paperwork and are provided with further instructions. If they reject the results, the *Driver* can appeal the proposed *Discipline* following their MOU, Personnel Manual L-2, Dimensions in Discipline Manual, or City policies for unclassified personnel.

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4.3.15. If the *Driver* does not sign the paperwork within ten (10) calendar days, except for extenuating circumstances (examples of which include but are not limited to approved vacation, injury/illness, industrial leave, etc.) the proposed *Discipline* results by the Deputy Director, Assistant Director, Assistant Deputy Director, or equivalent will become the final disposition.

4.4. Dispute of Results

4.4.1. If the *Driver* wishes to appeal the proposed Disciplinary action, the Department shall follow the appeal procedures per the provisions set forth in the Personnel Manual L-2, Dimensions in Discipline Manual, appropriate MOU, or City policies for unclassified personnel. Appeals will not be counted in the 125 calendar day completion requirement.

4.4.2. If an ANOS or ANOT is issued, a Skelly meeting is set up following the provisions set forth in the Personnel Manual L-2, Dimensions in Discipline Manual, appropriate MOU, and City policies for unclassified personnel, on the proposed *Discipline* and evidence can be presented by the *Driver* to change the screening results and/or proposed *Discipline*.

4.4.3. After the Skelly meeting, if Suspension or Termination is deemed appropriate, the Notice of Suspension (NOS) or Notice of Termination (NOT) is issued to the *Driver*.

4.4.4. The *Driver* can appeal the Suspension or Termination to the Civil Service Commission following their MOU, CS Rule XI, Personnel Manual, and the Dimensions in Discipline Manual.

4.4.5. The DHD will provide the completed CD-1555, indicating final *Discipline* for this *Incident* under this A.R., and all appropriate paperwork to CD.

4.4.6. All records regarding *Vehicle/Industrial Incidents* are personnel records and will be maintained in the corresponding department's personnel and confidential *Incident* files. These documents will be made available to the *Employee* who is the subject of the investigation upon request. Only those records for Preventable *Incidents* will be recorded in the *Employee's* personnel file. Completion of any disciplinary action does not trigger elimination of these documents from the *Employee's* personnel or confidential *Incident* file. SDPD and SDFR Departments to follow their respective D.I.s.

4.5. Special Circumstances

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4.5.1. No *Incident* Ruling

Failure to complete the process (excluding a delay for receipt of paperwork from law enforcement, or any other documented extenuating circumstances, examples of which include but are not limited to: an approved vacation, injury/illness, industrial leave, and others listed in this A.R.) in a total of 125 calendar days, from the date the *Incident* paperwork (CD-1551 and CD-1555) is provided to the *Screener*, will result in a No *Incident* Ruling (NIR) which ends all investigation and *Discipline* for this *Incident* under this A.R. The 125 calendar days includes all signatures by management. A NIR decision requires a letter of explanation from the Department Head/Assistant Director or equivalent to the CD Director, with copies to the Human Resources Director, SDPD and SDFD Chiefs (if appropriate), and the appropriate DCOO/CFO.

4.5.2. Failure to comply with A.R. 75.12

After receipt of the completed *CD-1555*, if CD believes the department failed to comply with the provisions of A.R. 75.12, CD will contact the *DHD* for a copy of all documents related to the *Incident*. After its evaluation, the CD will provide a written summary of issues for further review to the department. If CD still believes the violation has not been addressed by the department, it will send a memorandum outlining the issues to the appropriate Department Head/Assistant Director or equivalent, CD Director, Human Resources Director, SDPD and SDFD Chiefs (if appropriate), and DCOO/CFO. SDPD and SDFD Departments to follow their respective D.I.s.

4.5.3. Notification of Delays

The DHD must provide written notice for any delay (examples include but are not limited to another incident occurring before the first one is processed, Driver out on leave, an approved vacation, injury/illness, or others listed in the A.R.) to CD prior to the expiration of the 125 calendar days. The *Screener* is responsible for keeping the *DHD* informed of any delays that require notice to CD.

4.5.4. Suspensions for Non-Compliance with A.R. 75.12.

The following infractions shall result in an eight (8) hour suspension unless the Deputy Director, Assistant Director, Assistant Deputy Director, or equivalent finds that there are extenuating circumstances (examples of which include but are not limited to approved vacation, injury/illness, industrial leave, etc.). The eight (8) hour suspension for non-compliance with A.R. 75.12 is a separate discipline from the *Incident*. For the *Driver*, the

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suspension for non-compliance must be issued within the same 125-day calendar completion requirement as the *Incident*. For Supervisor/Manager and *Witness(es)*, the suspension for non-compliance will be issued in a timely manner upon discovery of non-compliance with A.R. 75.12. This *Discipline* will follow the provisions set forth in the Personnel Manual L-2, Dimensions in Discipline Manual, appropriate MOU, or City policies for unclassified personnel.

- a. *Driver* if they fail to:
 - i. Properly report an *Incident* as defined in this A.R.
 - ii. Complete the required training and/or retesting indicated in the *Discipline Matrix* and within the designated timeframe.

- b. Supervisor/Manager if they fail to:
 - i. Complete and file the *CD-1555* within the timeframe and to the appropriate parties as defined in this A.R.

- c. *Witness(es)* if they fail to:
 - i. Properly report an *Incident* as defined in this A.R.
 - ii. Provide a statement to the investigating officer or supervisor investigating the *Incident*.

Note: Complete failure to report an *Incident* or reporting a set of circumstances proven to be false, may result in more severe *Discipline*, up to and including termination.

4.6. *Discipline Chart*

4.6.1 All DHD, Assistant Director, Deputy Director, Assistant Deputy Director, or equivalent are required to follow the *Discipline Chart*. The *Discipline Chart* outlines the City’s required *Discipline* for the *Incident* categories noted below **unless** a change in the *Discipline* has been processed using the outline previously stated in the A.R. The final *Discipline* for an *Incident* under this A.R., shall be administered and documented on the *CD-1555*.

4.6.2 All departments/supervisors must schedule the *Vehicle/Industrial Incident* prevention classes and mandatory retesting for their *Employee* within fourteen (14) calendar days after the final acceptance of *Incident* results or the appeal is completed. Departments are also responsible for the completion of the *Discipline* (including class attendance, retesting and completion of any suspension).

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For Employees represented by Local 145 only: The *Discipline Chart* determines the suspension hours for a 40-hour workweek employee. To determine the equivalent suspension for a 56-hour workweek employee, multiply the suspension hours as noted in the *Discipline Chart* by 1.4.

The following chart assigns the points to each preventable *Incident* that occurred over the *Last Consecutive Four-Year Period (LCFYP)*. This is a cumulative point system with each preventable *Incident* receiving a separate set of points which are then added to previous points. Definitions of the Categories are included in this A.R.

Industrial or Vehicle Incident with Minor Damage to City Equipment and Non-City Property*	Industrial or Vehicle Incident	Industrial or Vehicle Incident	Industrial or Vehicle Incident	Industrial or Vehicle Incident
Category 1 A 1 Point	Category 1 B 1 Point	Category 2 3 Points	Category 3 7 Points	Category 4 <i>Termination</i>

Points (Consecutive Four-Year Period of Time)	Discipline
1	Written Warning
2	Written Warning and Mandatory 2-hour class
3	Written Reprimand and Mandatory 4-hour class
4	Written Reprimand and Mandatory 4-hour and 8-hour classes
5	16-hour Suspension and Mandatory 4-hour and 8-hour classes and Mandatory Retesting
6	40-hour Suspension and Mandatory 8-hour class and Mandatory Retesting
7	80-hour Suspension and Mandatory 8-hour class and Mandatory Retesting
8	120-hour Suspension and Mandatory 8-hour class and Mandatory Retesting
9	240-hour Suspension and Mandatory 8-hour class with and Mandatory Retesting
≥10	Termination

* This includes an *Incident* involving a single *City Vehicle* or *Industrial Equipment* with minor damage such as mirrors, reflectors, turn signals, taillight/headlight lenses, bent wheel/rim, bent light bar, paint transfer or paint scratch, flattened or pitch tire (as long as there is no suspension damage), and minor

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bumper damage. Also includes non-City property such as clipping a fence or fence board, clipping tree branches, and clipping low hanging utility wires.

2 Hour Class: CD/CET approved two (2) hour classroom training must be scheduled within fourteen (14) calendar days from the final determination of *Discipline* for this *Incident* under this A.R. unless prior written approval for an extension of time is given by DHD or Appointing Authority and shared with CD. *Employee* must register and complete the first available class. Training is coordinated through CD and the *Employee's* department. Training will be completed by the *Employee* on City time and paid for by the City.

4 Hour Class: CD/CET approved four (4) hour training must be scheduled within fourteen (14) calendar days from the final determination of *Discipline* for this *Incident* under this A.R. Training will be coordinated through CD and the *Employee's* department. This training must be completed within sixty (60) calendar days from the date of the final determination of *discipline*. Training will be completed by the *Employee* on City time and paid for by the City.

8 Hour Class: CD/CET approved six (6) hour training, a two (2) hour review and skill assessment by the department. The six (6) hour training must be scheduled within fourteen (14) calendar days from the final determination of *Discipline* for this *Incident* under this A.R. The six (6) hour training must be completed at the next offering from the date of the final determination of *Discipline* for this *Incident* under this A.R. unless prior approval for an extension of time is given by the DHD or Appointing Authority and shared with CD. The two (2) hour review and skill assessment will be performed by the department within sixty (60) calendar days from the date of the final determination of *Discipline* for this *Incident* under this A.R. Training will be completed by the *Employee* on City time and paid for by the City.

Mandatory Retesting: *CET* or *CET* approved trainer must provide mandatory behind the wheel retesting, prior to resuming driving duties. SDPD and SDFR to follow their respective D.I.s.

All documents related to corrective actions are filed per the Personnel Manual L-2, appropriate MOU, Dimensions in Discipline Manual, or City policies for unclassified positions.

5. RESPONSIBILITY

5.1 City *Drivers* are responsible for:

5.1.1. Keeping CD-361, CD-1551, CD-1555, and CD-1666 in all City *Vehicles* and in *POVs* used to conduct City business. *POVs* will have additional instructions to follow.

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- 5.1.2. Reporting all alleged and actual damage, to or caused by any City *Vehicle/Industrial Equipment*. This also includes the reporting of any injury or death associated with the operation of any City *Vehicle/Industrial Equipment*. Failure to comply with this section of reporting in the A.R. may result in *Disciplinary* action up to and including termination.
- 5.1.3. Report any issues to their supervisor and/or Fleet Operations Division that were found during the pre/post trip inspections and at any time when *Driving/operating* the *Vehicle/Industrial Equipment*. Respond in a timely manner to all routine maintenance requests. Report any issues with leased, rented or borrowed vehicles immediately to the vendor.
- 5.2. Department Heads/Assistant Directors or equivalent must:
 - 5.2.1. Comply with all recognized *Employee* organization agreements and state law (such as, Public Safety Officers Procedural Bill of Rights Act and Firefighters Procedural Bill of Rights Act).
 - 5.2.2. Train *Employees* on local, state, and federal vehicle regulations as well as safe defensive driving/operating practices to safely drive/operate City *Vehicles/Industrial Equipment*. Acknowledgement of that training is placed in either their personnel file or their City electronic training record.
 - 5.2.3. Confirm all *Drivers* have a current City of San Diego Driver/Operator Proficiency Record (CD-1576) or other City department approved certifications. These records document the *Vehicle/Industrial Equipment* training conducted and shall be issued upon hiring or when the *Driver* is certified to drive/operate a *Vehicle/Industrial Equipment* after the hiring date. The signature of the *Driver* and supervisor certifies that the *Driver* was informed on this regulation, as well as other local, state, or federal regulations related to Driving or operating a City *Vehicle/Industrial Equipment*.
 - 5.2.4. Consistent enforce all City policies and procedures to prevent and reduce *Vehicle/Industrial Equipment incidents*.
 - 5.2.5. Select and ensure training of the Department *Screenener, Department Head designee, Deputy Director, Assistant Director, Deputy Assistant Director* or equivalent.
 - 5.2.6. Abide by the timelines set forth in the A.R.

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- 5.3. The Compliance Department (CD) is responsible for capturing all the *Vehicle/Industrial Incident* data, providing the *Discipline* classes, and noticing the *Drivers* of not attending their assigned classes.
- 5.4. The *IRC* is responsible for reviewing the *Incident* and not associated *Discipline*.
- 5.5. *Screeners* are responsible for conducting the screening of *Incidents* and for following A.R. timelines.
- 5.6. Supervisors are responsible for:
 - 5.6.1. Turning in any City owned *Vehicle/Industrial Equipment* to Fleet Operations Division for repairs as soon as reasonably possible or after the conclusion of the investigation. Leased, rented, or borrowed equipment will be turned into the appropriate party per the vendor agreements.
 - 5.6.2. Training their *Employees* in advance on all *Vehicle/Industrial Equipment* (rented, owned, borrowed, or leased) that requires their operation. Training their *Employees* in advanced on local, state, and federal *Vehicle* regulations as well as safe defensive driving/operating practices to safely drive/operate City *Vehicle/Industrial Equipment*. Acknowledgement of that training is placed in either their personnel file or their City Electronic training record.
 - 5.6.3. Confirm all *Drivers* have a current City of San Diego Driver/Operator Proficiency Record (CD-1576) or other City department approved certifications. These records document the *Vehicle/Industrial Equipment* training conducted and shall be issued upon hiring or when a *Driver* is certified to *Drive/operate* a *Vehicle/Industrial Equipment* after the hiring date. The signature of the *Driver* and supervisor certifies that the *Driver* was informed of this regulation, as well as other local, state, and federal regulations related to *Driving* or operating a City *Vehicle/Industrial Equipment*.
- 5.7. *Witness(es)* are responsible for reporting an *Incident* involving *City Business* and/or City property, where they were a *Witness*, to their supervisor.

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APPENDIX

Legal References

A.R. 75.50 Driver License Certification, Training, and Verification Requirements
A.R. 97.00 Substance Abuse Policy
California Vehicle Code (CVC)
Code of Federal Regulations (49)
Council Policy 300-01
City of San Diego Drug and Alcohol Testing (*DOT*) Program for Commercial Drivers
City of San Diego Driver/Operator Manual
Civil Service Rules (Rule XI)
Dimensions in Discipline Manual
Personnel Manual L-2

Forms

CD-361, Incident Report Envelope
CD-1551, [Employee Vehicle/Industrial Incident Damage Report](#)
CD-1555, [Supervisor Vehicle/Industrial Incident Investigation Report for MEA, DCAA, L-127, Unclassified/Unrepresented](#)
CD-1555, [Supervisor Vehicle/Industrial Incident Investigation Report for POA, L-911, L-145](#)
CD-1576, City of San Diego Driver/Operator Identification Card
CD-1666, [Employer Notification Form](#)
CD-1694, City of San Diego, Employee Clinic Passport, DOT/FMCSA, Test Only

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